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Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 648/96 of 28 March 1996 imposing a definitive anti-dumping duty on imports of bicycles originating in Indonesia, Malaysia and Thailand and collecting definitively the provisional duties imposed** 1
- Commission Regulation (EC) No 649/96 of 11 April 1996 suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of small-flowered roses originating in Israel 18
- Commission Regulation (EC) No 650/96 of 11 April 1996 suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of multiflorous (spray) carnations originating in Israel 20
- Commission Regulation (EC) No 651/96 of 11 April 1996 amending Regulations (EC) No 287/46 and (EC) No 295/96 establishing the standard import values for determining the entry price of certain fruit and vegetables 22
- ★ **Commission Regulation (EC) No 652/96 of 11 April 1996 amending Regulation (EC) No 3016/95 opening Community tariff quotas for 1996 for sheep, goats, sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204** 23
- Commission Regulation (EC) No 653/96 of 11 April 1996 fixing the export refunds on milk and milk products 24
- Commission Regulation (EC) No 654/96 of 11 April 1996 fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex II to the Treaty 35
- Commission Regulation (EC) No 655/96 of 11 April 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables 39
- Commission Regulation (EC) No 656/96 of 11 April 1996 amending the import duties in the cereals sector 41

Price: ECU 19,50

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

Commission Regulation (EC) No 657/96 of 11 April 1996 amending representative prices and additional duties for the import of certain products in the sugar sector	44
* Commission Regulation (EC) No 658/96 of 9 April 1996 on certain conditions for granting compensatory payments under the support system for producers of certain arable crops	46
Commission Regulation (EC) No 659/96 of 11 April 1996 fixing production refunds on cereals and rice	66
Commission Regulation (EC) No 660/96 of 11 April 1996 providing for the rejection of applications for export licences in relation to certain processed products and cereal-based compound feedingstuffs	67
Commission Regulation (EC) No 661/96 of 11 April 1996 fixing the export refunds on cereal-based compound feedingstuffs	68
Commission Regulation (EC) No 662/96 of 11 April 1996 fixing the export refunds on products processed from cereals and rice	70

II Acts whose publication is not obligatory

Commission

96/265/EC:

- * Commission Decision of 1 April 1996 amending Decision 95/124/EC establishing the list of approved fish farms in Germany⁽¹⁾ 72

96/266/EC:

- * Commission Decision of 1 April 1996 recognizing in principle the completeness of the dossier submitted for detailed examination in view of the possible inclusion of kresoxim methyl in Annex I of Council Directive 91/414/EEC concerning the placing of plant protection products on the market⁽¹⁾ 74

96/267/EC:

- * Commission Decision of 1 April 1996 amending Decision 95/357/EC drawing up a list of border inspection posts agreed for veterinary checks on products and animals from third countries detailed rules concerning the checks to be carried out by the veterinary experts of the Commission and repealing Decision 94/24/EC⁽¹⁾ 76

Corrigenda

- * Corrigendum to Commission Directive 95/44/EC of 26 July 1995 establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 77/93/EEC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections (OJ No L 184 of 3.8.1995) 78

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 648/96

of 28 March 1996

imposing a definitive anti-dumping duty on imports of bicycles originating in Indonesia, Malaysia and Thailand and collecting definitively the provisional duties imposed

THE COUNCIL OF THE EUROPEAN UNION,

B. SUBSEQUENT PROCEDURE

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 Article 12 thereof,

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

Whereas:

A. PROVISIONAL MEASURE

- (1) The Commission, by Regulation (EC) No 2414/95⁽³⁾, hereinafter referred to as 'the provisional duty Regulation', imposed a provisional anti-dumping duty on imports into the Community of bicycles originating in Indonesia, Malaysia and Thailand.

By Council Regulation (EC) No 245/96⁽⁴⁾, the validity of these duties were extended by a period not exceeding two months expiring not later than 14 April 1996.

- (2) Immediately after the imposition of provisional measures, the interested parties were informed of the essential facts and considerations on the basis of which provisional measures had been adopted.

- (3) Most of the Malaysian and Thai exporters had requested that they be informed of the essential facts and considerations resulting from the investigation before the imposition of provisional measures. The Malaysian exporters claimed that such prior disclosure was necessary in order to allow them to exercise their fundamental right to be heard. However, Regulation (EEC) No 2423/88, the applicable Regulation in this proceeding, (hereinafter referred to as 'the basic Regulation') already reflects and transposes into the field of anti-dumping the general principle of law of a right to a fair hearing as defined by the case law of the Court of Justice of the European Communities, and does not require that disclosure take place before the imposition of provisional measures but before definitive measures. Accordingly, the Commission did not disclose the essential facts and considerations before the imposition of provisional measures.

- (4) Comments in writing were received from the following interested parties within the time limit set:

1. *Producers and producer's association in Indonesia*

- PT Jawa Perdana Bicycle Industry, Tangerang,
- PT Wijaya Indonesia Makmur Bicycle Industries, Subaraya,
- The Association of Indonesian Bicycle Industry;

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

⁽³⁾ OJ No L 248, 14. 10. 1995, p. 12.

⁽⁴⁾ OJ No L 32, 10. 2. 1996, p. 1.

2. Producers in Malaysia

- Akoko Sdn Bhd, Klang,
- Berjaya Cycles Sdn Bhd, Kulim,
- Greenworld Systems Sdn Bhd, Kuala Lumpur (previously Fairly Toraya Sdn Bhd),
- Lerun Group Industries Berhad, Petaling Jaya,
- Rolls Rally Sdn Bhd, Pelabuhan Kelong;

3. Producers in Thailand

- Bangkok Cycle Industrial Co. Ltd, Bangkok,
- Siam Cycles Mfg. Co. Ltd, Samuthprakarn,
- Thai Bicycle Industriy Co. Ltd, Samuthprakarn,
- Victory Cycle Co. Ltd, Samuthprakarn;

4. Importers

- Universal Cycles plc, Rayleigh, United Kingdom.

- (5) Parties who so requested were granted an opportunity to be heard by the Commission.
- (6) Parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive anti-dumping duty and the definitive collection of amounts secured by way of a provisional duty. They were also granted a period within which to make representations subsequent to the disclosure.
- (7) The parties' oral and written comments were considered, and where appropriate the conclusions were modified to take account of them.
- (8) Owing to the complexity of the case, in particular the number of exporting countries and parties involved, and the variety of technical specifications, the proceeding overran the normal duration of one year as provided for in Article 7 (9) of the basic Regulation.
- (9) After imposition of provisional duties, the Association of Indonesian Bicycle Industry (hereinafter 'the AIBI') claimed that the proceeding was discriminatory in so far as other exporting countries, such as India and Vietnam, were not included.

At the time of initiation of the current proceeding in early 1994, there were no allegations or indications that imports from India or Vietnam were also

dumped. The proceeding was initiated on the basis of a complaint concerning imports of bicycles originating in Indonesia, Malaysia and Thailand, which contained sufficient evidence of dumping and of material injury resulting therefrom (recitals 1 and 2 of the provisional duty Regulation). At later stages of the investigation, when the actual development of imports from these countries starting in 1993 became apparent, no additional complaint was received from the Community industry. In the absence of such a complaint and of any *prima facie* evidence of injurious dumping from the countries concerned, the Commission had no reason to extend the proceeding to these other countries.

C. LIKE PRODUCT

- (10) It was concluded at the provisional stage (recitals 13 and 14 of the provisional duty Regulation) that all types of bicycles originating in Indonesia, Malaysia and Thailand and sold in the Community from one single product and that bicycles produced by the Community industry and sold on the Community market, as well as bicycles produced in Indonesia, Malaysia and Thailand and sold on those markets, are a like product within the meaning of Article 2 (12) of the basic Regulation.
- (11) After imposition of the provisional duty, two Malaysian companies argued that bicycles produced and sold on the Malaysian domestic market are not a like product to the bicycles produced and sold for export to the Community. They did not provide substantiating evidence, however, why those bicycles were not alike in all respects to bicycles exported to the Community.
- (12) The investigation has established that bicycles produced and sold in Malaysia cover a similar model range and that their basic technical and physical characteristics are identical to those of bicycles exported to the Community. No valid comments which would affect these conclusions have been raised. The mere fact that the only cooperating Malaysian company selling bicycles on the domestic market manufactures them in a factory which is separate from that in which export models are produced does not in itself support the claim that products are different within the meaning of Article 2 (12) of the basic Regulation. Therefore, the findings and conclusions set out in recital 14 of the provisional duty Regulation are confirmed.

D. DUMPING

1. Normal value

(a) *Indonesia*

- (13) For two Indonesian companies the provisional dumping findings were based on the facts available in accordance with Article 7 (7) (b) of the basic Regulation because it was not possible to obtain or verify the necessary information requested in the questionnaire (recital 28 of the provisional duty Regulation). For the other three Indonesian companies, in those cases where normal value had to be constructed, it was determined by adding to the manufacturing costs of the exported models reasonable selling, general and administrative expenses (SG&A) and profit margins which were based on actual figures for the companies concerned (recitals 25 and 27 of the provisional duty Regulation).
- (14) One Indonesian company purchased some bicycle parts for its production through a related trading company which charged a commission on such purchases. The company requested that such commission should not be included in the cost of manufacturing, as was done for the provisional determinations. However, it appeared that the commission was actually incurred by the Indonesian company for the purchase of parts and that it would bear similar costs if it directly purchased those parts from unrelated suppliers. Therefore, the commission charged had to be considered as an integral part of the cost of the materials in question.
- (15) One company argued that interest expenses, which in the provisional determinations were included in the SG&A, should be deducted as public accounting principles in Indonesia exclude interest from operating expenses which are not directly related to the production and sales of the goods concerned. The investigation showed that the only activity of the company concerned was production and sale of bicycles and bicycle parts. Therefore, these interest expenses have to be included in the SG&A because they were incurred by this company as a result of the actual finance structure necessary for running its bicycle and bicycle parts operations.
- (16) Two Indonesian exporters and the AIPI claimed that the allocation of SG&A should have been made on the basis of quantities sold. One Indonesian producer raised the same argument with regard to the allocation of SG&A between export and domestic sales, and, in particular, the allocation of financing costs. However, neither of these companies normally allocated SG&A to single bicycle models for their internal reporting purposes. It cannot be claimed, therefore, that an allocation key based on quantities sold, as was proposed by these companies, was historically utilized. Consequently, there is no reason to deviate from the principle in Article 2 (11) of the basic Regulation that the allocation of such costs is normally made in proportion to the turnover.
- (17) The profit ratio applied in constructing normal value was based on the domestic sales of each company where these sales were made in the ordinary course of trade (recital 26 of the provisional duty Regulation). Two companies argued that the resulting profit margins were too high. However, since these companies did not provide substantiating evidence for their claims, the methodology which was applied in the provisional determinations for the purpose of calculating a reliable profit margin in accordance with Article 2 (3) (b) (ii) of the basic Regulation is confirmed.
- (18) The Indonesian exporters made additional claims (concerning namely the determination of the domestic sales turnover, the allocation of manufacturing costs, details of individual sales transactions, the application of the SG&A ratio to the manufacturing costs, and the exchange rates applied) which could not be taken into account, because they could not be verified at the late stage of the procedure when they were made, are not supported by direct evidence or, after double checking, turned out to be factually unfounded.
- (19) Consequently, the determination of normal value for Indonesian producers as set out in recitals 15 to 27 of the provisional duty Regulation is confirmed.
- (20) In the case of one Indonesian company, the AIPI argued that this company faced more rigid deadlines for submitting the response to the questionnaire than those given to Community producers.
- In fact, the same deadline of 37 days was set for all interested parties for responding to the questionnaires. Extensions to this deadline were granted to Community and non-Community companies based on the merits of each application. No extension was ever requested by the company concerned. The AIPI's claim that Community producers received a more favourable treatment appears to be based on a

misunderstanding. The questionnaires to Community producers could only be sent after the sample had been selected (recital 73 of the provisional duty Regulation and recital 56 of this Regulation). This explains why in spite of the fact that the deadlines were the same as for Indonesian producers, the responses of the Community industry arrived later.

The findings set out in recital 28 of the provisional duty Regulation are therefore confirmed.

(b) *Malaysia*

- (21) In the provisional duty Regulation, two Malaysian companies belonging to the same group of companies were considered as one single company. One of them exported bicycles to the Community during the investigation period but did not sell any on the domestic market. The other, on the contrary sold substantial quantities on the domestic market but had no export sales to the Community. These two companies requested not to be treated as a single producing exporter and to be assigned individual dumping margins.

However, it has been the consistent practice of the Community Institutions to establish one single dumping margin for related companies. The different approach followed exceptionally in the photocopiers case (Regulation (EC) No 2380/95⁽¹⁾ (recitals 53 and 54)) which was invoked by the Malaysian companies to support their request was due to the very specific circumstances found in that investigation which are not present in this case.

Consequently, the approach followed in recital 29 of the provisional duty Regulation is confirmed.

- (22) In the provisional determinations, it was found that only one cooperating Malaysian exporter had representative domestic sales of the like product during the investigation period, i.e. the domestic sales volume was higher than 5 % of total export sales volume (recitals 19 and 30 of the provisional duty Regulation). Since bicycle models sold by this company domestically did not permit a proper comparison or were not made in the ordinary course of trade (they were technically too different, not sold in sufficient quantities, or sold at a loss), for models sold by this company the normal value

had to be calculated in accordance with Article 2 (3) (b) (ii) of the basic Regulation, on the basis of a constructed value which was established by adding to the manufacturing costs the company's domestic SG&A and profit margins. The other Malaysian exporters had no domestic sales and therefore a constructed normal value also had to be established in accordance with Article 2 (3) (b) (ii) of the basic Regulation. The SG&A incurred and profit realized by the only producer with representative domestic sales were the only data available in Malaysia for this purpose. These figures were considered reliable, and therefore the constructed value of all models sold for export to the Community by Malaysian companies was established by adding to the manufacturing costs of the exported models the SG&A and profit figures of the only producing exporter with domestic sales (recitals 30 to 35 of the provisional duty Regulation).

- (23) At the provisional stage, the Commission found that the primary material costs of one Malaysian exporter were substantially understated and accordingly adjusted these costs upwards. The company concerned later argued that the Commission's findings and conclusions were based on inaccurate assumptions and consequently objected to the adjustment.

It was found that while the cost to turnover ratios for all other cost items (such as direct labour, factory overhead and SG&A) were stable, the ratio for primary material costs differed significantly in the investigation period (the calendar year 1993) as compared to the financial years 1993 and 1992. A similar disproportion was found in the profitability for the investigation period as compared to the financial year 1993, even though the investigation period and the financial year 1993 overlapped by eight months.

The determination of the cost of manufacturing for this company is therefore confirmed, including the adjustment above.

- (24) Some Malaysian companies questioned whether packing costs (inclusive of packaging labour expenses) have not been double counted by treating them as an element of cost of manufacturing for each individual exporter while at the same time considering them as part of the SG&A of the domestic producer used for the construction of normal values.

⁽¹⁾ OJ No L 244, 12. 10. 1995, p. 1.

For all Malaysian producers, packing costs have been considered solely as part of the manufacturing costs, and have not been included in the SG&A incurred for the domestic sales made by the domestic producer. Packing costs were therefore not double counted.

provides the necessary resources as long as the terms of the loan are in the ordinary course of trade (Article 2 (3) (b) (ii) of the basic Regulation). Claims that the loan was intended for purposes other than the company's activities were not substantiated. Therefore, in accordance with Article 2 (3) (b) (ii) of the basic Regulation, these interest expenses have to be included in the SG&A.

- (25) For the determination of the SG&A and profit ratio for the only cooperating producing exporter with representative domestic sales, the Commission excluded inter-company sales. The company concerned argued that such an approach is inconsistent with the fact that the Commission included inter-company costs such as financing costs. It argued, therefore, that inter-company sales should also have been included in the company's domestic sales turnover for the determination of the SG&A and profit ratios. In addition, it alleged that the financing costs concerned had no link with the production or sale of bicycles and therefore should have been excluded from the SG&A.

- (26) The SG&A margin of the only cooperating producing exporter with domestic sales was considered reliable because these sales were sufficiently representative, i.e. the domestic sales volume represented more than 5 % of the export sales volume. The profit margin was considered reliable because this company had a sufficient number of profitable domestic sales (recitals 33 and 34 of the provisional duty Regulation). The Malaysian exporters argued that the SG&A and profit margins of that company are too high and cannot be considered reliable because it had no export sales and should have been treated distinctly from its related company specializing in export and because it had a monopoly position on the domestic market which renders its data unreliable.

As far as the determination of the SG&A and profit margins are concerned it should be noted that the company in question did not report that some sales were inter-company sales, a fact which only came to light during the verification. As the prices reported are transfer prices, these sales could not be considered as made in the ordinary course of trade (Article 2 (7) of the basic Regulation) and the transactions concerned had to be disregarded for the purpose of calculating the domestic profit margin.

It is the opinion of the Council, that there are no reasons for treating the only cooperating company with domestic sales separately from its related exporter (recital 21 of this Regulation). Even if such request for separate treatment were to be followed, the information obtained from the only cooperating company selling on the domestic market would still constitute the basis for the SG&A and profit margins to be applied for the other Malaysian exporters in accordance with Article 2 (3) (b) (ii) of the basic Regulation. With regard to the alleged monopolistic position of the only cooperating producer/exporter, it was found that there was at least one more Malaysian company which had substantial domestic sales. No evidence was provided showing that sales in Malaysia did not permit a proper comparison. Data on domestic sales in Malaysia were therefore considered to be reliable and the selling prices and cost data were based on the actual conditions prevailing on the market of the country concerned, i.e. conditions which are generally available to all actual and potential customers or suppliers.

Concerning the calculation of the SG&A ratio, it was considered in the provisional findings that for sales to related companies, none or only marginal SG&A are incurred and, consequently, SG&A need not be allocated to turnover to related companies. After the provisional determination, the situation was re-examined and it was found that the allocation of SG&A to turnover to unrelated companies should be limited only in respect of selling costs which are not incurred for sales to related companies. By contrast, the ratios for financing and administration costs which can also be incurred for inter-company sales are now based on the total turnover including sales to related parties. The calculations have been revised accordingly.

Consequently the Council confirms the calculation of normal values as based on the SG&A and profit ratios found for the only Malaysian cooperating company with domestic sales.

As regards interest paid to a related company, excluding these costs would ignore the fact that they were incurred by the company concerned as a result of its actual finance structure required for running its operations. It is irrelevant who actually

- (27) The Malaysian exporters made additional claims (concerning namely the calculation of the cost of manufacturing, the classification of SG&A, the treatment of discounts, the comparability of bicycle models, the calculation of manufacturing overheads) which could not be taken into account, because they could not be verified, were not supported by direct evidence, were contradicted by the companies own information, or, after double checking, turned out to be factually unfounded.

(c) *Thailand*

- (28) Four Thai companies cooperated in the proceeding. For the majority of bicycle models exported by three of these Thai companies, normal value was constructed (recitals 36, 38 and 39 of the provisional duty Regulation). For the fourth company, normal value could be based on actual domestic prices (recital 37 of the provisions duty Regulation). In those cases where normal value had to be constructed, it was determined by adding to the manufacturing costs of the exported models reasonable SG&A and profit margins (recitals 40 to 42 of the provisional duty Regulation).

For the company which had no domestic sales, normal value was constructed by adding to the cost of manufacture the weighted average SG&A figure of the three other companies and the weighted average profit margin of the two companies with reliable profit figures. For another company, its own SG&A margin and the weighted average profit margins of the two companies with reliable profit margins were added to the manufacturing costs. For the third company, its actual figures were used.

- (29) For one Thai company, the verification of the manufacturing costs allocated to similar bicycle models revealed substantial discrepancies in the value of certain materials used which the company was unable to explain. Since the company's accounting system did not provide a breakdown of material costs for specific bicycle models, it was decided at the stage of provisional findings to allocate manufacturing costs in proportion to the turnover in accordance with Article 2 (11) of the basic Regulation. The company claimed that applying a turnover allocation key is unfair because exports of comparable models to third countries

were made at half of the average unit price charged for exports to the Community.

The accounting system of the company concerned does not distinguish between manufacturing costs incurred for export to the Community and for export to other third countries, thus, not permitting a global adjustment for the alleged differences. Thus the provisional findings and the use of the turnover as a basis for the allocation of the manufacturing costs is confirmed.

- (30) Another Thai company had fully allocated a major SG&A item to export sales. The company failed to explain satisfactorily the nature of the expenses in question, despite the fact that detailed explanations had been requested both prior to and during the verification. Consequently, for the purpose of provisional determinations, the expenses in question were allocated to export and domestic sales on a turnover basis in accordance with Article 2 (11) of the basic Regulation. The company claimed that explanations were provided and that the appropriateness of the allocation could have been verified.

In the view of the Council, the company did not provide a proper explanation. On the basis of available verified information, it is impossible to clarify the correctness or otherwise of the explanations given. Consequently, the allocation of the expenses in question on the basis of the turnover to export and domestic sales is confirmed.

- (31) For the provisional determination, domestic profits were considered reliable when the number of bicycles sold at a price above the calculated cost of production constituted more than 10 % of total domestic sales. This was not the case for one of the Thai companies with representative domestic sales, i.e. with a domestic sales volume which was higher than 5 % of total export sales. Whenever normal values had to be constructed for this company, the weighted average profit margin of the two other Thai companies with domestic sales was consequently applied. This company claimed that the methodology applied here is not in line with the basic Regulation.

Pursuant to Article 2 (3) (b) (ii) of the basic Regulation, the profit margin used for constructing normal value should be based on the profit realized on the profitable domestic sales, if such data is, *inter alia*, reliable. After having excluded domestic sales which did not permit a proper comparison or

which were not made in the ordinary course of trade (recitals 38 and 22 of the provisional duty Regulation), the remaining profitable sales might be so few that the profits realized on these sales might not constitute a reliable basis to calculate a profit margin for use in the constructed normal value. This is why the Commission also verified that the remaining profitable sales were sufficient to constitute a reliable basis for the determination of the profit margin.

This was considered to be the case if the remaining profitable domestic sales represented not less than 10 % of the domestic sales volume which could be used as a basis for the profitability test, whereby the proportion of profitable sales was determined by comparing net sales prices to the calculated cost of production (recitals 21, 22 and 31 of the provisional duty Regulation). The ratio is the same as was applied to determine whether sales of particular bicycle models were made in the ordinary course of trade (recital 22 of the provisional duty Regulation). Since the profits realized on the domestic market depend on the prices charged for domestic sales, it is appropriate and consistent to apply the same threshold used to determine whether such prices constitute an appropriate basis for the normal value. A similar approach was adopted by the Community institutions in earlier cases.

Consequently, the Council confirms that the profit margin of the company concerned was not reliable and that constructed normal value had to be calculated by applying the weighted average profit margin of the two other Thai producers for which a reliable profit realized on profitable domestic sales was found.

- (32) Finally, one Thai exporter made an additional claim (concerning namely the calculation of manufacturing overheads) which could not be taken into account, because it could not be verified, and was not supported by direct evidence.

2. Export price

(a) Indonesia

- (33) One Indonesian exporter made comments concerning adjustments to the export price which cannot be taken into account, because they are not supported by direct evidence.

The determination of export price for Indonesia (recital 43 of the provisional duty Regulation) is therefore confirmed.

(b) Malaysia

- (34) It was found during the verification visit to one Malaysian company that part of the export sales which had been reported by this company as direct sales to independent importers in the Community were in fact sales to a related company in Taiwan which subsequently re-sold the products to the importers concerned. Since this company had clearly supplied misleading information in respect of these transactions — which, in addition, happened to reflect a transfer between related companies — the prices reported for such transactions were disregarded and the highest dumping margin found for a model sold by this company to unrelated customers was attributed to those sales in accordance with Article 7 (7) (b) of the basic Regulation (recitals 46 and 47 of the provisional duty Regulation).

This company argued that the actual link with the Taiwanese company had no impact on prices, and that it was treated in a discriminatory manner *vis-à-vis* the two Indonesian exporters to which Article 7 (7) (b) of the basic Regulation was also applied. In addition, it claimed that the sales in question were made directly to the customers in the Community and provided copies of invoices as new evidence.

It was only after publication of the provisional duty Regulation that the company concerned claimed that the sales in question were actually made directly to customers in the Community. This claim contradicts the findings of the verification which were not disputed by the company at the time. Any differing presentation cannot be verified at this stage of the proceeding and therefore cannot be taken into account.

The relationship with the Taiwanese company was first denied by the Malaysian company and was only established during the verification on the basis of direct and conclusive evidence. This clearly impeded the factual investigation by the Commission. In view of this dissimulation of information by the Malaysian company, it is unlikely that the relationship had no impact on prices; anyway, at this stage of the procedure, the question could not be further investigated and applying Article 7 (7) (b) in the manner described above is fully justified.

As regards the comparison with the two Indonesian companies to which Article 7 (7) (b) of the basic Regulation was also applied (recitals 28 and 68 of the provisional duty Regulation), there is no serious ground to complain of discriminatory treatment. The application of Article 7 (7) (b) of the basic Regulation was based on the merits of each case, thereby reflecting the degree of cooperation and the degree to which necessary information was not provided or could not be verified or the extent to which misleading information was submitted.

- (35) One Malaysian company argued that for establishing the free-at-Community-frontier price for its export sales to the Community, the Commission should have included a mark-up added by its sales agent. That company never substantiated its claim. However, the agent for the company concerned had already received a commission fee which was taken into consideration and it remained unclear which transactions were made via the agent, since sales were also directly invoiced to customers in the Community. Therefore, the calculation of the free-at-Community-frontier price for the exports of the company concerned is confirmed.

- (36) The Malaysian exporters made additional claims (concerning namely the nature of certain deductions, the treatment of certain bank charges and letters of credit charges) which could not be taken into account, because they could not be verified and were not supported by direct evidence.

(c) *Thailand*

- (37) In its questionnaire response one Thai company stated that it was not providing any guarantee/warranty to its customers in the Community. It was discovered during the verification that it agreed with one of its customers that spare parts equivalent to 1 % of the invoice value were shipped with each order free of charge. It was also found that a significant number of major customers also received spare parts free of charge. Such discounts were given in lieu of a guarantee.

Since such sales conditions are a determining factor for the export prices, the actual value of the spare parts shipped is irrelevant. Having received misleading information, the Commission had to determine the deduction for agreed discounts on the basis of the facts available. The most tangible and

reasonable basis being the agreed terms identified above, a 1 % adjustment for agreed discounts was deducted from the export price.

The company argued that this adjustment was made without any apparent justification, since the Commission received a summary listing of all cases where spare parts were given free of charge to customers in the Community, on the basis of which a negligible adjustment would have been required.

Although a listing of customers and corresponding 'warranty' amounts was provided by the company, this was done only towards the end of the verification when a satisfactory clarification of the complete situation was no longer possible. Since no other direct evidence supports the company's claim, it is confirmed that, having received misleading information, the deduction for agreed discounts was correctly determined on the basis of the facts available (Article 7 (7) (b) of the basic Regulation). Any lower deduction would constitute a premium for non-cooperation.

The adjustment made for agreed discounts is therefore confirmed.

- (38) Some Thai exporters made claims (concerning namely the allocation of transportation costs, the calculation of packing costs) which either could not be taken into account, because they could not be verified and were not supported by direct evidence, or which are contradicted by direct evidence provided by the company concerned.

3. Comparison

(a) *Indonesia*

- (39) One Indonesian company sold bicycles for export to the Community through a related trading company located in Japan. In the provisional determinations, export prices for that exporter were established by reference to the prices actually paid or payable to the related trading company in Japan, while the Community investigating authorities indicated their intention to review the appropriateness of that approach (recital 44 of the provisional duty Regulation).

(40) It has been determined that because of the relationship between the two companies, the prices charged by the producing company to the trading company are not reliable. To establish a reliable export price to the Community from Indonesia, the price charged from Japan to the Community was adjusted to an ex-Indonesia level. As the related trader's functions can be considered similar to those of a trader acting on a commission basis, an adjustment of 6 %, based on the companies own SG&A rate and a reasonable amount for profits, was deducted from the prices charged by the related company to independent customers in the Community. This figure was considered reasonable given the degree of the related trader's involvement in the selling activities of the exporter. No information was provided which would indicate that this figure is inappropriate. Thus, for the purpose of definitive determination, the export prices were adjusted accordingly.

(41) In the provisional determination (recital 56 of the provisional duty Regulation), some adjustments were disregarded in view of their insignificant character. Upon request of the companies concerned, the Commission reconsidered its appreciation. It appeared that in some cases, the insignificant character of the respective adjustments had been determined in relation to the export price or the normal value separately. However, in accordance with previous practice, it appears to be more appropriate to consider adjustments to be *de minimis* only if the difference between the percentages to be deducted from the export price and the normal value respectively is less than 0,5 %. On this basis, certain adjustments which were considered as insignificant at the provisional stage were now taken into account. The calculations were revised accordingly.

(42) In its provisional determination (recital 53 of the provisional duty Regulation), the Commission rejected requests for adjustments for credit costs on the grounds that no evidence was provided that the credit granted was part of the sales terms agreed with the buyers of the goods at the date of sale and therefore could have affected the price paid or payable on the domestic market.

Two Indonesian companies and the AIPI reiterated their request for such an adjustment and stated that credit terms of 90 to 120 days are commonly

accepted business conditions in Indonesia which therefore do not need to be explicitly included in the terms of sale. However, the only evidence presented to support this claim was a reference to the accounts receivable of the companies concerned which did not show such a clear pattern. Thus, it is not proven that prices were set on the basis of such alleged commonly accepted business conditions.

Consequently, it is confirmed by the Council that an adjustment for credit costs is not warranted.

(43) In the provisional duty Regulation (recital 55) requests for adjustments for advertising and promotion expenses were rejected because such promotion and advertising costs belong to the category of overheads and general expenses, for which allowances are not generally made. Two companies reiterated their request for an adjustment for advertising and promotion expenses. They claimed that these cost differences between export and domestic sales are effectively allowable as original equipment manufacturer (OEM) or level of trade adjustments.

As regards an adjustment for sales made on an OEM basis, such claim was not explicitly made in the responses to the questionnaire submitted by the companies concerned, nor was it substantiated despite specific instructions in the questionnaire to claim and substantiate any request for deductions if applicable. Furthermore, the substantive requirements for such an adjustment are not met: none of the export sales of the Indonesian exporters concerned were made at a level which would constitute an OEM sale, i.e. normally a level between manufacture and distribution. These sales were made at a level on the Community market the function of which is, in substance, only that of distribution. Thus, no appropriate (OEM) adjustment is required in this respect.

In examining this OEM claim it was found that the substantive requirements for a level of trade adjustment were not met, as sales appeared to be made to a similar mix of customers on both the export and the domestic market. In any event, the Indonesian exporters concerned did not make any distinction between sales at different levels of trade. In fact, no significant differences appeared during the investigation in the levels of trade at which export and domestic sales were made. Therefore, no level of trade adjustment is necessary on the basis of the information available.

- (44) The Indonesian exporters made some additional claims (concerning mainly allowances made to account for differences in physical characteristics, the rate applied for an allowance for duty draw back and the deduction of an amount for duty draw back in the case of constructed normal value) which could not be taken into account, because they could not be verified, were not supported by direct evidence, or, after double checking, turned out to be unsubstantiated.

(b) *Malaysia*

- (45) In the provisional determination it was found that the domestic SG&A figure used for construction of normal value included direct selling expenses for which adjustments had to be made. However, no such deduction was sufficiently substantiated (recital 57 of the provisional duty Regulation) and, therefore, claims for adjustment to the normal value for direct selling expenses were rejected. However, adjustments to the export price were made, where necessary, for one or several of the following selling expenses: transport, insurance, handling, loading and ancillary costs, credit costs and bank charges, guarantees, commissions paid to agents and salaries paid to salesmen.
- (46) The other Malaysian exporters considered that the comparison was unfair since they were deprived of otherwise justifiable adjustments (such as for direct selling expenses) because the only cooperating Malaysian producer with domestic sales was not sufficiently motivated to provide a proper reply to the questionnaire and to ensure the necessary cooperation during the verification.

The Malaysian producer in question actually replied to the questionnaire, agreed to and was subjected to a verification. Being directly related to an exporter of bicycles to the Community, it had a clear incentive to cooperate properly with the verification. However, this company failed to provide supporting evidence for its claims or gave contradictory explanations. In addition, some information which was not reported in the response to the questionnaire was discovered only during the verification.

The Council nevertheless recognizes that given the very special circumstances of this case, it is appropriate

to deduct a reasonable amount from the constructed normal values of those three Malaysian exporters who are not related to the domestic producer/seller in question. The calculations have been revised accordingly. As regards the related export and domestic producers, it was the responsibility of these two companies to provide the necessary and verifiable information and supporting evidence which they failed to do. Therefore, no such additional adjustment can be made to the constructed normal value of the related exporter.

- (47) In the provisional determination, no adjustment was made to normal value to account for credit costs (recital 57 of the provisional duty Regulation). Malaysian exporters requested such adjustment on similar grounds as those invoked in relation to the adjustment for direct selling expenses. However, there is no evidence that, apart from a discount scheme which was taken into account, additional credit was granted as part of the sales terms agreed with the buyers of the goods at the date of sale. Therefore there is no valid ground for an adjustment to normal value for credit costs.
- (48) In the provisional determination, no adjustment was made to the normal value to account for differences in the level of trade. In their comments at disclosure after the provisional duty Regulation was published, the Malaysian exporters requested to be granted an 'OEM adjustment' in the form of a reduced profit margin for the calculation of the constructed normal value.

Such claim was not made in the response to the questionnaire nor was it substantiated despite specific instructions in the questionnaire to claim and substantiate any request for deductions if applicable. Furthermore, the substantive requirements for such an adjustment are not met: the majority of the export sales of the Malaysian exporters were not made at a level which would constitute an OEM sale, i.e. normally a level between manufacture and distribution. These sales were made to a level on the Community market the function of which is, in substance, only that of distribution. From the information available, no clear and distinct pricing pattern existed for export transactions to the manufacturer concerned as compared with sales to distributors in the Community. Thus, no appropriate (OEM) adjustment is required in this respect.

In examining this OEM claim, it was found that the substantive requirements for a level of trade adjustment were not met as sales appeared to be made to a similar mix of customers in both the export and the domestic market. In any event, the Malaysian domestic seller did not make any distinction between sales to wholesalers and retailers. Furthermore, no significant differences appeared during the investigation in the levels of trade to which export and domestic sales were made. Therefore no level of trade adjustment is necessary on the basis of the information available.

Commission, it appears that no clear and distinct pricing pattern existed between exporter to the manufacturer concerned as compared with sales to distributors in the Community. Thus, no appropriate (OEM) adjustment is required in this respect.

In examining the OEM claim, it was found that the substantive requirements for a level of trade adjustment were not met as sales appeared to be made to a similar mix of customers on both the export and the domestic market. In any event, the Thai exporters concerned did not make any distinction between sales to different levels of trade. Furthermore, no significant differences appeared during the investigation in the levels of trade, namely distributors and retailers, to which export and domestic sales were made. Where domestic sales were made directly to end-users this had no apparent effect on prices. Therefore, no level of trade adjustments is necessary on the basis of the information available to the Commission.

- (49) The Malaysian exporters made additional claims (concerning namely the nature of 'technical assistance' fees, the treatment of certain commission interests, double counting of certain commissions, adjustment for forwarding costs, a rounding difference, the allocation of packaging costs) which either could not be taken into account, because they could not be verified and were not supported by direct evidence, or, after double checking, were taken into account. The calculations were revised accordingly.

c) *Thailand*

- (51) For the provisional determination, the Commission partially rejected a request by one Thai company for an adjustment to the normal value for the salaries paid to its salesmen because of misleading information and lack of supporting evidence. The company reiterated its request for the full adjustment and gave new explanations.

- (50) In the provisional determination, no adjustment was made to the normal value to account for differences in the level of trade. In their comments at disclosure after the provisional duty Regulation was published, Thai exporters requested to be granted an 'OEM adjustment' and claimed that they had requested such adjustment from the beginning of the proceeding.

However, the company did not submit supporting evidence for its new explanations. Since there was no direct evidence available to support the company's claim either, the partial rejection of its request is confirmed by the Council.

In a covering letter which accompanied the questionnaire responses of three Thai companies, these producers requested in imprecise terms an OEM adjustment. Such claim was not explicitly made in the response to the questionnaire nor was it substantiated despite specific instructions in the questionnaire to claim and substantiate any request for deductions if applicable. Furthermore, the substantive requirements for such an adjustment are not met: the majority of the export sales of the Thai exporters were not made at a level which would constitute an OEM sale, i. e. normally a level between manufacture and distribution. These sales were made to a level on the Community market the function of which is, in substance, only that of distribution. From the information available to the

- (52) In the provisional duty Regulation (recital 65) it was stated that a number of claims for adjustments of various types were disregarded in view of their insignificant character (namely adjustments with an *ad valorem* effect of less than 0,5 %). Some Thai companies claimed that, in fact, not all insignificant adjustments were to be disregarded. The Commission re-examined the situation and found that, in this particular case, export prices are compared with constructed normal values which include weighted average SG & A and profit margins. When calculating these SG & A and profit ratios the fact had to be taken into account that adjustments for the same cost items were sometimes either insignificant or significant depending on the respective company. In this particular case,

it was found administratively more practicable to deduct all justified adjustments whether significant or not. The calculations were accordingly re-examined and where necessary revised. The global value of these adjustments was between 0,37 and 4,45 % according to the company concerned.

- (53) The Thai exporters made additional claims (concerning, for example, adjustments for credit costs, deduction of certain export expenses, calculation of an adjustment for salesmen's salaries) which either could not be taken into account, because they could not be verified and were not supported by direct evidence, or, after double checking, were taken into account. In so far as these claims could be taken into account, the calculations were accordingly revised.

4. Dumping margins

- (54) Like the weighted average dumping margins which were provisionally established (recital 66), definitive dumping margins for each producer were expressed as a percentage of the free-at-Community-frontier price.

- (55) Applying the same methodology as explained in the provisional duty Regulation (recital 66 of the said Regulation) and after having made the necessary revisions to the dumping calculations, the weighted average dumping margins for the fully cooperating producers are:

(a) *Indonesia*

— PT Inera Sena	0,4 %
— PT Jawa Perdana Bicycle Industry	27,7 %
— PT Wijaya Indonesia Makmur Bicycle Industries	21,9 %

(b) *Malaysia*

— Akoko Sdn Bhd	23,1 %
— Berjaya Cycles Sdn Bhd	37,3 %
— Greenworld Systems Sdn Bhd	27,7 %
— Lerun Group Industries Berhad	37,3 %
— Rolls Rally Sdn Bhd	25,3 %

(c) *Thailand*

— Bangkok Cycle Industrial Co. Ltd	17,7 %
— Siam Cycles Mfg. Co. Ltd	38,9 %

— Thai Cycles Industry Co. Ltd	13,0 %
— Victory Cycle Co. Ltd	13,3 %

- (56) For the two Indonesian companies which did not sufficiently cooperate with the investigation, the methodology applied in the provisional duty Regulation (recital 68) is confirmed: the dumping margin for the two companies concerned is based on the arithmetical average between the highest margin found for a fully cooperating Indonesian producer and the residual duty. The resulting dumping margins are:

— PT Federal Cycle Mustika	28,4 %
— PT Toyo Asahi Bicycle Industries	28,4 %

E. COMMUNITY INDUSTRY

- (57) The AIPI and Thai producers questioned the correctness of the level of support calculated by the Commission.

The Council notes that those Community producers which expressly supported the complaint account for 55,3 % of the Community production of bicycles, and therefore represent a major proportion of the Community industry within the meaning of Article 4 (5) of the basic Regulation (recital 72 of the provisional duty Regulation). Those producers which were selected for a sample, which was necessary in view of the large number of producers and which fully cooperated, represented 36,5 % of the Community's bicycle production.

The AIPI also argued that companies which, in their opinion, did not suffer injury should not be considered as complainants. In response to this argument, it has been noted that the question of whether individual Community producers have been injured is irrelevant when examining whether such producers qualify as a part of the Community industry within the meaning of Article 4 (5) of the basis Regulation. Furthermore, it should be recalled that injury has to be determined on a global basis, i. e. for the Community industry as a whole or a major proportion thereof and not for individual Community producers.

- (58) The AIPI questioned both the legality of the use of a sampling technique and the actual selection of the sample. In particular, it has been claimed that the use of production and sales data led to a flawed sample because sales and production trends are also the basis for the injury determination (recitals 88 to 90 of the provisional duty Regulation).

The Council notes that the basic Regulation does not explicitly provide for the use of sampling techniques for the purpose of injury determinations. However, it does not require the Commission to investigate each complaining Community producer either (Article 4 of the basic Regulation). In accordance with the previous practice and for the reasons already indicated, it was decided to select a sample of Community producers on which injury determinations were based. The Council notes that the sample was selected exclusively according to the size and geographic location of the companies concerned. The number of companies selected from each of the Member States thus reflects the size of bicycle production in that Member State. No trends or financial data were taken into consideration in the selection which was exclusively based on the volume of production of the companies concerned during the investigation period.

Therefore, it is concluded that the Commission was entitled to use a sampling technique, which yielded a representative selection of Community producers. The findings and conclusions set out in recitals 72 to 74 of the provisional duty Regulation are therefore confirmed.

F. INJURY

1. Cumulation

- (59) As no comments were received concerning cumulation, the findings and conclusions set out in recitals 75 to 79 of the provisional duty Regulation are confirmed.

2. Prices of dumped imports

- (60) The AIPI claimed that Indonesian bicycles were not undercutting prices of Community industry bicycles.

These claims are contradicted by the detailed price comparisons made by the Commission (recitals 82 to 86 of the provisional duty Regulation) in respect of which the following comments were made after the imposition of provisional measures.

- (61) One Indonesian producer argued that model comparisons should have been based on the full set of specifications. However, it did not indicate in which respect the methodology applied by the Commission yielded unreliable results nor why a different approach would have been more reliable.
- (62) One Malaysian company argued that the methodology applied was unreliable because the value of the parts used for comparing different bicycle models account for only 10 to 20 % of the total value of the bicycle and it leads to significant fluctuations in the undercutting margins found for two comparable bicycle groups. However, it has not been demonstrated that bicycle models classified in the respective groups were actually not comparable and that a different methodology would yield significantly different results. Fluctuations in undercutting margins as such may simply indicate variable pricing patterns and therefore do not prove that the comparison and grouping of certain bicycles was not justified.
- (63) As a result of the foregoing, the methodology set out in the provisional duty Regulation (recitals 82 to 86) is confirmed.
- (64) Some technical adjustments were made to the undercutting calculation upon the request of another Malaysian company and *proprio motu* by the Commission.

- (65) The resulting individual undercutting margins for the fully cooperating producing exporters expressed as a percentage of the Community producers prices, undelivered to distributors, vary from 18,2 to 41,4 % for producing exporters in Indonesia, from 29,7 to 38,4 % for those in Malaysia, and from 15,3 to 30,7 % for those in Thailand.

G. SITUATION OF THE COMMUNITY INDUSTRY

- (66) No further comments were received concerning the injury sustained by the Community industry. The findings and conclusions set out in the provisional duty Regulation (recitals 87 to 96) that the Community industry has been suffering material injury within the meaning of Article 4 of the basic Regulation, are therefore confirmed.

H. CAUSATION

- (67) Thai exporters claimed that the precarious profitability situation of the Community industry cannot be related to dumped imports but was caused by high investments by the Community industry made during the investigation period (recital 94 of the provisional duty Regulation).

The increase of investments by 125 % in the investigation period as compared to 1992 can, to a large extent, be attributed to two Community producers which either built new production facilities or improved existing ones. Even if these two producers were excluded from the profitability determination, the average profitability figure for the investigation period would only change marginally.

- (68) As indicated in the provisional duty Regulation (recital 101), it was found that bicycle imports reported in Eurostat as coming from Vietnam are actually other imports originating in the People's Republic of China. Indonesian exporters claimed that this fact did not preclude such imports from having had an injurious effect. Imports of bicycles declared as originating in Vietnam had a smaller total volume in 1993 than the imports under consideration. Furthermore, no indication was found that these bicycles were sold at prices as low as those for bicycles from the countries under investigation. Price information available in Eurostat cannot be referred to since the statistics only distinguish two subheadings which do not reflect the variety and heterogeneity of bicycle specifications and accordingly prices. In these circumstances, no clear assessment of a possible injurious impact of the imports allegedly coming from Vietnam can be made. Although these imports could have contributed to the difficult state of the Community industry, this does not affect the conclusion made in the provisional duty Regulation that imports of bicycles originating in Indonesia, Malaysia and Thailand caused material injury to the Community industry.

- (69) Since no other new arguments were submitted in this respect, on the basis of the findings made and conclusions reached in recitals 97 to 109 of the provisional duty Regulation it is definitively concluded that the aggregate dumped imports from the three countries in question, given the substantial increase in import volumes and considerable degree of price undercutting, taken in isolation,

have caused material injury to the Community industry.

I. COMMUNITY INTEREST

- (70) Neither new evidence nor new arguments were submitted as to whether the Community interest calls for intervention.

In this respect the Council notes that without measures against the dumped imports and the resulting unfair competition on the Community market, there is an imminent danger that even more Community producers will face the prospect of closure. Consumers will therefore, without measures, have, at least in the medium term, fewer sources of supply. Although consumer prices of the imported products will increase, the global effects on the consumer will be limited since there is still a variety of suppliers who are not subject to any anti-dumping measures. In this respect it should be noted that no comments or submissions were received from consumer organizations.

In view of these considerations and for the reasons mentioned in recitals 110 to 117 of the provisional duty Regulation, no compelling aspects concerning the Community interest were found on the basis of which the Council could clearly conclude that it is not in the Community interest to apply anti-dumping measures.

J. DUTY CALCULATION

- (71) The AIPI claimed that individual duty rates should have been established for different types of bicycles. It argued that the application of weighted average rates as established in the provisional duty Regulation (recitals 66 and 119) has the effect of setting the duty rates at a level above the dumping or injury margins for some bicycle models in breach of Article 13 (3) of the basic Regulation.

It is the normal practice of the Community institutions, in accordance with the basic Regulation, to establish a single duty rate for the like product concerned. It has not been disputed in the present case that all types of bicycles originating in Indonesia, Malaysia and Thailand and sold in the Community do form one single like product (recital 12). There is therefore no reason to deviate from the approach followed at the provisional stage. The *ad valorem* duty rates are thus based on a weighted average of the dumping margins established for the bicycle models sold for export to the Community and expressed as a percentage of the free-at-Community-frontier price. The duty

amount collected for a particular bicycle model may be higher or lower than the dumping margin, but on an overall basis, the duty rates reflect exactly the dumping margins found for the like product in strict accordance with Article 13 (3) of the basic Regulation. In addition, given the uncertainties for clearly defining types or categories of bicycles (recital 12 of the provisional duty Regulation), setting separate duty rates for types or categories would render the enforcement of the measures administratively impossible.

lopments after the investigation period should be taken into account.

All Malaysian and Thai producers reiterated their claim that up-to-date trends of import volumes after the investigation period should have been taken into account. They contend that the basic Regulation does not prevent the Community institutions from doing so, and that such extended assessment is necessary to show the actual and persisting causation of injury through dumped imports. In addition, Thai exporters claimed that in past investigations the Community institutions have accepted to take into consideration developments after the investigation period.

It is the Community institutions' constant practice, as now laid down in Article 6 (1) of Regulation (EC) No 3283/94, to limit findings to the investigation period unless the effects of new circumstances are manifest, undisputed, lasting, and not open to manipulation or do not stem from deliberate action of interested parties.

Concerning the alleged decrease of import volumes after the investigation period, this may stem from deliberate strategies of the economic operators in the exporting countries and in the Community. In addition, there is no assurance that import volumes will remain at such levels. Reference was also made to a change in the 'Generalized System of Preferences' (GSP) preferential duty rate applying to the imports in question which occurred in 1995. However, the possible effects which the changes in the GSP system may have on prices in the Community is completely unknown.

For these reasons it is confirmed that in the present case the definitive determination should be based on the findings relating to the investigation period.

L. GATT REQUIREMENTS CONCERNING DEVELOPING COUNTRIES AND UNDERTAKINGS

(72) For the purpose of establishing the level of definitive duty, and in applying the same methodology already applied at the provisional stage, account was taken of the dumping margins found and the level of duty necessary to eliminate the injury sustained by the Community industry.

(73) It was confirmed at the definitive stage that for all companies the undercutting margin was higher than the dumping margin found, both being expressed as a percentage of the cif Community frontier price, and that given the precarious financial situation of the Community industry, even higher rates of duty would be required to fully eliminate injury (recital 119 of the provisional duty Regulation). Consequently, in accordance with Article 13 (3) of the basic Regulation, the level of the duty rates should be based on the level of the dumping margins.

(74) With regard to one Indonesian company, it is confirmed that the dumping margin established is *de minimis* and this company should consequently be excluded from the scope of the duty imposed on imports originating in Indonesia.

(75) It is also confirmed that for producers in the three countries concerned who neither replied to the Commission's questionnaire nor otherwise made themselves known, it is appropriate, for the reasons outlined in recitals 69 to 71 of the provisional duty Regulation to establish the level of definitive duty at the weighted average of the highest dumping margins found for bicycle models exported to the Community in representative quantities.

K. DEVELOPMENTS AFTER THE INVESTIGATION PERIOD

(77) Malaysian exporters claim that a more lenient treatment in the application of anti-dumping rules should have been granted to them because they are located in a developing country. In this connection, the Malaysian and Thai companies refer to Article 15 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 ('1994 AD Agreement'): 'It is recognized that special regard must be given by developed country Members to the special situation of developing country Members when considering the application of anti-dumping measures under this Agreement. Possibilities of constructive remedies provided for by this Agreement shall be explored before

(76) In the provisional duty Regulation (recitals 122 to 125), the Commission rejected requests from Indonesian, Malaysian and Thai companies and from representatives of these countries, that import deve-

applying anti-dumping duties where they would affect the essential interests of developing country Members.) and complain that this Article was not respected. The Malaysian exporters referred in this respect to a Report of the GATT Working Party on 'Acceptance of the Anti-dumping Code' (Report adopted on 31 November 1975, 22S/27, 28, para. 4) and to a decision adopted by the GATT Committee on Anti-dumping Practices (ADP/2, Decision of 5 May 1980, 27S/16, 17).

It follows from Article 18.3 of the 1994 AD Agreement that Article 15 of the 1994 AD Agreement is not applicable to the present proceeding. In any event, Article 15 by no means entails an obligation for the Community to change calculation methods as was confirmed in the recent Cotton Yarn Panel for the former Article 13 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1979 (1979 AD Code) which is similarly worded to Article 15 of the 1994 AD Agreement.

As also confirmed in the Cotton Yarn Panel, the said Decision of the GATT Committee on Anti-dumping Practices cannot change the content of Article 13 of the 1979 AD Code. The report mentioned by the Malaysian exporters is a preparatory document which has no intrinsic legal value and thus does not provide any guidance in the present case.

According to Article 15 of the 1994 AD Agreement, constructive remedies are those provided for 'by this Agreement' which, in practice, are undertakings. Actually no undertakings were offered by Indonesian or Thai companies. Malaysian companies indicated their readiness to discuss the terms of undertakings, but made a specific offer only for a quantitative undertaking.

As regards price undertakings, it would be impractical and unrealistic to accept these undertakings in the present case because of the enormous number

of different bicycle models and the frequent changes of specifications which would render monitoring undertakings impossible.

As to quantitative undertakings, it was examined in the present case whether the quantitative undertaking offered could remedy the injurious effect of dumping and could be satisfactorily monitored. The cooperating Malaysian exporters argued that a non-injurious volume could be determined by reference to the criteria contained in Article 5.8 of the 1994 AD Agreement, namely the 3 % threshold in relation to the total imports into the Community of the like product, an offer which, it is claimed, would reduce imports from Malaysia to a negligible volume. However, this approach ignores the fact that the injurious effect of dumped bicycle imports from Indonesia, Malaysia and Thailand was assessed cumulatively. Furthermore, the undertaking was offered on behalf of Malaysian exporters which do not account for the totality of Malaysian bicycle exports to the Community. In these circumstances, it is impossible to determine which import volume to be allocated to the exporters in question could effectively remedy the injurious effects of dumping and it is doubtful whether such undertaking could be satisfactorily monitored.

Therefore, the Commission considers neither price nor quantitative undertakings acceptable in this case. Finally, it should be recalled that the Community would not be obliged under Article 15 to pursue this option in the circumstances of the present case, since it was not demonstrated that applying anti-dumping duties would affect the essential interests of the exporting countries.

M. COLLECTION OF THE PROVISIONAL DUTY

- (78) In the light of the seriousness of the injury, and in view of the high level of dumping, the Council considers that the provisional duty should be definitively collected at the level of the definitive duties,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of bicycles and other cycles (including delivery tricycles), not motorized, falling within CN code 8712 00 and originating in Indonesia, Malaysia and Thailand.

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

Country	Products manufactured by	Rate of duty	Taric additional code
Indonesia	— PT Federal Cycle, Mustika	28,4 %	8859
	— PT Jawa Perdana Bicycle Industry, Tangerang	27,7 %	8861
	— PT Toyo Asahi Bicycle Industries, Jakarta	28,4 %	8859
	— PT Wijaya Indonesia Makmur Bicycle Industries, Surabaya	21,9 %	8862
	— Other companies	29,1 %	8863
Malaysia	— Akoko Sdn Bhd, Klang	23,1 %	8864
	— Berjaya Cycles Sdn Bhd, Kulim	37,3 %	8865
	— Greenworld Systems Sdn Bhd, Kuala Lumpur (previously Fairly Toraya Sdn Bhd)	27,7 %	8866
	— Lerun Group Industries Berhad, Petaling Jaya	37,3 %	8865
	— Rolls Rally Sdn Bhs, Pelabuhan Kelang	25,3 %	8867
	— Other companies	39,4 %	8868
Thailand	— Bangkok Cycle Industrial Co. Ltd, Bangkok	17,7 %	8869
	— Siam Cycles MFG Co. Ltd, Samuthprakarn	38,9 %	8870
	— Thai Bicycle Industry Co. Ltd, Samuthprakarn	13,0 %	8871
	— Victory Cycle Co. Ltd, Samuthprakarn	13,2 %	8883
	— Other companies	39,2 %	8872

3. The duties shall not apply to imports of the product specified in paragraph 1, manufactured by PT Inera Sena, Sidoarjo (Taric additional code 8860).

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

Article 2

The amounts secured by way of provisional anti-dumping duty pursuant to Regulation (EC) No 2414/95 shall be definitively collected at the duty rate definitively imposed. Amounts secured in excess of the definitive rate of anti-dumping duty shall be released.

Article 3

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

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

Done at Brussels, 28 March 1996.

For the Council

The President

A. CLO

COMMISSION REGULATION (EC) No 649/96

of 11 April 1996

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of small-flowered roses originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as last amended by Regulation (EC) No 539/96⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EC) No 1981/94⁽³⁾, as last amended by Regulation (EC) No 585/96⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days

during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EC) No 2524/95⁽⁵⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁶⁾, as last amended by Regulation (EEC) No 2917/93⁽⁷⁾, lays down the detailed rules for the application of the arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾, as last amended by Regulation (EC) No 150/95⁽⁹⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹⁰⁾, as last amended by Regulation (EC) No 2853/95⁽¹¹⁾;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for small-flowered roses originating in Israel; whereas the Common Customs Tariff duty should be re-established,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 12 April 1996.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 79, 29. 3. 1996, p. 6.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 84, 3. 4. 1996, p. 8.

⁽⁵⁾ OJ No L 258, 28. 10. 1995, p. 42.

⁽⁶⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ No L 299, 12. 12. 1995, p. 1.

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

Done at Brussels, 11 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 650/96

of 11 April 1996

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of multiflorous (spray) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as last amended by Regulation (EC) No 539/96⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EC) No 1981/94⁽³⁾, as last amended by Regulation (EC) No 585/96⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days

during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EC) No 2524/95⁽⁵⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁶⁾, as last amended by Regulation (EEC) No 2917/93⁽⁷⁾, lays down the detailed rules for the application of the arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾, as last amended by Regulation (EC) No 150/95⁽⁹⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹⁰⁾, as last amended by Regulation (EC) No 2853/95⁽¹¹⁾;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) (a) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for multiflorous (spray) carnations originating in Israel; whereas the Common Customs Tariff duty should be re-established,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of multiflorous (spray) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 12 April 1996.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 79, 29. 3. 1996, p. 6.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 84, 3. 4. 1996, p. 8.

⁽⁵⁾ OJ No L 258, 28. 10. 1995, p. 42.

⁽⁶⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ No L 299, 12. 12. 1995, p. 1.

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

Done at Brussels, 11 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

**COMMISSION REGULATION (EC) No 651/96
of 11 April 1996**

**amending Regulations (EC) No 287/46 and (EC) No 295/96 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 vege-
tables⁽¹⁾, as last amended by Regulation (EC) No
2933/95⁽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 Regu-
lation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3)
thereof,

Whereas Commission Regulations (EC) No 287/96⁽⁵⁾ and
(EC) No 293/96⁽⁶⁾ establish standard import values for
determining the entry price of pears originating in Chile;

Whereas an error has been discovered in the Annex to
those Regulations; whereas the Regulations in question
should therefore be corrected;

Whereas application of the corrected standard import
values must be requested by the interested party so that
he is not placed at a disadvantage,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import value of ECU 46,3 per 100 kilo-
grams applicable to pears originating in Chile and listed
in the Annex to Regulations (EC) No 287/96 and (EC) No
293/96 is hereby replaced by the standard import value of
ECU 83,1 per 100 kilograms.

Article 2

This Regulation shall enter into force on the day follo-
wing its publication in the *Official Journal of the Euro-
pean Communities*.

At the request of the party concerned, Article 1 shall
apply from 15 to 16 February 1996.

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

Done at Brussels, 11 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 21.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 37, 15. 2. 1996, p. 20.

⁽⁶⁾ OJ No L 38, 16. 2. 1996, p. 13.

COMMISSION REGULATION (EC) No 652/96

of 11 April 1996

amending Regulation (EC) No 3016/95 opening Community tariff quotas for 1996 for sheep, goats, sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the 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 particular Article 12 (4) thereof,

Whereas Council Decision 95/592/EC of 22 December 1995 concerning the conclusion of the results of negotiations with certain third countries under GATT Article XXIV.6 and other related matters⁽³⁾, provides in particular for additional import possibilities for Australia, New Zealand and Chile due to the enlargement of the Community; whereas Council Regulation (EC) No 3093/95 of 22 December 1995 laying down the rates of duty to be applied by the Community resulting from negotiations under GATT Article XXIV.6 consequent upon the accession of Austria, Finland and Sweden to the European Union⁽⁴⁾, fixes the additional quantities for the countries concerned;

Whereas Council Decision 95/582/EC of 20 December 1995 on the conclusion of the Agreements in the form of exchanges of letters between the European Community, of the one part, and the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation, of the other part, concerning certain agricultural products⁽⁵⁾, provides in particular for additional import possibilities for Iceland due to the enlargement of the Community;

Whereas these quantities should now be incorporated into the quotas for 1996 opened by Commission Regulation

(EC) No 3016/95⁽⁶⁾; whereas that Regulation must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I of Regulation (EC) No 3016/95 is hereby amended as follows:

- the quantity for Australia is replaced by the quantity '18 650' tonnes,
- the quantity for New Zealand is replaced by the quantity '226 700' tonnes,
- the quantity for Chile is replaced by the quantity '3 000' tonnes,
- the quantity for Iceland is replaced by the quantity '1 350' tonnes.

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, 11 April 1996.

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 334, 30. 12. 1995, p. 38.

⁽⁴⁾ OJ No L 334, 30. 12. 1995, p. 1.

⁽⁵⁾ OJ No L 327, 30. 12. 1995, p. 17.

⁽⁶⁾ OJ No L 314, 28. 12. 1995, p. 35.

COMMISSION REGULATION (EC) No 653/96
of 11 April 1996
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 2931/95 ⁽²⁾, and in particular Article 17 (3) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Regulation (EEC) No 804/68 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 17 (5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 12 of Commission Regulation (EC) No 1466/95 of 27 June 1995 on specific detailed rules for the application of export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 592/96 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 10.

⁽³⁾ OJ No L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ No L 84, 3. 4. 1996, p. 31.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of 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⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 181,13 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽³⁾, as last amended by Regulation (EEC) No 222/88⁽⁴⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾, as amended by Regulation (EC) No 1380/95⁽⁶⁾ prohibits

trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96⁽⁷⁾; whereas account should be taken of this fact when fixing the refunds;

Whereas, with a view to better management of cheese exports in the light of the new constraints affecting subsidized exports, the refunds applying to some cheeses on export to certain destinations should be reduced;

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

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to destinations No 022, 028, 043, 044 and 045 for products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 12 April 1996.

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

Done at Brussels, 11 April 1996.

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 91, 1. 4. 1984, p. 71.

⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁷⁾ OJ No L 65, 15. 3. 1996, p. 1.

ANNEX

to the Commission Regulation of 11 April 1996 altering the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0401 10 10 000	+	4,748	0402 21 99 500	+	110,00
0401 10 90 000	+	4,748	0402 21 99 600	+	119,21
0401 20 11 100	+	4,748	0402 21 99 700	+	124,61
0401 20 11 500	+	7,340	0402 21 99 900	+	130,71
0401 20 19 100	+	4,748	0402 29 15 200	+	0,4900
0401 20 19 500	+	7,340	0402 29 15 300	+	0,8653
0401 20 91 100	+	9,775	0402 29 15 500	+	0,9116
0401 20 91 500	+	11,39	0402 29 15 900	+	0,9805
0401 20 99 100	+	9,775	0402 29 19 200	+	0,4900
0401 20 99 500	+	11,39	0402 29 19 300	+	0,8653
0401 30 11 100	+	14,62	0402 29 19 500	+	0,9116
0401 30 11 400	+	22,55	0402 29 19 900	+	0,9805
0401 30 11 700	+	33,87	0402 29 91 100	+	0,9877
0401 30 19 100	+	14,62	0402 29 91 500	+	1,0761
0401 30 19 400	+	22,55	0402 29 99 100	+	0,9877
0401 30 19 700	+	33,87	0402 29 99 500	+	1,0761
0401 30 31 100	+	40,34	0402 91 11 110	+	4,748
0401 30 31 400	+	63,00	0402 91 11 120	+	9,775
0401 30 31 700	+	69,47	0402 91 11 310	+	16,36
0401 30 39 100	+	40,34	0402 91 11 350	+	20,06
0401 30 39 400	+	63,00	0402 91 11 370	+	24,39
0401 30 39 700	+	69,47	0402 91 19 110	+	4,748
0401 30 91 100	+	79,18	0402 91 19 120	+	9,775
0401 30 91 400	+	116,37	0402 91 19 310	+	16,36
0401 30 91 700	+	135,80	0402 91 19 350	+	20,06
0401 30 99 100	+	79,18	0402 91 19 370	+	24,39
0401 30 99 400	+	116,37	0402 91 31 100	+	19,31
0401 30 99 700	+	135,80	0402 91 31 300	+	28,83
0402 10 11 000	+	49,00	0402 91 39 100	+	19,31
0402 10 19 000	+	49,00	0402 91 39 300	+	28,83
0402 10 91 000	+	0,4900	0402 91 51 000	+	22,55
0402 10 99 000	+	0,4900	0402 91 59 000	+	22,55
0402 21 11 200	+	49,00	0402 91 91 000	+	79,18
0402 21 11 300	+	86,53	0402 91 99 000	+	79,18
0402 21 11 500	+	91,16	0402 99 11 110	+	0,0475
0402 21 11 900	+	98,05	0402 99 11 130	+	0,0978
0402 21 17 000	+	49,00	0402 99 11 150	+	0,1562
0402 21 19 300	+	86,53	0402 99 11 310	+	18,88
0402 21 19 500	+	91,16	0402 99 11 330	+	22,65
0402 21 19 900	+	98,05	0402 99 11 350	+	30,11
0402 21 91 100	+	98,77	0402 99 19 110	+	0,0475
0402 21 91 200	+	99,45	0402 99 19 130	+	0,0978
0402 21 91 300	+	100,67	0402 99 19 150	+	0,1562
0402 21 91 400	+	107,61	0402 99 19 310	+	18,88
0402 21 91 500	+	110,00	0402 99 19 330	+	22,65
0402 21 91 600	+	119,21	0402 99 19 350	+	30,11
0402 21 91 700	+	124,61	0402 99 31 110	+	0,2094
0402 21 91 900	+	130,71	0402 99 31 150	+	31,35
0402 21 99 100	+	98,77	0402 99 31 300	+	0,4034
0402 21 99 200	+	99,45	0402 99 31 500	+	0,6947
0402 21 99 300	+	100,67	0402 99 39 110	+	0,2094
0402 21 99 400	+	107,61			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0402 99 39 150	+	31,35	0404 90 29 115	+	98,55 *
0402 99 39 300	+	0,4034	0404 90 29 120	+	99,78
0402 99 39 500	+	0,6947	0404 90 29 130	+	106,65
0402 99 91 000	+	0,7918	0404 90 29 135	+	109,00
0402 99 99 000	+	0,7918	0404 90 29 150	+	118,13
0403 10 11 400	+	4,748	0404 90 29 160	+	123,50
0403 10 11 800	+	7,340	0404 90 29 180	+	129,53
0403 10 13 800	+	9,775	0404 90 81 100	+	0,4830
0403 10 19 800	+	14,62	0404 90 81 910	+	0,0475
0403 10 31 400	+	0,0475	0404 90 81 950	+	18,71
0403 10 31 800	+	0,0734	0404 90 83 110	+	0,4830
0403 10 33 800	+	0,0978	0404 90 83 130	+	0,8576
0403 10 39 800	+	0,1462	0404 90 83 150	+	0,9035
0403 90 11 000	+	48,30	0404 90 83 170	+	0,9718
0403 90 13 200	+	48,30	0404 90 83 911	+	0,0475
0403 90 13 300	+	85,76	0404 90 83 913	+	0,0978
0403 90 13 500	+	90,35	0404 90 83 915	+	0,1462
0403 90 13 900	+	97,18	0404 90 83 917	+	0,2255
0403 90 19 000	+	97,90	0404 90 83 919	+	0,3387
0403 90 31 000	+	0,4830	0404 90 83 931	+	18,71
0403 90 33 200	+	0,4830	0404 90 83 933	+	22,46
0403 90 33 300	+	0,8576	0404 90 83 935	+	29,84
0403 90 33 500	+	0,9035	0404 90 83 937	+	31,06
0403 90 33 900	+	0,9718	0404 90 89 130	+	0,9790
0403 90 39 000	+	0,9790	0404 90 89 150	+	1,0665
0403 90 51 100	+	4,748	0404 90 89 930	+	0,4843
0403 90 51 300	+	7,340	0404 90 89 950	+	0,6947
0403 90 53 000	+	9,775	0404 90 89 990	+	0,7918
0403 90 59 110	+	14,62	0405 10 11 500	+	156,10
0403 90 59 140	+	22,55	0405 10 11 700	+	160,00
0403 90 59 170	+	33,87	0405 10 19 500	+	156,10
0403 90 59 310	+	40,34	0405 10 19 700	+	160,00
0403 90 59 340	+	63,00	0405 10 30 100	+	156,10
0403 90 59 370	+	69,47	0405 10 30 300	+	160,00
0403 90 59 510	+	79,18	0405 10 30 500	+	156,10
0403 90 59 540	+	116,37	0405 10 30 700	+	160,00
0403 90 59 570	+	135,80	0405 10 50 100	+	156,10
0403 90 61 100	+	0,0475	0405 10 50 300	+	160,00
0403 90 61 300	+	0,0734	0405 10 50 500	+	156,10
0403 90 63 000	+	0,0978	0405 10 50 700	+	160,00
0403 90 69 000	+	0,1462	0405 10 90 000	+	165,85
0404 90 21 100	+	48,30	0405 20 90 500	+	146,34
0404 90 21 910	+	4,748	0405 20 90 700	+	152,20
0404 90 21 950	+	16,22	0405 90 10 000	+	205,00
0404 90 23 120	+	48,30	0405 90 90 000	+	160,00
0404 90 23 130	+	85,76	0406 10 20 100	+	—
0404 90 23 140	+	90,35	0406 10 20 230	046	26,57
0404 90 23 150	+	97,18		052	26,57
0404 90 23 911	+	4,748		400	30,90
0404 90 23 913	+	9,775		404	—
0404 90 23 915	+	14,62		600	26,57
0404 90 23 917	+	22,55		...	37,95
0404 90 23 919	+	33,87	0406 10 20 290	046	24,71
0404 90 23 931	+	16,22		052	24,71
0404 90 23 933	+	19,88		400	28,74
0404 90 23 935	+	24,17		404	—
0404 90 23 937	+	28,58		600	24,71
0404 90 23 939	+	29,87		...	35,30
0404 90 29 110	+	97,90			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 10 20 610	037	—	0406 10 20 850	037	—
	039	—		039	—
	046	46,09		046	22,46
	052	46,09		052	22,46
	400	64,19		400	32,09
	404	—		404	—
	600	46,09		600	22,46
	...	65,84		...	32,09
0406 10 20 620	037	—	0406 10 20 870	+	—
	039	—		+	—
	046	50,54		+	—
	052	50,54		046	43,76
	400	70,77		052	43,76
	404	—		400	62,51
	600	50,54		404	—
	...	72,20		600	43,76
0406 10 20 630	037	—	0406 20 90 913	...	62,51
	039	—		046	58,34
	046	57,07		052	58,34
	052	57,07		400	83,34
	400	80,43		404	—
	404	—		600	58,34
	600	57,07		...	83,34
	...	81,52		046	61,97
0406 10 20 640	037	—	0406 20 90 917	052	61,97
	039	—		400	88,54
	046	66,96		404	—
	052	66,96		600	61,97
	400	95,66		...	88,54
	404	—		046	69,27
	600	66,96		052	69,27
	...	95,66		400	98,96
0406 10 20 650	037	—	0406 20 90 919	404	—
	039	—		600	69,27
	046	69,71		...	98,96
	052	69,71		+	—
	400	47,83		+	—
	404	—		037	—
	600	69,71		039	—
	...	99,59		046	9,77
0406 10 20 660	+	—	0406 30 10 100	052	9,77
0406 10 20 810	037	—		400	12,25
	039	—		404	—
	046	10,85		600	9,77
	052	10,85		...	13,95
	400	15,51		037	—
	404	—		039	—
	600	10,85		046	20,83
	...	15,51		052	20,83
0406 10 20 830	037	—	0406 30 10 200	400	26,60
	039	—		404	—
	046	18,53		600	20,83
	052	18,53		...	29,75
	400	26,47			
	404	—			
	600	18,53			
	...	26,47			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 30 10 250	037	—	0406 30 10 650	037	—
	039	—		039	—
	046	20,83		046	44,46
	052	20,83		052	44,46
	400	26,60		400	56,85
	404	—		404	—
	600	20,83		600	44,46
	...	29,75		...	63,51
0406 30 10 300	037	—	0406 30 10 700	037	—
	039	—		039	—
	046	30,56		046	44,46
	052	30,56		052	44,46
	400	39,04		400	56,85
	404	—		404	—
	600	30,56		600	44,46
	...	43,65		...	63,51
0406 30 10 350	037	—	0406 30 10 750	037	—
	039	—		039	—
	046	20,83		046	52,73
	052	20,83		052	52,73
	400	26,60		400	67,42
	404	—		404	—
	600	20,83		600	52,73
	...	29,75		...	75,33
0406 30 10 400	037	—	0406 30 10 800	037	—
	039	—		039	—
	046	30,56		046	52,73
	052	30,56		052	52,73
	400	39,04		400	67,42
	404	—		404	—
	600	30,56		600	52,73
	...	43,65		...	75,33
0406 30 10 450	037	—	0406 30 31 100	+	—
	039	—	0406 30 31 300	037	—
	046	44,46		039	—
	052	44,46		046	9,77
	400	56,85		052	9,77
	404	—		400	12,25
	600	44,46		404	—
	...	63,51		600	9,77
0406 30 10 500	+	—		...	13,95
0406 30 10 550	037	—	0406 30 31 500	037	—
	039	—		039	—
	046	20,83		046	20,83
	052	20,83		052	20,83
	400	26,60		400	26,60
	404	12,23		404	—
	600	20,83		600	20,83
	...	29,75		...	29,75
0406 30 10 600	037	—	0406 30 31 710	037	—
	039	—		039	—
	046	30,56		046	20,83
	052	30,56		052	20,83
	400	39,04		400	26,60
	404	17,12		404	—
	600	30,56		600	20,83
	...	43,65		...	29,75

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 30 31 730	037	—	0406 30 39 930	037	—
	039	—		039	—
	046	30,56		046	44,46
	052	30,56		052	44,46
	400	39,04		400	56,85
	404	—		404	—
	600	30,56		600	44,46
	...	43,65		...	63,51
0406 30 31 910	037	—	0406 30 39 950	037	—
	039	—		039	—
	046	20,83		046	52,73
	052	20,83		052	52,73
	400	26,60		400	67,42
	404	—		404	—
	600	20,83		600	52,73
	...	29,75		...	75,33
0406 30 31 930	037	—	0406 30 90 000	037	—
	039	—		039	—
	046	30,56		046	52,73
	052	30,56		052	52,73
	400	39,04		400	67,42
	404	—		404	—
	600	30,56		600	52,73
	...	43,65		...	75,33
0406 30 31 950	037	—	0406 40 50 000	046	65,16
	039	—		052	65,16
	046	44,46		400	88,32
	052	44,46		404	—
	400	56,85		600	65,16
	404	—		...	93,09
	600	44,46		046	65,16
	...	63,51		052	65,16
0406 30 39 100	+	—	0406 40 90 000	400	88,32
0406 30 39 300	037	—		404	—
	039	—		600	65,16
	046	20,83		...	93,09
	052	20,83	0406 90 07 000	037	—
	400	26,60		039	—
	404	12,23		046	82,07
	600	20,83		052	82,07
	...	29,75		400	102,86
0406 30 39 500	037	—		404	—
	039	—		600	82,07
	046	30,56		...	117,24
	052	30,56	0406 90 08 100	037	—
	400	39,04		039	—
	404	17,12		046	82,07
	600	30,56		052	82,07
	...	43,65		400	102,86
0406 30 39 700	037	—		404	—
	039	—		600	82,07
	046	44,46		...	117,24
	052	44,46	0406 90 08 900	+	—
	400	56,85			
	404	—			
	600	44,46			
	...	63,51			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 09 100	037	—	0406 90 27 900	037	—
	039	—		039	—
	046	82,07		046	59,08
	052	82,07		052	59,08
	400	102,86		400	41,30
	404	—		404	—
	600	82,07		600	59,08
	...	117,24		...	84,39
0406 90 09 900	+	—	0406 90 31 119	037	—
0406 90 12 000	037	—		039	—
	039	—		046	49,82
	046	82,07		052	49,82
	052	82,07		400	49,43
	400	102,86		404	12,66
	404	—		600	49,82
	600	82,07		...	71,17
0406 90 14 100	...	117,24	0406 90 31 151	037	—
	037	—		039	—
	039	—		046	46,44
	046	82,07		052	46,44
	052	82,07		400	46,20
	400	102,86		404	11,84
	404	—		600	46,44
	600	82,07		...	66,34
0406 90 14 900	...	117,24	0406 90 31 159	+	—
	+	—	0406 90 33 119	037	—
	037	—		039	—
	039	—		046	49,82
	046	82,07		052	49,82
	052	82,07		400	49,43
	400	102,86		404	12,66
	404	—		600	49,82
0406 90 16 100	600	82,07		...	71,17
	...	117,24	0406 90 33 151	037	—
	+	—		039	—
	037	—		046	46,44
	039	—		052	46,44
	046	82,07		400	46,20
	052	82,07		404	11,84
	400	102,86		600	46,44
	404	—		...	66,34
0406 90 16 900	600	82,07	0406 90 33 919	037	—
	...	117,24		039	—
	+	—		046	46,33
	037	—		052	46,33
	039	—		400	45,97
	046	78,13		404	11,78
	052	78,13		600	46,33
	400	95,66		...	66,19
0406 90 21 900	404	—	0406 90 33 951	037	—
	600	78,13		039	—
	...	111,62		046	43,19
	037	—		052	43,19
	039	—		400	42,97
	046	60,00		404	11,01
	052	60,00		600	43,19
	400	44,00		...	61,70
0406 90 23 900	404	—			
	600	60,00			
	...	85,50			
	037	—			
	039	—			
	046	69,71			
	052	69,71			
	400	47,83			
0406 90 25 900	404	—			
	600	69,71			
	...	99,59			

Product code	Destination (°)	Amount of refund (°)	Product code	Destination (°)	Amount of refund (°)
0406 90 35 190	037	33,76	0406 90 73 900	037	31,39
	039	33,76		039	31,39
	046	87,81		046	77,79
	052	87,81		052	77,79
	400	125,44		400	111,12
	404	71,22		404	88,32
	600	87,81		600	77,79
	...	125,44		...	111,12
0406 90 35 990	037	—	0406 90 75 900	037	—
	039	—		039	—
	046	66,96		046	64,88
	052	66,96		052	64,88
	400	95,66		400	47,83
	404	—		404	—
	600	66,96		600	64,88
	...	95,66		...	92,69
0406 90 37 000	037	—	0406 90 76 100	037	—
	039	—		039	—
	046	82,07		046	57,07
	052	82,07		052	57,07
	400	102,86		400	43,24
	404	—		404	—
	600	82,07		600	57,07
	...	117,24		...	81,52
0406 90 61 000	037	63,00	0406 90 76 300	037	—
	039	63,00		039	—
	046	90,50		046	69,71
	052	90,50		052	69,71
	400	129,50		400	47,83
	404	98,00		404	—
	600	90,50		600	69,71
	...	129,50		...	99,59
0406 90 63 100	037	83,10	0406 90 76 500	037	—
	039	83,10		039	—
	046	117,49		046	69,71
	052	117,49		052	69,71
	400	167,83		400	55,19
	404	126,59		404	—
	600	117,49		600	69,71
	...	167,83		...	99,59
0406 90 63 900	037	51,52	0406 90 78 100	037	—
	039	51,52		039	—
	046	84,99		046	51,50
	052	84,99		052	51,50
	400	110,38		400	41,00
	404	58,87		404	—
	600	84,99		600	51,50
	...	121,41		...	73,50
0406 90 69 100	+	—	0406 90 78 300	037	—
0406 90 69 910	037	51,52		039	—
	039	51,52		046	63,00
	046	84,99		052	63,00
	052	84,99		400	45,50
	400	110,38		404	—
	404	58,87		600	63,00
	600	84,99		...	90,00
	...	121,41			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 78 500	037	—	0406 90 86 300	037	—
	039	—		039	—
	046	63,00		046	48,00
	052	63,00		052	48,00
	400	52,50		400	68,50
	404	—		404	—
	600	63,00		600	48,00
	...	90,00		...	68,50
0406 90 79 900	037	—	0406 90 86 400	037	—
	039	—		039	—
	046	59,08		046	54,00
	052	59,08		052	54,00
	400	41,30		400	77,50
	404	—		404	—
	600	59,08		600	54,00
	...	84,39		...	77,50
0406 90 81 900	037	—	0406 90 86 900	037	—
	039	—		039	—
	046	66,96		046	63,50
	052	66,96		052	63,50
	400	95,66		400	91,00
	404	—		404	—
	600	66,96		600	63,50
	...	95,66		...	91,00
0406 90 85 910	037	33,76	0406 90 87 100	+	—
	039	33,76		037	—
	046	87,81	0406 90 87 200	039	—
	052	87,81		046	44,00
	400	125,44		052	44,00
	404	71,22		400	62,50
	600	87,81		404	—
	...	125,44		600	44,00
				...	62,50
0406 90 85 991	037	—	0406 90 87 300	037	—
	039	—		039	—
	046	66,96		046	48,00
	052	66,96		052	48,00
	400	95,66		400	68,50
	404	—		404	—
	600	66,96		600	48,00
	...	95,66		...	68,50
0406 90 85 995	037	—	0406 90 87 400	037	—
	039	—		039	—
	046	69,71		046	54,00
	052	69,71		052	54,00
	400	47,83		400	77,50
	404	—		404	—
	600	69,71		600	54,00
	...	99,59		...	77,50
0406 90 85 999	+	—	0406 90 87 951	037	32,00
0406 90 86 100	+	—		039	32,00
0406 90 86 200	037	—		046	79,50
	039	—		052	79,50
	046	44,00		400	113,50
	052	44,00		404	67,50
	400	62,50		600	79,50
	404	—		...	113,50
	600	44,00			
	...	62,50			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 87 971	037	—	2309 10 15 400	+	—
	039	—	2309 10 15 500	+	—
	046	66,00	2309 10 15 700	+	—
	052	66,00	2309 10 19 010	+	—
	400	54,46	2309 10 19 100	+	—
	404	—	2309 10 19 200	+	—
	600	66,00	2309 10 19 300	+	—
	...	94,50	2309 10 19 400	+	—
0406 90 87 972	046	25,00	2309 10 19 500	+	—
	052	25,00	2309 10 19 600	+	—
	400	30,90	2309 10 19 700	+	—
	404	—	2309 10 19 800	+	—
	600	25,00	2309 10 70 010	+	—
	...	36,00	2309 10 70 100	+	14,58
0406 90 87 979	037	—	2309 10 70 200	+	19,44
	039	—	2309 10 70 300	+	24,30
	046	66,00	2309 10 70 500	+	29,16
	052	66,00	2309 10 70 600	+	34,02
	400	54,46	2309 10 70 700	+	38,88
	404	—	2309 10 70 800	+	42,77
	600	66,00	2309 90 35 010	+	—
	...	94,50	2309 90 35 100	+	—
0406 90 88 100	+	—	2309 90 35 200	+	—
0406 90 88 200	037	—	2309 90 35 300	+	—
	039	—	2309 90 35 400	+	—
	046	44,00	2309 90 35 500	+	—
	052	44,00	2309 90 35 700	+	—
	400	62,50	2309 90 39 010	+	—
	404	—	2309 90 39 100	+	—
	600	44,00	2309 90 39 200	+	—
	...	62,50	2309 90 39 300	+	—
0406 90 88 300	037	—	2309 90 39 400	+	—
	039	—	2309 90 39 500	+	—
	046	48,00	2309 90 39 600	+	—
	052	48,00	2309 90 39 700	+	—
	400	68,50	2309 90 39 800	+	—
	404	—	2309 90 70 010	+	—
	600	48,00	2309 90 70 100	+	14,58
	...	68,50	2309 90 70 200	+	19,44
2309 10 15 010	+	—	2309 90 70 300	+	24,30
2309 10 15 100	+	—	2309 90 70 500	+	29,16
2309 10 15 200	+	—	2309 90 70 600	+	34,02
2309 10 15 300	+	—	2309 90 70 700	+	38,88
			2309 90 70 800	+	42,77

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6).

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

Where no destination (+) is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

(") Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 462/96 are observed.

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

COMMISSION REGULATION (EC) No 654/96

of 11 April 1996

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 13 (3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EC) No 3072/95⁽⁴⁾, and in particular Article 14 (3) thereof,

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

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EC) No 229/96⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EEC) No 1418/76 as appropriate;

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

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

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that, in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93⁽⁸⁾, as last amended by Regulation (EC) No 1516/95⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

Whereas Council Regulation (EEC) No 990/93⁽¹⁰⁾, as amended by Regulation (EC) No 1380/95⁽¹¹⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96⁽¹²⁾; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

2. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 2815/95 are observed.

Article 2

This Regulation shall enter into force on 12 April 1996.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁵⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁶⁾ OJ No L 30, 8. 2. 1996, p. 24.

⁽⁷⁾ OJ No L 275, 29. 9. 1987, p. 36.

⁽⁸⁾ OJ No L 159, 1. 7. 1993, p. 112.

⁽⁹⁾ OJ No L 147, 30. 6. 1995, p. 49.

⁽¹⁰⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽¹¹⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽¹²⁾ OJ No L 65, 15. 3. 1996, p. 1.

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

Done at Brussels, 11 April 1996.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 11 April 1996 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products (1)	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	— —
1001 90 99	Common wheat and meslin: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases: — — pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2) — — in all other cases	— — — —
1002 00 00	Rye	3,727
1003 00 90	Barley	1,270
1004 00 00	Oats	0,780
1005 90 00	Maize (Corn): — used in the form of: — — starch: — — — pursuant to Article 4 (5) point (b) of Regulation (EC) No 1222/94 (2) — — — in all other cases — — glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 (3): — — — pursuant to Article 4 (5) point (b) of Regulation (EC) No 1222/94 (2) — — — in all other cases — — other (including unprocessed) — — potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: — — — pursuant to Article 4 (5) point (b) of Regulation (EC) No 1222/94 (2) — — — in all other cases	 0,683 1,500 0,308 1,125 1,500 — —
1006 20	Round grain husked rice Medium grain husked rice Long grain husked rice	21,158 18,837 18,837
ex 1006 30	Round grain wholly-milled rice Medium grain wholly-milled rice Long grain wholly-milled rice	27,300 27,300 27,300
1006 40 00	Broken rice: — used in the form of: — — starch of CN code 1108 19 10: — — — pursuant to Article 4 (5) point (b) of Regulation (EC) No 1222/94 (2) — — — in all other cases — — other (including unprocessed)	 0,649 1,509 1,509

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1007 00 90	Sorghum	1,270
1101 00	Wheat or meslin flour: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	— —
1102 10 00	Rye flour	5,106
1103 11 10	Groats and durum wheat meal: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	— —
1103 11 90	Common wheat groats and spelt: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	— —

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ No L 136, 31. 5. 1994, p. 5).

⁽²⁾ The goods concerned are listed in Annex I of amended Regulation (EEC) No 1722/93 (OJ No L 159, 1. 7. 1993, p. 112).

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

COMMISSION REGULATION (EC) No 655/96
of 11 April 1996
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 2933/95⁽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 multilateral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 April 1996.

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

Done at Brussels, 11 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 21.

⁽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 11 April 1996 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 20	052	69,3	0805 30 20	052	131,4
	060	80,2		204	88,8
	064	59,6		220	74,0
	066	41,7		388	87,2
	068	62,3		400	60,7
	204	52,4		512	54,8
	208	44,0		520	66,5
	212	97,5		524	100,8
	624	152,0		528	87,6
	999	73,2		600	85,2
0707 00 15	052	104,3	0808 10 61, 0808 10 63, 0808 10 69	624	80,4
	053	156,2		999	83,4
	060	61,0		052	64,0
	066	53,8		064	78,6
	068	69,1		388	83,8
	204	144,3		400	71,9
	624	87,1		404	71,8
	999	96,5		416	72,7
0709 10 10	220	125,0		508	81,4
	999	125,0		512	71,0
0709 90 75	052	104,3		524	77,0
	204	77,5		528	75,8
	412	54,2		624	86,5
	624	209,6		728	107,3
	999	111,4		800	78,0
0805 10 11, 0805 10 15, 0805 10 19	052	49,8		804	94,5
	204	43,0		999	79,6
	208	58,0	0808 20 37	039	90,4
	212	61,9		052	86,2
	220	53,3		064	72,5
	388	40,5		388	67,6
	400	38,6		400	92,8
	436	41,6		512	70,9
	448	38,7		528	68,1
	600	46,4		624	79,0
	624	52,5		728	115,4
	999	47,7		800	55,8
				804	112,9
				999	82,9

(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 656/96
of 11 April 1996
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 last amended by Regulation (EC) No 346/96 ⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 642/96 ⁽⁵⁾;

Whereas Article 2 (1) of Regulation (EC) No 548/96 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 548/96,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 642/96 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 12 April 1996.

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

Done at Brussels, 11 April 1996.

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 49, 28. 2. 1996, p. 5.

⁽⁵⁾ OJ No L 90, 11. 4. 1996, p. 30.

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)	Import duty by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	8,51	0,00
1001 90 91	Common wheat seed	0,00	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00	0,00
	medium quality	6,43	0,00
	low quality	13,46	3,46
1002 00 00	Rye	43,68	33,68
1003 00 10	Barley, seed	43,68	33,68
1003 00 90	Barley, other ⁽³⁾	43,68	33,68
1005 10 90	Maize seed other than hybrid	46,14	36,14
1005 90 00	Maize other than seed ⁽³⁾	46,14	36,14
1007 00 90	Grain sorghum other than hybrids for sowing	43,68	33,68

⁽¹⁾ 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.

⁽²⁾ 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.

⁽³⁾ The importer may benefit from a flat-rate reduction of ECU 14 or 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 (on 10 April 1996):

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)	159,05	165,78	159,34	138,04	187,58 ⁽²⁾	152,41 ⁽²⁾
Gulf premium (ECU/tonne)	43,47	23,77	23,19	11,80	—	—
Great lake premium (ECU/tonne)	—	—	—	—	—	—

⁽¹⁾ Fob Duluth.

⁽²⁾ Fob Gulf.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 10,85 per tonne; Great Lakes/St Lawrence — Rotterdam: ECU 24,26 per tonne.

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

COMMISSION REGULATION (EC) No 657/96

of 11 April 1996

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 644/96⁽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 12 April 1996.

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

Done at Brussels, 11 April 1996.

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 91, 11. 4. 1996, p. 35.

ANNEX

to the Commission Regulation of 11 April 1996 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⁾	23,69	4,45
1701 11 90 ⁽¹⁾	23,69	9,69
1701 12 10 ⁽¹⁾	23,69	4,26
1701 12 90 ⁽¹⁾	23,69	9,26
1701 91 00 ⁽²⁾	32,53	8,97
1701 99 10 ⁽²⁾	32,53	4,58
1701 99 90 ⁽²⁾	32,53	4,58
1702 90 99 ⁽³⁾	0,33	0,33

⁽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.

**COMMISSION REGULATION (EC) No 658/96
of 9 April 1996**

**on certain conditions for granting compensatory payments under the support
system for producers of certain arable crops**

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 2989/95⁽²⁾, and in particular Article 12 thereof,

Whereas the rules governing the grant of compensatory payments to producers of cereals, oilseeds, protein crops and linseed should be harmonized and where possible simplified; whereas the separate regulations governing those sectors should be brought into a single text and should then be repealed;

Whereas the compensatory payments referred to in Article 2 of Regulation (EEC) No 1765/92 must be restricted to certain specified areas; whereas only one application for a compensatory payment should be permitted in respect of any plot of land in any one marketing year; whereas any plot of land which is the subject of an application for an area-based support under any other common market organization in the same marketing year should not be eligible to receive a compensatory payment; whereas compensatory payments may be granted on land that is aided under a scheme falling within the Community's structural or environmental policies;

Whereas Article 9 of Regulation (EEC) No 1765/92 defines the land eligible for compensatory payments; whereas that Article allows certain derogations which must be administered by the Member States and which must not undermine the effectiveness of the arrangements laid down in that Regulation; whereas to avoid that risk, suitable measures should be laid down in order that the total area of eligible land be kept at the existing level or so as to avoid any appreciable increase; whereas, to that end, certain multi-annual crops should be considered as being included in crop rotations; whereas areas covered by

restructuring programmes may also be considered for the grant of compensatory payments; whereas the concepts of restructuring, of an appreciable increase in agricultural area and of an obligation to exchange eligible and ineligible land should be defined;

Whereas the planting of land for the sole purpose of receiving a compensatory payment should be prevented; whereas certain conditions relating to the sowing and maintenance of crops should be specified, in particular in respect of oilseeds, protein crops, linseed and durum wheat; whereas, to reflect the diversity of agricultural practices within the Community, local standards must be respected;

Whereas the conditions established for applications for support under the simplified scheme should be simpler than those established for the general scheme;

Whereas, to continue the Community's policy of quality improvement, the eligibility of applicants to receive the compensatory payments in respect of rapeseed and colza-seed should be restricted to those applicants who have sown certain varieties and qualities of seed; whereas it is necessary to clarify the Community's glucosinolate and erucic acid standards for rapeseed and colza-seed and to specify the tests required to measure the glucosinolate and erucic acid content of seed samples; whereas it is necessary to update the list of rapeseed and colza-seed varieties that are eligible for the support system and in particular to clarify the position regarding mixtures of rapeseed and colza-seed varieties; whereas it is necessary to specify those varieties of sunflower seed that are intended as confectionery sunflower seed;

Whereas it is appropriate to set the standard for sweet lupins and the test to determine whether a sample of lupins is sweet or not;

Whereas, in view of the special treatment afforded to durum wheat under Regulation (EEC) No 1765/92 specific rules are required for this cereal; whereas, in order not to destabilize durum wheat production in the traditional production regions, the conditions to be met when entitlement to the supplement to the compensatory payment referred to in Article 4 (3) of Regulation (EEC) No 1765/92 is transferred should be specified; whereas in

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 312, 23. 12. 1995, p. 5.

order to safeguard a certain level of durum wheat production in France and Austria outside the traditional production zones, a special aid may be paid in those zones where durum wheat production was well established before the reform; whereas, in order to prevent an increase in production in those zones, a ceiling shall be applied and rules established in case it is exceeded;

Whereas Article 3 of Regulation (EEC) No 1765/92 allows regionalization plans to differentiate between irrigated and non-irrigated areas; whereas, in order to prevent irrigated areas being extended, ceilings may be fixed for each production region; whereas what is meant by 'irrigation' should be defined;

Whereas, where the base area is divided into irrigated and non-irrigated land, set-aside is taken into account for the calculation of any excess; whereas set-aside should be compensated for on the basis of the average yield; whereas, however, in the case of the irrigated land ceiling, only crops are taken into account for calculating whether and to what extent the ceiling has been exceeded; whereas, therefore, set-aside should be compensated for on the basis of the yield of crops other than irrigated crops;

Whereas, if both the irrigated land ceiling and the base area are exceeded simultaneously, the adjustment which most reduces the compensatory payment should be applied;

Whereas Article 10 (2) of Regulation (EEC) No 1765/92 requires producers of cereals, oilseed and protein crops to have sown their crops by 15 May at the latest; whereas it is necessary to establish a later sowing date for oilseeds; whereas in certain cases the sowing of crops may be delayed beyond 15 May by climatic conditions; whereas it is appropriate to defer the latest sowing date for certain crops in certain areas; whereas the extended sowing period should not compromise the efficiency of the support system nor prejudice the control system introduced by Council Regulation (EEC) No 3508/92 ⁽¹⁾, as last amended by Regulation (EC) No 3072/95 ⁽²⁾;

Whereas in order to ensure a regular supply of sweetcorn to processors throughout the marketing year, it is necessary to allow producers to spread their sowings over a longer period; whereas it is appropriate to defer the final date for sowing sweetcorn to 15 June;

Whereas Article 11 (7) of Regulation (EEC) No 1765/92 provides that in those Member States in which there is a risk that the national reference area will be significantly

exceeded the area of land for which an individual producer may request the compensatory payment specific to oilseed crops may be limited; whereas that limit should be established on the basis of objective criteria and should be expressed as a percentage of the producer's eligible arable area; whereas the limit may be differentiated between regional base areas; whereas the limit should be notified to producers before a fixed date and before oilseed sowing commences; whereas if a producer should request the compensatory payment specific to oilseed crops for land in excess of this limit, such land should be excluded from his application; whereas the area of land for which a producer may receive set-aside compensation may have to be reduced as a consequence; whereas transitional measures are appropriate;

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

HAS ADOPTED THIS REGULATION:

Title I

General provisions

Article 1

1. The compensatory payments referred to in Title 1 of Regulation (EEC) No 1765/92 shall be granted under the conditions laid down in this Regulation.
2. No more than one application for compensatory payments under Regulation (EEC) No 1765/92 may be made per marketing year for any plot of land.
3. No compensatory payment may be granted in respect of any cultivated plot which is, in the same marketing year, the subject of an application for an area-based aid, under a scheme financed under Article 1 (2) of Council Regulation (EEC) No 729/70 ⁽³⁾, for arable crops other than those covered by Regulation (EEC) No 1765/92.

Article 2

1. The definitions of permanent pasture, permanent crops, multi-annual crops and restructuring programmes set out in Annex I hereto shall apply for the purposes of Article 9 of Regulation (EEC) No 1765/92.

⁽¹⁾ OJ No L 355, 5. 12. 1992, p. 1.

⁽²⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽³⁾ OJ No L 94, 28. 4. 1970, p. 13.

2. Land in respect of which aid has been granted under Title I of Council Regulation (EEC) No 2328/91 ⁽¹⁾ or under Regulation (EEC) No 3766/91 ⁽²⁾ shall be considered to be eligible within the terms of Regulation (EEC) No 1765/92.

3. The area of land newly declared eligible by the Member States under a restructuring programme may not exceed the area newly declared ineligible under that programme by more than 5 %. However, the following shall not be taken into account in calculating the above-mentioned increase:

- in the new German Länder, 2 500 hectares covered by agricultural land restructuring during the period 1 January to 30 June 1992 and planted with arable crops for harvest in 1993,
- the remaining land covered by plans for the grubbing-up of vineyards for the 1991/92 wine year approved before 31 December 1991 under Council Regulations (EEC) No 1442/88 ⁽³⁾ and (EEC) No 2239/86 ⁽⁴⁾ and carried out within the time limits laid down by those Regulations.

4. Under the third paragraph of Article 9 of Regulation (EEC) No 1765/92, a Member State may not increase its total area of eligible land, either temporarily or permanently, by more than 0,1 % of its total base area.

Member States shall send the Commission an annual list of authorizations granted pursuant to the first subparagraph showing the number of farmers, the areas concerned and the reasons.

In duly substantiated special cases, the limit referred to in the first subparagraph may be revised in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 ⁽⁵⁾.

5. The cases referred to in the fourth paragraph of Article 9 of Regulation (EEC) No 1765/92 shall be those in which a producer is obliged to exchange ineligible land for eligible land within his holding for agricultural, phytosanitary or environmental reasons. In no event may the exchange give rise to an increase in the total area of eligible arable land on the holding. Member States shall provide for a system of prior notification and approval of such exchanges.

Member States shall send the Commission by 31 March each year at the latest a plan comprising a list of the criteria according to which exchanges were approved, and

evidence that the total area of eligible land has not increased as a result of those exchanges.

Title II

Eligibility for compensatory payments

Article 3

1. The compensatory payments provided for in Articles 4, 5, 6, 6a, and 8 of Regulation (EEC) No 1765/92 shall be allocated solely to areas:

- (a) situated in regions declared by the Member State as being climatically and agronomically suitable for the cultivation of arable crops. Member States are permitted to state that a region is not suitable for particular arable crops;
- (b) fully sown in accordance with local standards. Where cereals are sown in a mixture with oilseeds or protein crops, or where oilseeds are sown in a mixture with protein crops, the compensatory payment shall be that set for cereals;
- (c) on which the arable crop is maintained in normal growth conditions until at least the beginning of the flowering period. In the case of oilseeds, protein crops, linseed and durum wheat the crop must also be maintained according to local standards until at least 30 June prior to the marketing year in question, unless a harvest takes place at the stage of full maturity before that date. In the case of protein crops, the crop may not be harvested until after the stage of lactic ripeness;
- (d) applied for in respect of a minimum of 0,3 hectares, each cultivated plot being larger than the minimum size fixed by the Member State for the region concerned.

2. If a producer's eligible areas are located in several production regions the amount to be paid shall be determined by the location of each area included in the application.

Article 4

1. Eligibility for the compensatory payments in respect of oilseeds shall be limited to those sowings completed by 15 May.

2. Member States shall put into practice a quality policy for rape seed and colza seed by restricting access to the compensatory payments to double zero (00) varieties of rape seed and colza seed. Double zero varieties are those varieties demonstrated to produce seed which has a maximum glucosinolate content of 25 µmol/gram, determined in accordance with EN ISO 9167-1: 1995, and an erucic acid content of not more than 2 % of total fatty acid content, as determined in accordance with EN ISO 5508: 1995.

⁽¹⁾ OJ No L 218, 6. 8. 1991, p. 1.

⁽²⁾ OJ No L 356, 24. 12. 1991, p. 17.

⁽³⁾ OJ No L 132, 28. 5. 1988, p. 3.

⁽⁴⁾ OJ No L 196, 18. 7. 1986, p. 1.

⁽⁵⁾ OJ No L 181, 1. 7. 1992, p. 21.

3. Member States shall restrict access to compensatory payments for rapeseed and colza seed to any or all of the following categories of seed:

- (a) certified seed of a variety or a registered mixture of stocks listed in Annex II;
- (b) seed being the product of the harvest obtained from the planting of certified seed of a variety listed in Annex II on the same holding, which is shown, by analysis of a representative sample taken by an appointed agent of the competent national authority, to have a glucosinolate content no greater than 18,0 µmol/g of seed;
- (c) notwithstanding paragraph 2, seed of stocks whether or not listed in Annex II which were registered before sowing for inspection and control and intended to yield a crop for use as breeders' seed, pre-basic or certified seed for sowing, or for research or for testing purposes to determine whether the stock may be added to a Member State's national variety list;
- (d) notwithstanding paragraph 2, certified seed of the varieties 'Bienvenu' and 'Jet Neuf' for which a cultivation contract was signed prior to sowing between the producer and a buyer who is specially approved for that purpose by the competent authority of the Member State, with a view to obtaining seed for the production of an oil intended for specific food uses;
- (e) notwithstanding paragraph 2, seed of stocks which have an erucic acid content greater than 40 % of the total fatty acid content and for which a cultivation contract was made with an approved first buyer, before sowing, for the production of a crop intended either for a specified non-food use or for use as seed for sowing to produce such a crop;
- (f) notwithstanding paragraph 2, for the marketing years 1995/96 and 1996/97 and in the areas of Sweden set out in Annex III only, certified seed of the variety 'Per'.

4. Where a Member State regards seed referred to in point (b) of paragraph 3 as eligible, it shall take all suitable measures to establish that such seed conforms to requirements prior to sowing. The glucosinolate content may be determined by either the EN ISO 9167-1:1995 method or the ISO 9167-2 method. The former method shall be the sole method for setting disputes as to glucosinolate content.

5. For the purposes of Article 5 (4) of Regulation (EEC) No 1765/92, the varieties of sunflower seed that constitute confectionery sunflower seed shall be those set out in Annex IV.

Article 5

Sweet lupins shall mean those varieties of lupin demonstrated to produce seed containing not more than 5 % bitter seeds, as calculated in accordance with the test set out in Annex V.

Article 6

1. For the purposes of Article 4 (3) of Regulation (EEC) No 1765/92 producers shall receive the supplement to the compensatory payment for no more than the number of hectares entered in the register kept by the Member State pursuant to Article 6 of Commission Regulation (EEC) No 2780/92 ⁽¹⁾.

Transfer of entitlement to the supplement for durum wheat must be accompanied by transfer of the entitlement to work the same number of hectares of eligible land.

That register shall be amended when entitlements are transferred or when eligible land is permanently withdrawn from agricultural use.

2. The special aid referred to in Article 4 (5) of Regulation (EEC) No 1765/92 shall be granted in France and in Austria up to a limit of 50 000 hectares and 5 000 hectares respectively for all the zones listed in Annex VI.

The special aid shall be granted for all plots eligible for the compensatory payment for arable crops referred to in Article 2 of Regulation (EEC) No 1765/92 sown to durum wheat and located in one of the zones in question.

Where the sum of the areas under durum wheat for which special aid applications have been made exceeds the limits referred to in the first subparagraph, the land eligible for the special aid shall be reduced in proportion, before the reduction referred to in the first indent of Article 2 (6) of Regulation (EEC) No 1765/92, if any, is applied.

3. For the purposes of granting the special aid for durum wheat, the 'area' aid application referred to in Article 4 of Commission Regulation (EEC) No 3887/92 ⁽²⁾ shall indicate all particulars permitting identification of the plots sown to durum wheat.

Applications for aid for durum wheat shall be conditional on an application for compensatory payment for the same number of hectares of durum wheat.

⁽¹⁾ OJ No L 281, 25. 9. 1992, p. 5.

⁽²⁾ OJ No L 391, 31. 12. 1992, p. 36.

The varieties excluded from the durum wheat production aid scheme for the 1992/93 marketing year shall also be excluded for the purposes of this Article.

4. The durum wheat supplement shall be paid at the same time as the compensatory payment.

Title III

Irrigation

Article 7

1. Where yields differentiated between 'irrigated' and 'non-irrigated' are provided for in the regionalization plan in accordance with Article 3 (1) of Regulation (EEC) No 1765/92, compensatory payments shall be made as follows:

- (a) in the case of a scheme where the base area is separated: on the basis of 'irrigated' yields for all the arable crops, including those under the simplified scheme, forming part of the irrigated base area; and on the basis of 'non-irrigated' yields for all crops, including those under the simplified scheme, forming part of the non-irrigated base area; compensation for all set-aside land shall be granted on the basis of the average yield prior to separation between irrigated and non-irrigated;
- (b) in the event of the setting of an irrigated-land ceiling within a base area where no distinction is drawn between irrigated and non-irrigated land on the basis of irrigated yields in the case of irrigated crops including those managed under the simplified scheme, and on the basis of the 'dry' yield for other land, including all set-aside land;
- (c) in the event that eligibility for 'irrigated' payments, within an irrigated base area, is restricted to a single oilseed crop by the setting of a specific ceiling pursuant to the last subparagraph of Article 3 (2) of Regulation (EEC) No 1765/92: compensation for the corresponding set-aside shall be based on the average yield prior to separation between irrigated and non-irrigated.

2. The decision as to whether a producer qualifies as a 'small producer' within the meaning of Article 8 of Regulation (EEC) No 1765/92 shall be made on the basis of the content of his 'area' aid application and of the corresponding yields as referred to in paragraph 1.

3. Member States shall set rules for determining whether an area is irrigated in the course of a crop year. These rules shall include:

- (a) the drawing-up of a list of arable crops for which compensatory payment at the irrigated yield rate may be granted;
- (b) a description of the irrigation equipment which the farmer must hold; this must be commensurate with the area concerned and allow for the supply of sufficient water to ensure the normal development of the seedling during its growing cycle;
- (c) determination of the irrigation period to be taken into account.

4. The ceilings referred to in the fifth subparagraph of Article 3 (1) of Regulation (EEC) No 1765/92 shall be as set out in Annex VII hereto.

5. Should both the ceiling as set out in Annex VII hereto and a base area as defined in Article 2 (2) of Regulation (EEC) No 1765/92 be exceeded at the same time, only the higher of the two reductions provided for, respectively, in the first indent of the first subparagraph of Article 2 (6) of that Regulation and in the first sentence of the sixth subparagraph of Article 3 (1) thereof shall be made.

6. Paragraph 5 shall apply without prejudice to the second indent of the first paragraph of Article 2 (6) or to the second sentence of the sixth subparagraph of Article 3 (1) of Regulation (EEC) No 1765/92.

7. In the case of oilseeds, Member States must apply to each region the same method for the calculation of the original reference amounts referred to in Article 5 (1) (c) of Regulation (EEC) No 1765/92 for both irrigated and non-irrigated crops.

Title IV

Statistical reporting

Article 8

1. Member States shall communicate to the Commission the information listed in the tables described in Annex VIII in accordance with the standardized format described therein at the level of production region, and base area, and at national level.

2. They shall communicate provisional information by 15 September of the marketing year in progress and definitive information by the following 15 January at the latest.

Title V

Special provisions

Sowing deadlines

Article 9

1. Notwithstanding the first indent of Article 10 (2) of Regulation (EEC) No 1765/92, the final date for sowing sweetcorn may be deferred, at the discretion of the Member State, until 15 June. Member States shall adopt the necessary control measures required for this purpose.

2. Notwithstanding the first indent of Article 10 (2) of Regulation (EEC) No 1765/92 and Article 4 (1) of this Regulation, the final date for sowing the crops specified in Annex IX may be deferred, at the discretion of the Member State, until 31 May or 15 June in areas to be defined by the Member State located within the regions listed in Annex IX.

Compensatory payments specific to oilseed crops

Article 10

1. The level of the limit provided for in Article 11 (7) of Regulation (EEC) No 1765/92 shall be established taking into account the national reference area, the total area of eligible land and the objective of avoiding a level of plantings which would give rise to excessive reductions in the compensatory payment specific to oilseed crops.

2. The limit and the criteria used to establish that limit shall be notified to the Commission at the earliest possible date and, at the latest, by 31 July of the marketing year prior to that in respect of which the compensatory payment is requested.

3. The competent authority shall, in considering a producer's eligibility to receive the advance payment referred to in Article 11 (2) of Regulation (EEC) No 1765/92, determine whether the producer's application for support is within the established limit. Any land for which the producer has requested the compensatory payment specific to oilseed crops in excess of the limit shall be excluded from the application.

4. In cases where the exclusion of an area of land under paragraph 3 would cause a producer's area of set-aside to exceed the limit referred to in the first subparagraph of Article 7 (6) of Regulation (EEC) No 1765/92

which applies in the Member State, the area of set-aside land for which the producer has requested the compensatory payment shall be reduced accordingly.

5. Any land excluded from a producer's 'area' aid application under paragraphs 3 and 4 shall not be taken into consideration for the application of Article 2 (6) of Regulation (EEC) No 1765/92.

Article 11

1. Member States shall make the advance payment to oilseed producers as soon as possible after publication of the projected regional reference amounts in the *Official Journal of the European Communities*, and in no case later than 30 September of the marketing year in respect of which the aid application was made.

They shall make the final payments to oilseed producers not later than 60 days after the date of publication of the final regional reference amounts in the *Official Journal of the European Communities*.

2. By way of derogation from paragraph 1, in cases where there is doubt as to the validity or accuracy of an application, no payment shall be made until such doubts are resolved.

Title VI

Final provisions

Article 12

Member States shall adopt the measures necessary for the application of this Regulation and notify them to the Commission; they shall forthwith inform the Commission thereof.

Article 13

The regulations set out in Annex X are repealed with effect from 1 July 1996.

References to those Regulations shall be cancelled as references to this Regulation.

Article 14

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

It shall apply from the 1996/97 marketing year.

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

Done at Brussels, 9 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***1. Permanent pasture**

Non-rotational land used for grass production (sown or natural) on a permanent basis (five years or longer).

2. Permanent crops

Non-rotational crops other than permanent pasture that occupy the ground for five years or longer and yield repeated harvests, with the exception of multi-annual crops.

3. Multi-annual crops

CN code

0709 10 00	Artichokes.
0709 20 00	Asparagus.
ex 0709 90 90	Rhubarb.
0810 20	Raspberries, blackberries, mulberries and loganberries.
0810 30	Black-, white- and red-currants and gooseberries.
0810 40	Cranberries, bilberries and other fruits of the genus <i>Vaccinium</i>

4. Restructuring programme

Change to the structure and/or eligible area of a farm imposed by the public authorities.

ANNEX II

**Double zero rapeseed and colza seed varieties and registered mixtures of stocks which have
been admitted to the support scheme**

Accord	Cesar	Garrison
Acrobat	Challenger	Gazelle
Activ	Chang	Global
Ada	Chiquero	Goeland
Agena	Cirrus	Golda
Akamar	Cobalt	Granit
Aladin	Cobol	Grenat
Alaska	Cobra	Gypse
Alberta	Cocktail	Hanna
Aligator	Colcan 36	Hansen
Almea	Colking 4	Helios
Alpine	Collo	Hera
Altona	Comet	Honk
Amanda	Commanche	Hybridol
Amazon	Conny	Idol
Amber	Consul	Ilona
Ambra	Corniche	Impala
Andol	Corporal	Inca
Angkor	Corvette	Iris
Anima	Creol	ISH 93-2
Anka	CSH 01	Jaguar
Apache	Dakini	Jaspe
Apex	Darmor	Jazz
Arabella	Darin	Jetton
Arcol	Debut	Jockey
Ariana	Derby	John
Aries	Desiree	Kabel
Arietta	Diadem	Karat
Ark	Diamant	Karla
Arkada	Diana	Karola
Ascona	Discovery	Katarina
Atlas	Dominol	Kintol
Atol	Doublol	Kometa
Aurora	Dragon	Konda
Avant	Drakkar	Kova
Aztec	Dubla	Kreta
Basalte	Duetol	Kristina
Beryl	Ebony	Kulta
Bingo	Ecudor	Kunto
Boni	Energol	Kurir
Briol	Envol	Lady
Bristol	Eol	Lambada
Bullet	Ester	Leadol
Calibra	Euro	Liaison
Callypso	Evita	Liberator
Cannon	Express	Liberia
Capitol	Falcon	Liberty
Capricorn	Felix	Liborius
Carmen	Fidelio	Librador
Casino	Fingal	Libraska
Celt	Forte	Libravo
Ceres	Galaxy	Licargo

Licosmos	Neptune	Rudolf
Lictor	Nickel	Sabrina
Limbo	Nimbus	Samourai
Limerick	OAC Summit	Santana
Limpet	Ole	Saxon
Lincoln	Olsen	Score
Lineker	Olymp	Scorpio
Link	Optima	Senta
Lirabon	Orelia	Silex
Liradonna	Orion	Silvia
Lirajet	Orphee	Sioux
Liraspa	Oxident	Sisu
Lirawell	Pactol	Solar
Lirektor	Pallas	Spok
Liropa	Palle	Sponsor
Lisandra	Paloma	Sprinter
Lisonne	Paroll	Sputnik
Lizard	Patriot	Star
Logo	Paula	Starlight
Longbow	Pisces	Susana
Loreto	Plumbshot	Symbol
Madora	Polo	Synergy
Maja	Prelude	Tanto
Mandarin	Prestol	Tapidor
Manta	Printol	Tarok
Mari	Prospa	Tomahawk
Marinka	Puma	Topas
Mars	Quartz	Tor
Maskot	Rafaela	Tyrol
Maxol	Rally	Unica
Melodi	Rapier	Valo
Mensa	Rebel	Vega
Miro	Roby	Verdi
Moneta	Rocket	Vivol
Mohican	Rosette	Wotan
Navajo	Rubis	Zeus
		Zorro

*ANNEX III***Areas of Sweden within which producers of 'Per' may be supported in 1995/96 and 1996/97**

Stockholm	Uppsala	Södermanland	Östergötland
Jönköping	Kronoberg	Kalmar	Gotland
Blekinge	Kristianstad	Malmöhus	Halland
Göteborg och Bohus	Älvsborg	Skaraborg	Värmland
Örebro	Västmanland	Kopparberg	Gävleborg

*ANNEX IV***Confectionery sunflower seed varieties**

Agripro 3450	Agrosur	USDA Hybrid 924
Dahlgren D-131 (Toma)	Dahlgren D-151	Dahlgren 954
Dahlgren D-181	Dahlgren D-1950	Dahlgren D-171
Diset	Hagen Seed SG 9011	Dahlgren D-1998
Hagen Seed SG 9211	Interstate (IS) 8004	Hagen Seed SG 9054
Royal Hybrid 381	Royal Hybrid 2141	Kelisur
Royal Hybrid 3831	Royal Hybrid 4381	Royal Hybrid 3801
RRC 2211	RRC 2232	RRC 995
SIGCO 826	SIGCO 828	RRC 4211
SIGCO 830	SIGCO 954	SIGCO 829
SIGCO 974	SIGCO 995	SIGCO 964
Triumph 505C+	Triumph 515C	Toma
Triumph 520C		Triumph 660C

*ANNEX V***TEST OF THE BITTERNESS OF LUPINS**

To be performed on a sample of 200 grains taken from a batch of 1 kg from each lot of 20 tonnes maximum

The test should be restricted to the qualitative proof of bitter grains in the sample. The homogeneity tolerance should be 1 grain in 100 grains. The Grain-Cut method according to von Sengbusch (1942), Ivanov and Smirnova (1932) and Eggebrecht (1949) is applied as the testing method. The dry or swollen grains are cut transversely. The grain halves are dipped on a sieve for 10 seconds in an iodine solution and then rinsed for 5 seconds with water. The cut surfaces of the bitter grains discolour to brown but those of grains low in alkaloids remain yellow.

For the preparation of the iodine solution, 14 g of potassium iodate are dissolved in as little water as possible, 10 g of iodine is added and made up with water to 1 000 cm³. The solution must be left for one week before it may be used. It must be stored in brown bottles. The main solution is diluted between 1 : 3 and 1 : 5 before use.

*ANNEX VI***REGIONS ELIGIBLE FOR THE SPECIAL AID FOR DURUM WHEAT****FRANCE****Departements:**

Aisne, Aude, Charente, Charente-Maritime, Cher, Deux-Sèvres, Essone, Eure, Eure-et-Loir, Indre, Indre-et-Loire, Loir-et-Cher, Loiret, Lot-et-Garonne, Maine-et-Loire, Marne, Nièvre, Orne, Sarthe, Seine-et-Marne, Vendée, Vienne, Yonne, Yvelines

AUSTRIA**1. Gebiete der Bezirksbauernkammern**

2046 Atzenbrugg
2054 Baden
2062 Bruck/Leitha
2089 Ebreichsdorf
2101 Gänserndorf
2160 Groß-Enzersdorf
2208 Hainburg
2241 Hollabrunn
2275 Kirchberg/Wagram
2305 Korneuburg
2321 Laa/Thaya
2330 Langenlois
2364 Marchegg
2399 Mistelbach
2402 Mödling
2470 Poysdorf
2500 Ravelsbach
2518 Retz
2551 Schwechat
2577 Stockerau
2585 Tulln
2623 Wr. Neustadt
2631 Wolkersdorf
2658 Zistersdorf

2. Gebiete der Bezirksreferate

3018 Neusiedl/See
3026 Eisenstadt
3034 Mattersburg
3042 Oberpullendorf

3. Gebiete der Landwirtschaftskammer

1007 Wien

*ANNEX VII***Irrigated land ceilings**

GREECE	<i>(in hectares)</i>
Zone I	218 002
Zone II	4 057
FRANCE — irrigated soya	
Zone I	17 000
Zone II	78 000

ANNEX VIII

Information to be communicated to the Commission

The information is to be presented in the form of a series of tables drawn up in accordance with the model described below:

- a first group of tables establishing the information at the production region level within the meaning of Article 3 of Regulation (EEC) No 1765/92,
- a second group of tables establishing the information for each base area region within the meaning of Commission Regulation (EC) No 1098/94⁽¹⁾,
- a single table containing a summary of the information for each Member State.

The tables are to be transmitted both as hard copy and in computerized form.

TABLE OF INFORMATION

Formulae for land areas: $5 = 1 + 2 + 3 + 4$

$10 = 7 + 8 + 9$

$13 = 14 + 15 + 17$

$20 = 5 + 10 + 11 + 12 + 13 + 18 + 19$

Notes:

Each table must name the region in question.

The yield is that used for the calculation of aid in accordance with Regulation (EEC) No 1765/92.

The distinction between 'non-irrigated' and 'irrigated' should only be made in the case of mixed regions. In that case:

$$d = e + f$$

$$j = k + l$$

Line 1 only concerns durum wheat eligible for the supplementary aid referred to in Article 4 (3) and (4) of Regulation (EEC) No 1765/92.

Line 2 only concerns durum wheat eligible for the supplementary aid referred to in Article 4 (5) of Regulation (EEC) No 1765/92.

Line 16 only concerns voluntary set-aside in excess of the area cultivated with arable crops for which compensatory payments are requested (Article 7 (6), second indent).

Line 17 only concerns land set-aside under Council Regulations (EEC) No 2078/92⁽²⁾ and (EEC) No 2080/92⁽³⁾ which is counted as arable set-aside under Article 7 (2) of Regulation (EEC) No 1765/92.

Line 19 corresponds to the areas referred to in the third subparagraph of Article 2 (2) of Regulation (EEC) No 1765/92.

Information must also be communicated in respect of those producers who are not applying for the per hectare aid under the support system for certain arable crops (Regulation (EEC) No 1765/92). This information should be indicated in columns 'm' and 'n' under the title 'Other' and concerns mainly the five year set-aside scheme (Regulation (EEC) No 2328/91) and those arable crops declared as fodder area for beef and sheep premia.

Line 23 concerns land set-aside under non-food cultivation for which no compensatory payment is made under the terms of Article 2 (a) of Commission Regulation (EEC) No 334/93⁽⁴⁾ (e.g. sugar beet, Jerusalem artichokes and chicory roots).

⁽¹⁾ OJ No L 121, 12. 5. 1994, p. 12.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 85.

⁽³⁾ OJ No L 215, 30. 7. 1992, p. 96.

⁽⁴⁾ OJ No L 38, 16. 2. 1993, p. 12.

Name of the region:

Date:..

[illegible]

ANNEX IX

**REGIONS WITHIN WHICH THE AREAS THAT MAY BE PERMITTED A SOWING
DEADLINE FOR SPECIFIED CROPS LATER THAN 15 MAY ARE LOCATED, AND
THE LATEST SOWING DATE THAT MAY BE SET**

Table 1: latest sowing date 31 May

Crop	Member State	Regions
Maize (excluding sweetcorn)	France	Alsace, Aquitaine, Auvergne, Basse-Normandie, Bretagne, Centre, Haute-Normandie, Languedoc-Roussillon, Limousin, Midi-Pyrénées, Pays de la Loire, Poitou-Charente, Provence-Alpes-Côte d'Azur, Rhône-Alpes
	Belgium	Zones I and II
	Greece	Macedonia, Thrace, Thessalia
	Spain	The whole territory with the exception of the province of Huelva, Sevilla, Cadiz, Málaga, Córdoba, Jaén and the Canary Islands
	Italy	Centre, north-east and north-west (statistical regions)
	Portugal	Between Douro and Minho, Beira Litoral, Alentejo, Ribatejo and Oeste
	United Kingdom	The whole territory with the exception of areas at an altitude higher than 250 metres in Scotland, England, Wales and Northern Ireland
	Netherlands	Region I
Sorghum	Italy	Centre (statistical region) Emilia-Romagna
	France	Alsace, Aquitaine, Auvergne, Basse-Normandie, Bretagne, Centre, Haute-Normandie, Languedoc-Roussillon, Limousin, Midi-Pyrénées, Pays de la Loire, Poitou-Charente, Provence-Alpes-Côte d'Azur, Rhône-Alpes
	Greece	Thrace
	Portugal	Between Douro and Minho, Beira Litoral, Alentejo, Ribatejo and Oeste

Crop	Member State	Regions
Sunflower	Spain	Álava Albacete Alicante Ávila Badajoz Barcelona Burgos Ciudad Real Cuenca Gerona Granada Guadalajara Huesca León Lérida Madrid Murcia Navarra Palencia Salamanca Segovia Soria Teruel Valencia Valladolid Zamora Zaragoza
	Greece	Artá Cavala Evros Ionnina Prewéza Rodopi Xanthi
	Portugal	Alentejo Algarve Beira Interior Beira Litoral Trás-os-Montes Ribatejo Oeste
	United Kingdom	England Wales
Cereals, protein crops, linseed, rape seed and colza seed	Finland	A B BS
	Sweden	Stockholm Uppsala Södermanland Östergötland Jönköping Kronoberg Kalmar Gotland Blekinge Kristianstad Malmöhus Halland Göteborg och Bohus Älvsborg Skaraborg Värmland Örebro Västmanland Kopparberg Gävleborg

Crop	Member State	Regions
Soya	Spain	Spain
	Italy	Alessandria Asti Belluno Bergamo Bologna Brescia Cremona Cuneo Ferrara Gorizia Mantova Milano Modena Novara Padova Parma Pavia Piacenza Pordenone Ravenna Reggio Emilia Rovigo Torino Treviso Trieste Venezia Vercelli Verona Vicenza Udine

Table 2: latest sowing date 15 June

Crop	Member State	Region
Cereals, protein crops and linseed	Finland	C1 C2 C2P C3 C4
	Sweden	Västernorrland Jämtland Västerbotten Norrbotten
Rape seed and colza seed	Finland	C1 C2 C2P C3 C4

ANNEX X

List of Regulations referred to in Article 13

- Commission Regulation No 282/67/EEC (OJ No L 151, 13. 7. 1967, p. 1), as last amended by Regulation (EEC) No 1904/91 (OJ No L 169, 29. 6. 1991, p. 41)
- Commission Regulation (EEC) No 190/68 (OJ No L 43, 17. 2. 1968, p. 10), as last amended by Regulation (EEC) No 1486/69 (OJ No L 186, 30. 7. 1969, p. 7)
- Commission Regulation (EEC) No 1470/68 (OJ No L 239, 28. 9. 1968, p. 2), as last amended by Regulation (EEC) No 1864/90 (OJ No L 170, 3. 7. 1990, p. 27)
- Commission Regulation (EEC) No 651/71 (OJ No L 75, 30. 3. 1971, p. 16), as last amended by Regulation (EEC) No 1815/84 (OJ No L 170, 29. 6. 1984, p. 46)
- Commission Regulation (EEC) No 1799/76 (OJ No L 201, 27. 7. 1976, p. 14), as last amended by Regulation (EEC) No 3530/92 (OJ No L 358, 8. 12. 1992, p. 9)
- Commission Regulation (EEC) No 1726/82 (OJ No L 189, 1. 7. 1982, p. 64), as last amended by Regulation (EEC) No 2766/90 (OJ No L 267, 29. 9. 1990, p. 13)
- Commission Regulation (EEC) No 2049/82 (OJ No L 219, 28. 7. 1982, p. 36), as last amended by Regulation (EEC) No 1238/87 (OJ No L 117, 5. 5. 1987, p. 9)
- Commission Regulation (EEC) No 3418/82 (OJ No L 360, 21. 12. 1982, p. 19), as last amended by Regulation (EEC) No 676/89 (OJ No L 73, 17. 3. 1989, p. 17)
- Commission Regulation (EEC) No 2681/83 (OJ No L 266, 28. 9. 1983, p. 1), as last amended by Regulation (EEC) No 2964/91 (OJ No L 282, 10. 10. 1991, p. 15)
- Commission Regulation (EEC) No 1813/84 (OJ No L 170, 29. 6. 1984, p. 41), as last amended by Regulation (EEC) No 1539/90 (OJ No L 145, 8. 6. 1990, p. 20)
- Commission Regulation (EEC) No 2365/84 (OJ No L 222, 20. 8. 1984, p. 26)
- Commission Regulation (EEC) No 3540/85 (OJ No L 342, 19. 12. 1985, p. 1), as last amended by Regulation (EEC) No 2778/93 (OJ No L 252, 9. 10. 1993, p. 9)
- Commission Regulation (EEC) No 2325/86 (OJ No L 202, 25. 7. 1986, p. 21), as last amended by Regulation (EEC) No 1903/91 (OJ No L 169, 29. 6. 1991, p. 40)
- Commission Regulation (EEC) No 2823/87 (OJ No L 270, 23. 9. 1987, p. 1)
- Commission Regulation (EEC) No 2537/89 (OJ No L 245, 22. 8. 1989, p. 8), as last amended by Regulation (EEC) No 2692/91 (OJ No L 255, 12. 9. 1991, p. 12)
- Commission Regulation (EEC) No 3048/89 (OJ No L 292, 11. 10. 1989, p. 9)
- Commission Regulation (EEC) No 2294/92 (OJ No L 221, 6. 8. 1992, p. 22), as last amended by Regulation (EC) No 428/96 (OJ No L 60, 9. 3. 1996, p. 6)
- Commission Regulation (EEC) No 2295/92 (OJ No L 221, 6. 8. 1992, p. 28), as last amended by Regulation (EEC) No 3347/93 (OJ No L 300, 7. 12. 1993, p. 5)
- Commission Regulation (EEC) No 2780/92 (OJ No L 281, 25. 9. 1992, p. 5), as last amended by Regulation (EC) No 868/95 (OJ No L 89, 21. 4. 1995, p. 5)
- Commission Regulation (EEC) No 1064/93 (OJ No L 108, 1. 5. 1993, p. 92)
- Commission Regulation (EEC) No 1644/93 (OJ No L 158, 30. 6. 1993, p. 19)
- Commission Regulation (EC) No 1055/94 (OJ No L 115, 6. 5. 1994, p. 9), as last amended by Regulation (EC) No 919/95 (OJ No L 95, 27. 4. 1995, p. 16)
- Commission Regulation (EC) No 2715/94 (OJ No L 288, 9. 11. 1994, p. 11), as last amended by Regulation (EC) No 1799/95 (OJ No L 174, 26. 7. 1995, p. 22)
- Commission Regulation (EC) No 333/95 (OJ No L 38, 18. 2. 1995, p. 5)
- Commission Regulation (EC) No 346/95 (OJ No L 40, 22. 2. 1995, p. 1)
- Commission Regulation (EC) No 918/95 (OJ No L 95, 27. 4. 1995, p. 12)
- Commission Regulation (EC) No 2919/95 (OJ No L 305, 19. 12. 1995, p. 56).

COMMISSION REGULATION (EC) No 659/96
of 11 April 1996
fixing production refunds on cereals and rice

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 7 (3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EC) No 3072/95⁽⁴⁾, and in particular Article 9 (3) thereof,

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

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

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

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

Whereas, as a result of the market situation, refunds are not to be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The refund referred to in Article 3 (2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, potatoes, rice or broken rice, shall be ECU 0,00 per tonne.

2. The refund referred to in Article 3 (3) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from barley and oats, shall be ECU 0,00 per tonne.

Article 2

This Regulation shall enter into force on 12 April 1996.

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

Done at Brussels, 11 April 1996.

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 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 112.

⁽⁶⁾ OJ No L 147, 30. 6. 1995, p. 49.

COMMISSION REGULATION (EC) No 660/96
of 11 April 1996

**providing for the rejection of applications for export licences in relation to
certain processed products and cereal-based compound feedingstuffs**

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 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 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾, as last amended by Regulation (EC) No 285/96⁽⁴⁾, and in particular Article 7 (3) thereof,

Whereas the quantity covered by applications for advance fixing of refunds on potato starch and maize products is of great importance and could give rise to speculation;

Whereas it has therefore been decided to reject all applications for export licences of such products made on 9, 10 and 11 April 1996,

Article 1

In accordance with Article 7 (3) of Regulation (EC) No 1162/95, applications for export licences with advance fixing of refunds for products falling within CN codes 1102 20 10, 1103 13 10, 1103 13 90, 1104 23 10, 1108 12 00, 1108 13 00, 1702 30 51, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 79, 2106 90 55, 2309 10 11, 2309 10 13, 2309 10 31, 2309 10 33, 2309 10 51, 2309 10 53, 2309 90 31, 2309 90 33, 2309 90 41, 2309 90 43, 2309 90 51, 2309 90 53 made on 9, 10 and 11 April 1996 shall be rejected.

Article 2

This Regulation shall enter into force on 12 April 1996.

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

Done at Brussels, 11 April 1996.

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 117, 24. 5. 1995, p. 2.

⁽⁴⁾ OJ No L 37, 15. 2. 1996, p. 18.

COMMISSION REGULATION (EC) No 661/96

of 11 April 1996

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 13 (4) thereof,

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

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

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

Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to

avoid disturbances on the Community market and the economic aspect of the export;

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

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

Whereas Council Regulation (EEC) No 990/93⁽⁴⁾, as amended by Regulation (EC) No 1380/95⁽⁵⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96⁽⁶⁾; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 April 1996.

⁽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. 51.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁵⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁶⁾ OJ No L 65, 15. 3. 1996, p. 1.

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

Done at Brussels, 11 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 11 April 1996 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund⁽¹⁾:

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

<i>(ECU/tonne)</i>	
Cereal products ⁽²⁾	Amount of refund ⁽³⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	15,00
Cereal products ⁽²⁾ excluding maize and maize products	0,00

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

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

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

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

⁽³⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulations (EEC) No 990/93 and (EC) No 462/96 are observed.

COMMISSION REGULATION (EC) No 662/96

of 11 April 1996

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 13 (3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EC) No 3072/95⁽⁴⁾, and in particular Article 14 (3) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 14 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 14 of Regulation (EEC) No 1418/76 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 4 of Council Regulation (EC) No 1518/95⁽⁵⁾, as amended by Regulation (EC) No 2993/95⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content

being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

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

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

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

Whereas Council Regulation (EEC) No 990/93⁽⁷⁾, as amended by Regulation (EC) No 1380/95⁽⁸⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96⁽⁹⁾; whereas account should be taken of this fact when fixing the refunds;

Whereas certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁵⁾ OJ No L 147, 30. 6. 1995, p. 55.

⁽⁶⁾ OJ No L 312, 23. 12. 1995, p. 25.

⁽⁷⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁸⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁹⁾ OJ No L 65, 15. 3. 1996, p. 1.

Article 2

This Regulation shall enter into force on 12 April 1996.

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

Done at Brussels, 11 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 11 April 1996 fixing the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund (1)	Product code	Refund (1)
1102 20 10 200 (2)	21,00	1104 23 10 100	22,50
1102 20 10 400 (2)	18,00	1104 23 10 300	17,25
1102 20 90 200 (2)	18,00	1104 29 11 000	0,00
1102 90 10 100	0,00	1104 29 51 000	0,00
1102 90 10 900	0,00	1104 29 55 000	0,00
1102 90 30 100	14,04	1104 30 10 000	0,00
1103 12 00 100	14,04	1104 30 90 000	3,75
1103 13 10 100 (2)	27,00	1107 10 11 000	0,00
1103 13 10 300 (2)	21,00	1107 10 91 000	0,00
1103 13 10 500 (2)	18,00	1108 11 00 200	0,00
1103 13 90 100 (2)	18,00	1108 11 00 300	0,00
1103 19 10 000	37,27	1108 12 00 200	24,00
1103 19 30 100	0,00	1108 12 00 300	24,00
1103 21 00 000	0,00	1108 13 00 200	0,00
1103 29 20 000	0,00	1108 13 00 300	0,00
1104 11 90 100	0,00	1108 19 10 200	22,94
1104 12 90 100	15,60	1108 19 10 300	22,94
1104 12 90 300	12,48	1109 00 00 100	0,00
1104 19 10 000	0,00	1702 30 51 000 (3)	23,51
1104 19 50 110	24,00	1702 30 59 000 (3)	18,00
1104 19 50 130	19,50	1702 30 91 000	23,51
1104 21 10 100	0,00	1702 30 99 000	18,00
1104 21 30 100	0,00	1702 40 90 000	18,00
1104 21 50 100	0,00	1702 90 50 100	23,51
1104 21 50 300	0,00	1702 90 50 900	18,00
1104 22 20 100	12,48	1702 90 75 000	24,64
1104 22 30 100	13,26	1702 90 79 000	17,10
		2106 90 55 000	18,00

(1) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 462/96 are observed.

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

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 1 April 1996

amending Decision 95/124/EC establishing the list of approved fish farms in Germany

(Text with EEA relevance)

(96/265/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁾, as last amended by Directive 95/22/EC⁽²⁾, and in particular Article 6 thereof,

Whereas the Member States may obtain the status of approved farm free of certain fish diseases for fish farms situated in non-approved zones;

Whereas Germany, by letters of 3 July 1995, 18 September 1995 and 9 February 1996, submitted to the Commission the justifications for obtaining the status of approved farm in a non-approved zone in respect of infectious haematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS) for certain fish farms situated in Baden-Württemberg and Nordrhein-Westfalen, as well as the national rules ensuring compliance with the rules on maintenance of approval;

Whereas the Commission examined the justifications notified by Germany for each farm;

Whereas the result of this examination is that certain farms in question meet all the requirements of Article 6 of Directive 91/67/EEC; whereas some farms do not meet all of these requirements, and in particular those concerning the sampling programme;

Whereas the list of approved farms as laid down in the Annex to Decision 95/124/EC⁽³⁾ should be completed;

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 following sections are added to the Annex to Decision 95/124/EC:

'III. Farms in Baden-Württemberg:

1. Kurt Bühler
72419 Riedlingen/Neufra
2. Walter Dietmayer
72501 Gammertingen
3. Heiner Feldmann
88630 Pfullendorf
site "Bad Waldsee"
4. Heiner Feldmann
88630 Pfullendorf
site "Bergatreute"
5. Walter Jenz
72649 Wolfschlügen

⁽¹⁾ OJ No L 46, 19. 2. 1991, p. 1.

⁽²⁾ OJ No L 243, 11. 10. 1995, p. 1.

⁽³⁾ OJ No L 84, 14. 4. 1995, p. 6.

6. Peter Schmaus
88410 Steinental/Hauerz
7. Josef Schnetz
88263 Horgenzell
8. Erwin Steinhart
72513 Hettingen
9. Hugo Strobel
72505 Hausen am Andelsbach
10. Reinhard Lenz
64759 Sensbachtal
11. Peter Hofer
78727 Aistaig/Oberndorf
site "Sulzbach"
12. Peter Hofer
78727 Aistaig/Oberndorf
site "Oberer Lautenbach"
13. Peter Hofer
78727 Aistaig/Oberndorf
site "Unterer Lautenbach"
14. Peter Hofer
78727 Aistaig/Oberndorf
site "Schelklingen"
15. Hubert Schuppert
88454 Unteressendorf

16. Johannes Dreier
88299 Leutkirch/Hebratshofen
17. Eugen Störk
88348 Saulgau
18. Erwin Steinhart
73312 Geislingen/St.

IV. Farms in Nordrhein-Westfalen

1. Wolfgang Lindhorst-Emme
33758 Schloß Holte-Stukenbrock
site "Hirschquelle"
2. Wolfgang Lindhorst-Emme
33758 Schloß Holte-Stukenbrock
site "Am Oelbach"

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 1 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 1 April 1996

recognizing in principle the completeness of the dossier submitted for detailed examination in view of the possible inclusion of kresoxim methyl in Annex I of Council Directive 91/414/EEC concerning the placing of plant protection products on the market

(Text with EEA relevance)

(96/266/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market⁽¹⁾, as last amended by Commission Directive 96/12/EC⁽²⁾, and in particular Article 6 (3) thereof,

Whereas Council Directive 91/414/EEC has provided for the development of a Community list of authorized pesticide active substances;

Whereas BASF Aktiengesellschaft introduced on 28 March 1995 a dossier to the Belgian authorities in view of obtaining the inclusion of the active substance kresoxim methyl in Annex I of the Directive; whereas the Belgian authorities indicated to the Commission the results of a first examination of the completeness of the dossier with regard to the data and information requirements provided for in Annex II and, for at least one plant protection product containing the active substance concerned, in Annex III of the Directive; whereas subsequently, in accordance with the provisions of Article 6 (2), the dossier was submitted by the Company to the Commission and the other Member States;

Whereas the Commission referred the dossier to the Standing Committee on plant health in the meeting of the working group 'legislation' thereof on 25 to 26 September 1995, during which the Member States confirmed the receipt of the dossier;

Whereas Article 6 (3) of the Directive requires it being confirmed at the level of the Community that the dossier is to be considered as satisfying in principle the data and information requirements provided for in Annex II and, for at least one plant protection product containing the active substance concerned, in Annex III of the Directive;

Whereas such confirmation is necessary in order to pursue the detailed examination of the dossier as well as in order to open to the Member States the possibility of

granting provisional authorization for plant protection products containing this active substance in due respect of the conditions laid down in Article 8 (1) of the Directive, and in particular the condition to make a detailed assessment of the active substance and the plant protection product with regard to the requirements of the Directive;

Whereas such decision does not prejudice that further data or information may be requested from the company where it would appear during the detailed examination that such information or data are required for a decision to be taken;

Whereas it is understood between the Member States and the Commission that Belgium will pursue the detailed examination of the dossier and report the conclusions of its examination accompanied by any recommendations on the inclusion or non inclusion and any conditions related thereto to the Commission as soon as possible and at the latest within a period of one year; whereas on receipt of this report the detailed examination will be continued with the expertise from all Member States within the framework of the Standing Committee on Plant Health;

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

HAS ADOPTED THIS DECISION:

Article 1

The dossier submitted by BASF Aktiengesellschaft to the Commission and the Member States with a view to the inclusion of kresoxim methyl as active substance in Annex I of Directive 91/414/EEC is considered as satisfying in principle the data and information requirements provided for in Annex II and, for a plant protection product containing the active substance concerned, in Annex III of the Directive.

⁽¹⁾ OJ No L 230, 19. 8. 1991, p. 1.

⁽²⁾ OJ No L 65, 15. 3. 1996, p. 20.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 1 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 1 April 1996

amending Decision 95/357/EC drawing up a list of border inspection posts agreed for veterinary checks on products and animals from third countries detailed rules concerning the checks to be carried out by the veterinary experts of the Commission and repealing Decision 94/24/EC

(Text with EEA relevance)

(96/267/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Community,

Having regard to 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⁽¹⁾, as last amended by Directive 95/52/EC⁽²⁾ and in particular Article 9 (4) thereof,

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⁽³⁾, as last amended by Commission Decision 95/157/EC⁽⁴⁾, and in particular, Article 6 (4) thereof,

Whereas Commission Decision 95/357/EC⁽⁵⁾, as last amended by Decision 96/187/EC⁽⁶⁾ draws up a list of border inspection posts agreed for veterinary checks on products and animals from third countries;

Whereas certain border inspection posts have been inspected by the Commission's departments; whereas, in addition, the Member States may propose that posts included in the list be withdrawn or that new posts be included therein, these new posts having to be inspected before inclusion in the list;

Whereas, in view of the results of the inspections and the proposals by the competent authorities of Member States, Commission Decision 95/357/EC must be amended accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

The annex of Decision 95/357/EC is amended as follows:

1. In the part concerning Italy the references relating to the border inspection posts of Catania and Genova are replaced by the following:

1	2	3	4	5	6	7	8	9	10	11
	Catania	Airport	×	×	×	×				from Malta only
		Port							×	
	Genova	Airport	×	×	×	×			×	
		Port	×	×	×	×				

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 265, 8. 11. 1995, p. 16.

⁽³⁾ OJ No L 268, 24. 9. 1991, p. 56.

⁽⁴⁾ OJ No L 103, 6. 5. 1995, p. 40.

⁽⁵⁾ OJ No L 211, 6. 9. 1995, p. 43.

⁽⁶⁾ OJ No L 59, 8. 3. 1996, p. 59.

2. In the part concerning Spain the references relating to the border inspection posts of Vigo-Vilagarcía-Marín and Pasajes-Irún are replaced by the following:

1	2	3	4	5	6	7	8	9	10	11
	Pasajes-Irún	Airport	x	x	x	x				
		Port	x	x	x	x	x	x	x	
	Vigo-Vilagarcía-Marín	Airport	x	x	x	x				
		Port	x	x	x	x				

3. In the part concerning Germany the references relating to the border inspection post of Weil/Rhein-Mannheim are replaced by the following:

1	2	3	4	5	6	7	8	9	10	11
	Weil/Rhein-Mannheim	Rail	x	x	x	x				
		Road	x	x	x	x	x	x	x	

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 1 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

CORRIGENDA

Corrigendum to Commission Directive 95/44/EC of 26 July 1995 establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 77/93/EEC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections

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

On page 41, in Annex II, the Model Letter of Authority is replaced by the following model which conforms to the dimensions (including ISO A4 format with a 10mm top margin and 20mm left margin) and form (including specific positioning of certain elements of information) laid down in the United Nations document 'Model form of the United Nations for commercial documents', ECE/TRADE/137, February 1982.

For printing purposes the model has been reduced by 10 % of the prescribed dimensions.

1. Name and address of consignor/Plant protection organization of the country of origin	Letter of Authority for the introduction and/or movement of harmful organisms, plants, plant products and other objects for trial or scientific purposes and for work on varietal selections (issued under Directive 95/44/EC)	
2. Name and address of person responsible for the approved activities		
4. Address and description of the specific site or sites for quarantine containment	5. Place of origin (documentary evidence attached for material originating in a third country)	
	6. Plant passport number: or Phytosanitary certificate number:	
7. Declared point of entry for material introduced from a third country	8. Scientific name(s) of the material, including the harmful organisms concerned	
9. Quantity of material		
10. Type of material		
11. Additional declaration This material is [introduced into]/[moved within] (¹) the Community under Directive 95/44/EC (¹) delete if not applicable		
12. Additional information		
13. Endorsement by the responsible official body of the Member State of origin of the material Place of endorsement: Date: Name and signature of authorized officer:	14. Stamp of the responsible official body of issue Place of issue: Date: Name and signature of authorized officer:	