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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1063/96**of 10 June 1996****amending Regulation (EC) No 3078/95 allocating, for 1996, certain catch quotas
between Member States for vessels fishing in Faroese waters**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽¹⁾, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EC) No 3078/95⁽²⁾ allocates, for 1996, certain catch quotas between Member States for vessels fishing in Faroese waters;

Whereas a catch quota of 4 910 tonnes of mackerel was allocated to the Community in ICES Division Vb for 1996; whereas this quota has to be reduced in order to reflect the reduction in the mackerel TAC for that area;

Whereas, in accordance with the procedure provided for in Article 2 of the Agreement on Fisheries between the European Economic Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part⁽³⁾, the Parties have had further consultations on their reciprocal fishing rights for 1996;

Whereas these consultations have been concluded and, as a result, the abovementioned catch quota has been reduced;

Whereas, to ensure efficient management of the catch possibilities available, they should be allocated among Member States as quotas in accordance with Article 8 of Regulation (EEC) No 3760/92,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EC) No 3078/95, the figures relating to mackerel in ICES Division Vb shall be replaced by those set out in the Annex to this Regulation.

Article 2

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

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

Done at Luxembourg, 10 June 1996.

For the Council

The President

M. PINTO

⁽¹⁾ OJ No L 389, 31. 12. 1992, p. 1. Regulation as last amended by the 1994 Act of Accession.

⁽²⁾ OJ No L 330, 30. 12. 1995, p. 62.

⁽³⁾ OJ No L 226, 29. 8. 1980, p. 12.

*ANNEX***Allocation of Community catch quotas in Faroese waters for 1996, as referred to in Article 1***(in tonnes, fresh round weight)*

Species	ICES Division	Community catch quotas	Quotas allocated to Member States
Mackerel	V b	3 270	Denmark: 3 270'

COUNCIL REGULATION (EC) No 1064/96
of 10 June 1996

**amending Regulation (EC) No 3077/95 laying down, for 1996, certain measures
for the conservation and management of fishery resources applicable to vessels
flying the flag of the Faroes**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽¹⁾, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas Regulation (EC) No 3077/95 ⁽²⁾ allocates, for 1996, certain catch quotas to vessels flying the flag of the Faroe Islands in Community waters;

Whereas a catch quota of 5 890 tonnes of mackerel was allocated to the Faroe Islands in ICES Divisions VI a, VII e, f and h for 1996; whereas this quota has to be reduced in order to reflect the reduction in the mackerel TAC for these areas;

Whereas, in accordance with the procedure provided for in Article 2 of the Agreement on fisheries between the European Economic Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part ⁽³⁾, the Parties have

had further consultations concerning their reciprocal fishing rights for 1996;

Whereas these consultations have been concluded and, as a result, the abovementioned catch quota has been reduced;

Whereas it is for the Council to lay down the specific conditions under which such catches must be taken,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I to Regulation (EC) No 3077/95, the figures relating to mackerel in ICES Divisions VI a, VII e, f and h shall be replaced by those set out in the Annex to this Regulation.

Article 2

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

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

Done at Luxembourg, 10 June 1996.

For the Council
The President
M. PINTO

⁽¹⁾ OJ No L 389, 31. 12. 1992, p. 1. Regulation as last amended by the 1994 Act of Accession.

⁽²⁾ OJ No L 330, 30. 12. 1995, p. 54.

⁽³⁾ OJ No L 226, 29. 8. 1980, p. 12.

*ANNEX***Faroese catch quotas for 1996****1. Quota for Faroese vessels fishing in the Community zone**

Species	Fishing zone: ICES sub-area/division	Quantity (tonnes)
Mackerel	VI a (1), VII e, f, h	3 930 (7)

COMMISSION REGULATION (EC) No 1065/96

of 12 June 1996

concerning the stopping of fishing for cod by vessels flying the flag of Austria, Belgium, Denmark, Finland, Greece, Ireland, Italy, Luxembourg, the Netherlands and Sweden

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, as amended by Regulation (EC) No 2870/95⁽²⁾, and in particular Article 21 (3) thereof,

Whereas Council Regulation (EC) No 3074/95 of 22 December 1995 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1996 and certain conditions under which they may be fished⁽³⁾, as amended by Regulation (EC) No 846/96⁽⁴⁾, provides for cod quotas for 1996;

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

Whereas, according to the information communicated to the Commission, catches of cod in the waters of ICES divisions I, II b by vessels flying the flag of Austria, Belgium, Denmark, Finland, Greece, Ireland, Italy,

Luxembourg, the Netherlands and Sweden have reached the quota allocated for 1996,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of cod in the waters of ICES divisions I, II b by vessels flying the flag of Austria, Belgium, Denmark, Finland, Greece, Ireland, Italy, Luxembourg, the Netherlands and Sweden or registered in Austria, Belgium, Denmark, Finland, Greece, Ireland, Italy, Luxembourg, the Netherlands and Sweden are deemed to have exhausted the quota allocated to Austria, Belgium, Denmark, Finland, Greece, Ireland, Italy, Luxembourg, the Netherlands and Sweden for 1996.

Fishing for cod in the waters of ICES divisions I, II b by vessels flying the flag of Austria, Belgium, Denmark, Finland, Greece, Ireland, Italy, Luxembourg, the Netherlands and Sweden or registered in Austria, Belgium, Denmark, Finland, Greece, Ireland, Italy, Luxembourg, the Netherlands and Sweden is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

Article 2

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

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

Done at Brussels, 12 June 1996.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 301, 14. 12. 1995, p. 1.

⁽³⁾ OJ No L 330, 30. 12. 1995, p. 1.

⁽⁴⁾ OJ No L 115, 9. 5. 1996, p. 1.

COMMISSION REGULATION (EC) No 1066/96

of 13 June 1996

fixing the rates of the refunds applicable to certain milk 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 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 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and 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 criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EC) No 229/96⁽⁴⁾, 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 the Annex to Regulation (EEC) No 804/68;

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 Article 4 (3) of Regulation (EC) No 1222/94 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates⁽⁵⁾, as last amended by Regulation (EEC) No 1435/90⁽⁶⁾;

Whereas Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽⁷⁾, as last amended by Regulation (EC) No 531/96⁽⁸⁾, lay down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

Whereas Council Regulation (EEC) No 990/93⁽⁹⁾, as amended by Regulation (EC) No 1380/95⁽¹⁰⁾, 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⁽¹¹⁾; whereas account should be taken of this fact when fixing the refunds;

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

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 in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

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

Article 2

This Regulation shall enter into force on 14 June 1996.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 10.

⁽³⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ No L 30, 8. 2. 1996, p. 24.

⁽⁵⁾ OJ No L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ No L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁸⁾ OJ No L 78, 28. 3. 1996, p. 13.

⁽⁹⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽¹⁰⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽¹¹⁾ 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, 13 June 1996.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

to the Commission Regulation of 13 June 1996 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	(ECU/100 kg) Rate of refund
ex 0402 10 19	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2): (a) On exportation of goods of CN code 3501 (b) On exportation of other goods	— 55,00
ex 0402 21 19	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3): (a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported (b) On exportation of other goods	56,55 98,05
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6): (a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported (b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat (c) On exportation of other goods	50,00 182,25 175,00

COMMISSION REGULATION (EC) No 1067/96

of 13 June 1996

re-establishing the preferential customs duty on imports of large-flowered roses
originating in Morocco

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 fixes conditions for the application of a preferential customs 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 of fresh cut flowers into the Community;

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;

Whereas Article 2 (3) of Regulation (EEC) No 4088/87 stipulates that the preferential customs duty shall be reintroduced for a given product of a given origin if the prices of the imported product (full rate customs duty not deducted) are, for at least 70 % of the quantities for which prices are available on representative Community import markets, not less than 85 % of the Community producer price for a period, calculated from the actual date of suspension of the actual preferential customs duty:

- of two successive market days, after suspension under Article 2 (2) (a) of that Regulation,
- of three successive market days, after suspension under Article 2 (2) (b) of that Regulation;

Whereas Commission Regulation (EC) No 667/96⁽⁵⁾ fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88⁽⁶⁾, as last amended by Regulation (EEC) No 2917/93⁽⁷⁾, laid

down detailed rules for the application of these 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 the preferential customs duty fixed for large-flowered roses originating in Morocco by Regulation (EC) No 1981/94 was suspended by Commission Regulation (EC) No 1045/96⁽¹²⁾;

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in the last indent of Article 2 (3) of Regulation (EEC) No 4088/87 is met for large-flowered roses originating in Morocco; whereas the preferential customs duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of large-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Morocco the preferential customs duty set by amended Regulation (EC) No 1981/94 is reintroduced.

Article 2

This Regulation shall enter into force on 16 June 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 92, 13. 4. 1996, p. 11.

⁽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. 96.

⁽¹¹⁾ OJ No L 299, 12. 12. 1995, p. 1.

⁽¹²⁾ OJ No L 139, 12. 6. 1996, p. 5.

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

Done at Brussels, 13 June 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1068/96**of 13 June 1996****correcting Regulation (EC) No 1018/96 fixing the import duties in the rice sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1573/95 of 30 June 1995 laying down detailed rules for the application of Council Regulation (EEC) No 1418/76 as regards import duties in the rice sector⁽¹⁾, as last amended by Regulation (EC) No 321/96⁽²⁾, and in particular Article 4 (1) thereof,

Whereas an error has been discovered in Annex I to Commission Regulation (EC) No 1018/96⁽³⁾; whereas the Regulation in question should therefore be corrected,

Article 1

Annex I to Regulation (EC) No 1018/96 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 14 June 1996.

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

Done at Brussels, 13 June 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 150, 1. 7. 1995, p. 53.

⁽²⁾ OJ No L 45, 23. 2. 1996, p. 3.

⁽³⁾ OJ No L 135, 5. 6. 1996, p. 21.

ANNEX

ANNEX I

to the Commission Regulation of 13 June 1996 fixing the import duties on rice and broken rice

(ECU/tonne)

CN code	Duties (*)				
	Third countries (except ACP and Bangladesh) (1) (2)	ACP Bangladesh (1) (2) (3) (4)	Basmati India (2) Article 4, Regulation (EC) No 1573/95	Basmati Pakistan (2) Article 4, Regulation (EC) No 1573/95	Arrangement in Regulation (EEC) No 3877/86 (5)
1006 10 21	(2)	150,76			
1006 10 23	(2)	150,76			
1006 10 25	(2)	150,76			
1006 10 27	(2)	150,76			—
1006 10 92	(2)	150,76			
1006 10 94	(2)	150,76			
1006 10 96	(2)	150,76			
1006 10 98	(2)	150,76			—
1006 20 11	294,85	143,09			
1006 20 13	294,85	143,09			
1006 20 15	294,85	143,09			
1006 20 17	338,28	164,80	88,28	288,28	—
1006 20 92	294,85	143,09			
1006 20 94	294,85	143,09			
1006 20 96	294,85	143,09			
1006 20 98	338,28	164,80	88,28	288,28	—
1006 30 21	551,50	260,84			
1006 30 23	551,50	260,84			
1006 30 25	551,50	260,84			
1006 30 27	(2)	290,59			—
1006 30 42	551,50	260,84			
1006 30 44	551,50	260,84			
1006 30 46	551,50	260,84			
1006 30 48	(2)	290,59			—
1006 30 61	551,50	260,84			
1006 30 63	551,50	260,84			
1006 30 65	551,50	260,84			
1006 30 67	(2)	290,59			—
1006 30 92	551,50	260,84			
1006 30 94	551,50	260,84			
1006 30 96	551,50	260,84			
1006 30 98	(2)	290,59			—
1006 40 00	(2)	90,38			

(1) Subject to the application of the provisions of Articles 12 and 13 of amended Council Regulation (EEC) No 715/90 (OJ No L 84, 30. 3. 1990, p. 85).

(2) In accordance with Regulation (EEC) No 715/90, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

(3) The import levy on rice entering the overseas department of Réunion is specified in Article 12 (3) of Regulation (EEC) No 1418/76.

(4) The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ No L 337, 4. 12. 1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ No L 88, 9. 4. 1991, p. 7).

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- (³) Only for imports of rice of the long-grain aromatic Basmati variety under the arrangements laid down in amended Council Regulation (EEC) No 3877/86 (OJ No L 361, 20. 12. 1986, p. 1).
- (⁶) No import duty applies to products originating in the OCT pursuant to Article 101 (1) of amended Council Decision 91/482/EEC (OJ No L 263, 19. 9. 1991, p. 1).
- (⁷) For husked rice of the Basmati variety originating in India and not imported under the arrangements in Regulation (EEC) No 3877/86, a reduction of ECU 250 per tonne applies (Article 4, Regulation (EC) No 1573/95).
- (⁸) For husked rice of the Basmati variety originating in Pakistan and not imported under the arrangements in Regulation (EEC) No 3877/86, a reduction of ECU 50 per tonne applies (Article 4, Regulation (EC) No 1573/95).
- (⁹) Duties fixed in the Common Customs Tariff.
-

COMMISSION REGULATION (EC) No 1069/96
of 13 June 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 14 June 1996.

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

Done at Brussels, 13 June 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 13 June 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 35	052	75,8		284	72,1
	060	80,2		388	74,8
	064	59,6		400	76,9
	066	41,7		404	63,6
	068	62,3		416	72,7
	204	46,7		508	71,1
	208	44,0		512	69,6
	212	97,5		524	64,0
	624	95,8		528	73,9
	999	67,1		624	86,5
				728	107,3
				800	78,0
ex 0707 00 25	052	55,3	0809 10 20	804	86,4
	053	156,2		999	77,9
	060	61,0		052	64,6
	066	53,8		061	51,3
	068	69,1		064	105,3
	204	144,3		400	338,0
	624	87,1		999	139,8
	999	89,5		052	213,3
				061	182,0
				064	148,3
0709 10 20	220	317,0	0809 20 49	068	262,6
	999	317,0		400	272,2
				600	94,9
0709 90 77	052	45,5	0809 30 21, 0809 30 29	624	279,1
	204	77,5		676	166,2
	412	54,2		999	202,3
	624	151,9		052	63,1
	999	82,3		220	121,8
0805 30 30	052	134,7	0809 40 20	624	106,8
	204	88,8		999	97,2
	220	74,0		052	73,2
	388	73,9		064	64,4
	400	68,2		066	84,9
	512	54,8		068	61,2
	520	66,5		624	221,5
	524	100,8		676	68,6
	528	64,1		999	95,6
	600	84,0			
	624	48,9			
	999	78,1			
0808 10 61, 0808 10 63, 0808 10 69	039	106,4			
	052	64,0			
	064	78,6			

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 16). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1070/96
of 13 June 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 995/96 ⁽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 133, 4. 6. 1996, p. 13.

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 230,00 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 14 June 1996.

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

Done at Brussels, 13 June 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 13 June 1996 fixing 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	+	0,5500
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	+	0,5500
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	+	14,00
0401 30 39 100	+	40,34	0402 91 11 350	+	17,15
0401 30 39 400	+	63,00	0402 91 11 370	+	20,85
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	+	14,00
0401 30 91 700	+	135,80	0402 91 19 350	+	17,15
0401 30 99 100	+	79,18	0402 91 19 370	+	20,85
0401 30 99 400	+	116,37	0402 91 31 100	+	19,31
0401 30 99 700	+	135,80	0402 91 31 300	+	24,65
0402 10 11 000	+	55,00	0402 91 39 100	+	19,31
0402 10 19 000	+	55,00	0402 91 39 300	+	24,65
0402 10 91 000	+	0,5500	0402 91 51 000	+	22,55
0402 10 99 000	+	0,5500	0402 91 59 000	+	22,55
0402 21 11 200	+	55,00	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	+	55,00	0402 99 11 150	+	0,1336
0402 21 19 300	+	86,53	0402 99 11 310	+	16,14
0402 21 19 500	+	91,16	0402 99 11 330	+	19,37
0402 21 19 900	+	98,05	0402 99 11 350	+	25,75
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	+	0,1336
0402 21 91 400	+	107,61	0402 99 19 310	+	16,14
0402 21 91 500	+	110,00	0402 99 19 330	+	19,37
0402 21 91 600	+	119,21	0402 99 19 350	+	25,75
0402 21 91 700	+	124,61	0402 99 31 110	+	0,2094
0402 21 91 900	+	130,71	0402 99 31 150	+	26,81
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	+	26,81	0404 90 29 130	+	106,65
0402 99 39 300	+	0,4034	0404 90 29 135	+	109,00
0402 99 39 500	+	0,6947	0404 90 29 150	+	118,13
0402 99 91 000	+	0,7918	0404 90 29 160	+	123,50
0402 99 99 000	+	0,7918	0404 90 29 180	+	129,53
0403 10 11 400	+	4,748	0404 90 81 100	+	0,5410
0403 10 11 800	+	7,340	0404 90 81 910	+	0,0475
0403 10 13 800	+	9,775	0404 90 81 950	+	16,00
0403 10 19 800	+	14,62	0404 90 83 110	+	0,5410
0403 10 31 400	+	0,0475	0404 90 83 130	+	0,8576
0403 10 31 800	+	0,0734	0404 90 83 150	+	0,9035
0403 10 33 800	+	0,0978	0404 90 83 170	+	0,9718
0403 10 39 800	+	0,1462	0404 90 83 911	+	0,0475
0403 90 11 000	+	54,10	0404 90 83 913	+	0,0978
0403 90 13 200	+	54,10	0404 90 83 915	+	0,1462
0403 90 13 300	+	85,76	0404 90 83 917	+	0,2255
0403 90 13 500	+	90,35	0404 90 83 919	+	0,3387
0403 90 13 900	+	97,18	0404 90 83 931	+	16,00
0403 90 19 000	+	97,90	0404 90 83 933	+	19,20
0403 90 31 000	+	0,5410	0404 90 83 935	+	25,52
0403 90 33 200	+	0,5410	0404 90 83 937	+	26,55
0403 90 33 300	+	0,8576	0404 90 89 130	+	0,9790
0403 90 33 500	+	0,9035	0404 90 89 150	+	1,0665
0403 90 33 900	+	0,9718	0404 90 89 930	+	0,4843
0403 90 39 000	+	0,9790	0404 90 89 950	+	0,6947
0403 90 51 100	+	4,748	0404 90 89 990	+	0,7918
0403 90 51 300	+	7,340	0405 10 11 500	+	170,73
0403 90 53 000	+	9,775	0405 10 11 700	+	175,00
0403 90 59 110	+	14,62	0405 10 19 500	+	170,73
0403 90 59 140	+	22,55	0405 10 19 700	+	175,00
0403 90 59 170	+	33,87	0405 10 30 100	+	170,73
0403 90 59 310	+	40,34	0405 10 30 300	+	175,00
0403 90 59 340	+	63,00	0405 10 30 500	+	170,73
0403 90 59 370	+	69,47	0405 10 30 700	+	175,00
0403 90 59 510	+	79,18	0405 10 50 100	+	170,73
0403 90 59 540	+	116,37	0405 10 50 300	+	175,00
0403 90 59 570	+	135,80	0405 10 50 500	+	170,73
0403 90 61 100	+	0,0475	0405 10 50 700	+	175,00
0403 90 61 300	+	0,0734	0405 10 90 000	+	181,40
0403 90 63 000	+	0,0978	0405 20 90 500	+	160,06
0403 90 69 000	+	0,1462	0405 20 90 700	+	166,46
0404 90 21 100	+	54,10	0405 90 10 000	+	223,00
0404 90 21 910	+	4,748	0405 90 90 000	+	175,00
0404 90 21 950	+	13,87	0406 10 20 100	+	—
0404 90 23 120	+	54,10	0406 10 20 230	037	—
0404 90 23 130	+	85,76		039	—
0404 90 23 140	+	90,35		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			
0404 90 23 931	+	13,87	0406 10 20 290	037	—
0404 90 23 933	+	17,00		039	—
0404 90 23 935	+	20,66		046	24,71
0404 90 23 937	+	24,43		052	24,71
0404 90 23 939	+	25,54		400	28,74
0404 90 29 110	+	97,90		404	—
0404 90 29 115	+	98,55		600	24,71
0404 90 29 120	+	99,78		...	35,30

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	—	0406 10 20 900	+	—
	046	50,54	0406 20 90 100	+	—
	052	50,54	0406 20 90 913	037	—
	400	70,77		039	—
	404	—		046	43,76
	600	50,54		052	43,76
	...	72,20		400	62,51
0406 10 20 630	037	—		404	—
	039	—		600	43,76
	046	57,07		...	62,51
	052	57,07	0406 20 90 915	037	—
	400	80,43		039	—
	404	—		046	58,34
	600	57,07		052	58,34
	...	81,52		400	83,34
0406 10 20 640	037	—		404	—
	039	—		600	58,34
	046	66,96		...	83,34
	052	66,96	0406 20 90 917	037	—
	400	95,66		039	—
	404	—		046	61,97
	600	66,96		052	61,97
	...	95,66		400	88,54
0406 10 20 650	037	—		404	—
	039	—		600	61,97
	046	69,71		...	88,54
	052	69,71	0406 20 90 919	037	—
	400	47,83		039	—
	404	—		046	69,27
	600	69,71		052	69,27
	...	99,59		400	98,96
0406 10 20 660	+	—		404	—
0406 10 20 810	037	—	0406 20 90 990	+	—
	039	—	0406 30 10 100	+	—
	046	10,85	0406 30 10 150	037	—
	052	10,85		039	—
	400	15,51		046	9,77
	404	—		052	9,77
	600	10,85		400	12,25
	...	15,51		404	—
0406 10 20 830	037	—		600	9,77
	039	—		...	13,95
	046	18,53	0406 30 10 200	037	—
	052	18,53		039	—
	400	26,47		046	20,83
	404	—		052	20,83
	600	18,53		400	26,60
	...	26,47		404	—
				600	20,83
				...	29,75

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	037	—
	039	—		039	—
	046	44,46		046	65,16
	052	44,46		052	65,16
	400	56,85		400	62,00
	404	—		404	—
	600	44,46		600	65,16
	...	63,51		...	93,09
0406 30 39 100	+	—	0406 40 90 000	037	—
0406 30 39 300	037	—		039	—
	039	—		046	65,16
	046	20,83		052	65,16
	052	20,83		400	62,00
	400	26,60		404	—
	404	12,23		600	65,16
	600	20,83		...	93,09
	...	29,75	0406 90 07 000	037	—
0406 30 39 500	037	—		039	—
	039	—		046	82,07
	046	30,56		052	82,07
	052	30,56		400	102,86
	400	39,04		404	—
	404	17,12		600	82,07
	600	30,56		...	117,24
	...	43,65	0406 90 08 100	037	—
0406 30 39 700	037	—		039	—
	039	—		046	82,07
	046	44,46		052	82,07
	052	44,46		400	102,86
	400	56,85		404	—
	404	—		600	82,07
	600	44,46		...	117,24
	...	63,51		+	—
			0406 90 08 900		

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	+	—
	+	—		037	—
0406 90 16 100	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
	...	117,24	0406 90 33 151	037	—
0406 90 16 900	+	—		039	—
	037	—		046	46,44
	039	—		052	46,44
	046	78,13		400	46,20
	052	78,13		404	11,84
	400	95,66		600	46,44
	404	—		...	66,34
	600	78,13	0406 90 33 919	037	—
0406 90 21 900	...	111,62		039	—
	037	—		046	44,01
	039	—		052	44,01
	046	57,50		400	43,67
	052	57,50		404	11,19
	400	42,00		600	44,01
	404	—		...	62,88
	600	57,50	0406 90 33 951	037	—
0406 90 23 900	...	82,00		039	—
	037	—		046	43,19
	039	—		052	43,19
	046	69,71		400	42,97
	052	69,71		404	11,01
	400	47,83		600	43,19
	404	—		...	61,70
	600	69,71			
0406 90 25 900	...	99,59			
	037	—			
	039	—			
	046	69,71			
	052	69,71			
	400	47,83			
	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	—
	039	33,76		039	—
	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	45,00	0406 90 76 300	037	—
	039	45,00		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	63,50	0406 90 76 500	037	—
	039	63,50		039	—
	046	115,00		046	69,71
	052	115,00		052	69,71
	400	164,00		400	55,19
	404	123,50		404	—
	600	115,00		600	69,71
	...	164,00		...	99,59
0406 90 63 900	037	50,50	0406 90 78 100	037	—
	039	50,50		039	—
	046	83,00		046	51,50
	052	83,00		052	51,50
	400	108,00		400	41,00
	404	57,50		404	—
	600	83,00		600	51,50
	...	118,50		...	73,50
0406 90 69 100	+	—	0406 90 78 300	037	—
0406 90 69 910	037	—		039	—
	039	—		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		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
0406 90 85 991	037	—	0406 90 87 200	...	62,50
	039	—		037	—
	046	66,96		039	—
	052	66,96		046	48,00
	400	95,66		052	48,00
	404	—		400	68,50
	600	66,96		404	—
	...	95,66		600	48,00
0406 90 85 995	037	—	0406 90 87 300	...	62,50
	039	—		037	—
	046	69,71		039	—
	052	69,71		046	48,00
	400	47,83		052	48,00
	404	—		400	68,50
	600	69,71		404	—
	...	99,59		600	48,00
0406 90 85 999	+	—	0406 90 87 400	...	68,50
	+	—		037	—
	037	—		039	—
	039	—		046	54,00
	046	44,00		052	54,00
	052	44,00		400	77,50
	400	62,50		404	—
	404	—		600	54,00
0406 90 86 100	600	44,00	0406 90 87 951	...	77,50
	...	62,50		037	—
	037	—		039	—
	039	—		046	79,50
	046	44,00		052	79,50
	052	44,00		400	113,50
	400	62,50		404	67,50
	404	—		600	79,50
0406 90 86 200	600	44,00		...	113,50
	...	62,50			
	037	—			
	039	—			
	046	44,00			
	052	44,00			
	400	62,50			
	404	—			

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 1071/96
of 13 June 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 1061/96 ⁽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 14 June 1996.

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

Done at Brussels, 13 June 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 140, 13. 6. 1996, p. 26.

ANNEX

to the Commission Regulation of 13 June 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⁾	24,70	3,95
1701 11 90 ⁽¹⁾	24,70	9,18
1701 12 10 ⁽¹⁾	24,70	3,76
1701 12 90 ⁽¹⁾	24,70	8,75
1701 91 00 ⁽²⁾	32,59	8,94
1701 99 10 ⁽²⁾	32,59	4,56
1701 99 90 ⁽²⁾	32,59	4,56
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 1072/96**of 13 June 1996****amending Regulation (EC) No 2993/94 fixing the aid for the supply of milk products to the Canary Islands under the arrangements provided for in Articles 2 to 4 of Council Regulation (EEC) No 1601/92**

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

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2537/95⁽²⁾, and in particular Article 3 (4) thereof,

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

Whereas Commission Regulation (EC) No 2993/94⁽⁵⁾, as last amended by Regulation (EC) No 935/96⁽⁶⁾, fixed the amount of aid for milk products;

Whereas Commission Regulation (EC) No 1070/96 of 13 June 1996 fixing the export refunds on milk and milk

products⁽⁷⁾ fixes the refunds on those products; whereas the Annex to Regulation (EC) No 2993/94 should be adapted to take account of those adjustments;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 June 1996.

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

Done at Brussels, 13 June 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 260, 31. 10. 1995, p. 10.

⁽³⁾ OJ No L 296, 17. 11. 1994, p. 23.

⁽⁴⁾ OJ No L 304, 29. 11. 1994, p. 18.

⁽⁵⁾ OJ No L 316, 9. 12. 1994, p. 11.

⁽⁶⁾ OJ No L 127, 25. 5. 1996, p. 12.

⁽⁷⁾ See page 15 of this Official Journal.

ANNEX

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter ⁽¹⁾ :			
0401 10	– Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 000	⁽¹⁾	4,748
0401 10 90	– – Other	0401 10 90 000	⁽¹⁾	4,748
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	– – Not exceeding 3 %:			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 100	⁽¹⁾	4,748
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 500	⁽¹⁾	7,340
0401 20 19	– – – Other:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 100	⁽¹⁾	4,748
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 500	⁽¹⁾	7,340
	– – Exceeding 3 %:			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 91 100	⁽¹⁾	9,775
	– Of a fat content, by weight, exceeding 4 %	0401 20 91 500	⁽¹⁾	11,39
0401 20 99	– – – Other:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 99 100	⁽¹⁾	9,775
	– Of a fat content, by weight, exceeding 4 %	0401 20 99 500	⁽¹⁾	11,39
0401 30	– Of a fat content, by weight, exceeding 6 %:			
	– – Not exceeding 21 %:			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 11 100	⁽¹⁾	14,62
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 400	⁽¹⁾	22,55
	– Exceeding 17 %	0401 30 11 700	⁽¹⁾	33,87
0401 30 19	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 19 100	⁽¹⁾	14,62
	– Exceeding 10 % but not exceeding 17 %	0401 30 19 400	⁽¹⁾	22,55
	– Exceeding 17 %	0401 30 19 700	⁽¹⁾	33,87
	– – Exceeding 21 % but not exceeding 45 %:			
0401 30 31	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 35 %	0401 30 31 100	⁽¹⁾	40,34
	– Exceeding 35 % but not exceeding 39 %	0401 30 31 400	⁽¹⁾	63,00
	– Exceeding 39 %	0401 30 31 700	⁽¹⁾	69,47

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401 30 39	-- -- Other: -- Of a fat content, by weight: -- Not exceeding 35 % -- Exceeding 35 % but not exceeding 39 % -- Exceeding 39 % -- -- Exceeding 45 %:	0401 30 39 100 0401 30 39 400 0401 30 39 700	(1) (1) (1)	40,34 63,00 69,47
0401 30 91	-- -- -- In immediate packings of a net content not exceeding 2 litres: -- Of a fat content, by weight: -- Not exceeding 68 % -- Exceeding 68 % but not exceeding 80 % -- Exceeding 80 %	0401 30 91 100 0401 30 91 400 0401 30 91 700	(1) (1) (1)	79,18 116,37 135,80
0401 30 99	-- -- -- Other: -- Of a fat content, by weight: -- Not exceeding 68 % -- Exceeding 68 % but not exceeding 80 % -- Exceeding 80 %	0401 30 99 100 0401 30 99 400 0401 30 99 700	(1) (1) (1)	79,18 116,37 135,80
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter:			
0402 10	-- In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % (?): -- -- Not containing added sugar or other sweetening matter (?):			
0402 10 11	-- -- -- In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 000	(2)	55,00
0402 10 19	-- -- -- Other -- -- Other (?):	0402 10 19 000	(2)	55,00
0402 10 91	-- -- -- In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 000	(2)	0,5500
0402 10 99	-- -- -- Other -- In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % (?):	0402 10 99 000	(2)	0,5500
0402 21	-- -- Not containing added sugar or other sweetening matter (?): -- -- -- Of a fat content, by weight, not exceeding 27 %:			
0402 21 11	-- -- -- -- In immediate packings of a net content not exceeding 2,5 kg: -- Of a fat content, by weight: -- Not exceeding 11 % -- Exceeding 11 % but not exceeding 17 % -- Exceeding 17 % but not exceeding 25 % -- Exceeding 25 %	0402 21 11 200 0402 21 11 300 0402 21 11 500 0402 21 11 900	(2) (2) (2) (2)	55,00 86,53 91,16 98,05
0402 21 17	-- -- -- -- Other:			
0402 21 19	-- -- -- -- -- Of a fat content, by weight, not exceeding 11 % -- -- -- -- -- Of a fat content, by weight, exceeding 11 % but not exceeding 27 %: -- Not exceeding 17 % -- Exceeding 17 % but not exceeding 25 % -- Exceeding 25 % -- -- -- Of a fat content, by weight, exceeding 27 %:	0402 21 17 000 0402 21 19 300 0402 21 19 500 0402 21 19 900	(2) (2) (2) (2)	55,00 86,53 91,16 98,05

(in ECU/100 kg weight, if no other indication)				
CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 21 91	- - - - In immediate packings of a net content not exceeding 2,5 kg: - Of a fat content, by weight: - Not 28 % - Exceeding 28 % but not exceeding 29 % - Exceeding 29 % but not exceeding 41 % - Exceeding 41 % but not exceeding 45 % - Exceeding 45 % but not exceeding 59 % - Exceeding 59 % but not exceeding 69 % - Exceeding 69 % but not exceeding 79 % - Exceeding 7 %	0402 21 91 100 0402 21 91 200 0402 21 91 300 0402 21 91 400 0402 21 91 500 0402 21 91 600 0402 21 91 700 0402 21 91 900	(2) (2) (2) (2) (2) (2) (2) (2)	98,77 99,45 100,67 107,61 110,00 119,21 124,61 130,71
0402 21 99	- - - - Other: - Of a fat content, by weight: - Not exceeding 28 % - Exceeding 28 % but not exceeding 29 % - Exceeding 29 % but not exceeding 41 % - Exceeding 41 % but not exceeding 45 % - Exceeding 45 % but not exceeding 59 % - Exceeding 59 % but not exceeding 69 % - Exceeding 69 % but not exceeding 79 % - Exceeding 79 %	0402 21 99 100 0402 21 99 200 0402 21 99 300 0402 21 99 400 0402 21 99 500 0402 21 99 600 0402 21 99 700 0402 21 99 900	(2) (2) (2) (2) (2) (2) (2) (2)	98,77 99,45 100,67 107,61 110,00 119,21 124,61 130,71
ex 0402 29	- - Other (3): - - - Of a fat content, by weight, not exceeding 27 %: - - - - Other:			
0402 29 15	- - - - - In immediate packings of a net content not exceeding 2,5 kg: - Of a fat content, by weight: - Not exceeding 11 % - Exceeding 11 % but not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 %	0402 29 15 200 0402 29 15 300 0402 29 15 500 0402 29 15 900	(3) (3) (3) (3)	0,5500 0,8653 0,9116 0,9805
0402 29 19	- - - - - Other: - Of a fat content, by weight: - Not exceeding 11 % - Exceeding 11 % but not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 % - - - Of a fat content, by weight, exceeding 27 %:	0402 29 19 200 0402 29 19 300 0402 29 19 500 0402 29 19 900	(3) (3) (3) (3)	0,5500 0,8653 0,9116 0,9805

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 29 91	— — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a fat content, by weight: — Not exceeding 41 % — Exceeding 41 %	0402 29 91 100 0402 29 91 500	(²) (²)	0,9877 1,0761
0402 29 99	— — — — Other: — Of a fat content, by weight: — Not exceeding 41 % — Exceeding 41 %	0402 29 99 100 0402 29 99 500	(²) (²)	0,9877 1,0761
0402 91	— — Not containing added sugar or other sweetening matter (²): — — — Of a fat content, by weight, not exceeding 8 %:			
0402 91 11	— — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a non-fat lactic dry matter content: — Of less than 15 % and of a fat content, by weight: — Not exceeding 3 % — Exceeding 3 % — Of 15 % or more and of a fat content, by weight: — Not exceeding 3 % — Exceeding 3 % but not exceeding 7,4 % — Exceeding 7,4 %	0402 91 11 110 0402 91 11 120 0402 91 11 310 0402 91 11 350 0402 91 11 370	(²) (²) (²) (²) (²)	4,748 9,775 13,98 17,15 20,85
0402 91 19	— — — — Other: — Of a non-fat lactic dry matter content: — Of less than 15 % and of a fat content, by weight: — Not exceeding 3 % — Exceeding 3 % — Of 15 % or more and of a fat content, by weight: — Not exceeding 3 % — Exceeding 3 % but not exceeding 7,4 % — Exceeding 7,4 % — — — Of a fat content, by weight, exceeding 8 % but not exceeding 10 %:	0402 91 19 110 0402 91 19 120 0402 91 19 310 0402 91 19 350 0402 91 19 370	(²) (²) (²) (²) (²)	4,748 9,775 13,98 17,15 20,85
0402 91 31	— — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a non-fat lactic dry matter content: — Of less than 15 % — Of 15 % or more	0402 91 31 100 0402 91 31 300	(²) (²)	19,31 24,65
0402 91 39	— — — — Other: — Of a non-fat lactic dry matter content: — Of less than 15 % — Of 15 % or more — — — Of a fat content, by weight, exceeding 10 % but not exceeding 45 %:	0402 91 39 100 0402 91 39 300	(²) (²)	19,31 24,65
0402 91 51	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 51 000	(²)	22,55
0402 91 59	— — — — Other	0402 91 59 000	(²)	22,55

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
	— — — Of a fat content, by weight, exceeding 45 %:			
0402 91 91	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 91 000	(²)	79,18
0402 91 99	— — — — Other	0402 91 99 000	(²)	79,18
0402 99	— — Other:			
	— — — Of a fat content, by weight, not exceeding 9,5 %:			
0402 99 11	— — — — In immediate packings of a net content not exceeding 2,5 kg:			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight (³):			
	— Not exceeding 3 %	0402 99 11 110	(³)	0,0475
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 130	(³)	0,0978
	— Exceeding 6,9 %	0402 99 11 150	(³)	0,1336
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight (⁴):			
	— Not exceeding 3 %	0402 99 11 310	(⁴)	16,14
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 330	(⁴)	19,37
	— Exceeding 6,9 %	0402 99 11 350	(⁴)	25,75
0402 99 19	— — — — Other:			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight (³):			
	— Not exceeding 3 %	0402 99 19 110	(³)	0,0475
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 130	(³)	0,0978
	— Exceeding 6,9 %	0402 99 19 150	(³)	0,1336
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight (⁴):			
	— Not exceeding 3 %	0402 99 19 310	(⁴)	16,14
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 330	(⁴)	19,37
	— Exceeding 6,9 %	0402 99 19 350	(⁴)	25,75
	— — — Of a fat content, by weight, exceeding 9,5 % but not exceeding 45 %:			
0402 99 31	— — — — In immediate packings not exceeding 2,5 kg:			
	— Of a fat content, by weight, not exceeding 21 %:			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % (³)	0402 99 31 110	(³)	0,2094
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more (⁴)	0402 99 31 150	(⁴)	26,81
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % (³)	0402 99 31 300	(³)	0,4034
	— Of a fat content, by weight, exceeding 39 % (³)	0402 99 31 500	(³)	0,6947

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 99 39	— — — — Other:			
	— Of a fat content, by weight, not exceeding 21 %:			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % ⁽³⁾	0402 99 39 110	⁽³⁾	0,2094
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more ⁽⁴⁾	0402 99 39 150	⁽⁴⁾	26,81
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % ⁽³⁾	0402 99 39 300	⁽³⁾	0,4034
	— Of a fat content, by weight, exceeding 39 % ⁽³⁾	0402 99 39 500	⁽³⁾	0,6947
	— — — Of a fat content, by weight, exceeding 45 %:			
0402 99 91	— — — — In immediate packings not exceeding 2,5 kg ⁽³⁾	0402 99 91 000	⁽²⁾	0,7918
0402 99 99	— — — — Other ⁽³⁾	0402 99 99 000	⁽²⁾	0,7918
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	— Butter:			
	— — Of a fat content, by weight, not exceeding 85 %:			
	— — — Natural butter:			
0405 10 11	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — Of 80 % or more but less than 82 %	0405 10 11 500		170,73
	— — — — — Of 82 % or more	0405 10 11 700		175,00
0405 10 19	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — Of 80 % or more but less than 82 %	0405 10 19 500		170,73
	— — — — — Of 82 % or more	0405 10 19 700		175,00
0405 10 30	— — — Recombined butter:			
	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — Of 80 % or more but less than 82 %	0405 10 30 100		170,73
	— — — — — Of 82 % or more	0405 10 30 300		175,00
	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — Of 80 % or more but less than 82 %	0405 10 30 500		170,73
	— — — — — Of 82 % or more	0405 10 30 700		175,00
0405 10 50	— — — Whey butter:			
	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — Of 80 % or more but less than 82 %	0405 10 50 100		170,73
	— — — — — Of 82 % or more	0405 10 50 300		175,00
	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — Of 80 % or more but less than 82 %	0405 10 50 500		170,73
	— — — — — Of 82 % or more	0405 10 50 700		175,00
0405 10 90	— — Other	0405 10 90 000		181,40

<i>(in ECU/100 kg weight, if no other indication)</i>				
CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
ex 0405 20	— Dairy spreads:			
0405 20 90	— — Of a fat content by weight of more than 75 % but less than 80 %:			
	— — — Of a fat content by weight:			
	— — — — Of more than 75 % but less than 78 %	0405 20 90 500		160,06
	— — — — Of 78 % or more	0405 20 90 700		166,46
0405 90	— Other:			
0405 90 10	— — Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 000		223,00
0405 90 90	— — Other	0405 90 90 000		175,00
0406	— Cheese:			
0406 30	— Processed, cheese, not grated or powdered ⁽⁶⁾ :			
0406 30 10	— — In the blending of which only Emmentaler, Gruyere and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger); put up for retail sale, of a fat content by weight in the dry matter, not exceeding 56 %:			
	— — — In the blending of which only Emmentaler and Gruyere have been used of a fat content by weight in the dry matter, not exceeding 56 %:			
	— — — — Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter:			
	— — — — — Not exceeding 48 %:			
	— — — — — Of a dry matter content, by weight:			
	— — — — — — Of less than 27 %	0406 30 10 100		—
	— — — — — — Of 27 % or more but less than 33 %	0406 30 10 150		13,95
	— — — — — — Of 33 % or more but less than 38 %	0406 30 10 200		29,75
	— — — — — — Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter:			
	— — — — — — — Of less than 20 %	0406 30 10 250		29,75
	— — — — — — — Of 20 % or more	0406 30 10 300		43,65
	— — — — — — Of 43 % or more and of a fat content, by weight, in the dry matter:			
	— — — — — — — Of less than 20 %	0406 30 10 350		29,75
	— — — — — — — Of 20 % or more but less than 40 %	0406 30 10 400		43,65
	— — — — — — — Of 40 % or more	0406 30 10 450		63,51
	— — — — — Exceeding 48 %:			
	— — — — — Of a dry matter content, by weight:			
	— — — — — — Of less than 33 %	0406 30 10 500		—
	— — — — — — Of 33 % or more but less than 38 %	0406 30 10 550		29,75
	— — — — — — Of 38 % or more but less than 43 %	0406 30 10 600		43,65

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 30 10 (cont'd)	— Of 43 % or more but less than 46 % — Of 46 % or more and of a fat content, by weight, in the dry matter: — Of less than 55 % — Of 55 % or more — — — Of a fat content, by weight, exceeding 36 % — — — Other — — Other: — — — Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter:	0406 30 10 650 0406 30 10 700 0406 30 10 750 0406 30 10 800 0406 30 10 900		63,51 63,51 75,33 75,33 —
0406 30 31	— — — Not exceeding 48 %: — Of a dry matter content, by weight: — Of less than 27 % — Of 27 % or more but less than 33 % — Of 33 % or more but less than 38 % — Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter: — Of less than 20 % — Of 20 % or more — Of 43 % or more and of a fat content, by weight, in the dry matter: — Of less than 20 % — Of 20 % or more but less than 40 % — Of 40 % or more	0406 30 31 100 0406 30 31 300 0406 30 31 500 0406 30 31 710 0406 30 31 730 0406 30 31 910 0406 30 31 930 0406 30 31 950	 (°) (°)	 13,95 29,75
0406 30 39	— — — Exceeding 48 %: — Of a dry matter content, by weight: — Of less than 33 % — Of 33 % or more but less than 38 % — Of 38 % or more but less than 43 % — Of 43 % or more but less than 46 % — Of 46 % or more and of a fat content, by weight, in the dry matter: — Of less than 55 % — Of 55 % or more	0406 30 39 100 0406 30 39 300 0406 30 39 500 0406 30 39 700 0406 30 39 930 0406 30 39 950	 (°) (°) (°)	 29,75 43,65 63,51
0406 30 90	— — — Of a fat content, by weight, exceeding 36 %	0406 30 90 000	(°)	75,33
0406 90 23	— — — Edam: — Of a fat content, by weight, in the dry matter: — Of less than 39 % — Of 39 % or more	0406 90 23 100 0406 90 23 900	 (°)	 82,00
0406 90 25	— — — Tilsit: — Of a fat content, by weight, in the dry matter: — Of less than 39 % — Of 39 % or more	0406 90 25 100 0406 90 25 900	 (°)	 99,59

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 27	— — — Butterkäse: — Of a fat content, by weight, in the dry matter: — Of less than 39 % — Of 39 % or more	0406 90 27 100 0406 90 27 900	(5) (5)	— 84,39
0406 90 76	— — — — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsø: — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 % — Of a fat content, by weight, in the dry matter of 55 % or more	0406 90 76 100 0406 90 76 300 0406 90 76 500	(5) (5) (5)	81,52 99,59 99,59
0406 90 78	— — — — — — — Gouda: — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 % — Of a fat content, by weight, in the dry matter of 55 % or more — — — — — — — Other cheeses, of a water content, calculated by weight, of the non-fatty matter	0406 90 78 100 0406 90 78 300 0406 90 78 500	(5) (5) (5)	73,50 90,00 90,00
0406 90 79	— — — — — — — Estrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin and Taleggio: — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 79 100 0406 90 79 900	(5) (5)	— 84,39
0406 90 81	— — — — — — — Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby and Monterey: — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 81 100 0406 90 81 900	(5) (5)	— 95,66
0406 90 86	— — — — — — — Exceeding 47 % but not exceeding 52 %: — Cheeses produced from whey — Other: — Of a fat content, by weight, in the dry matter: — Of less than 5 % — Of 5 % or more but less than 19 % — Of 19 % or more but less than 39 % — Of more than 39 %	0406 90 86 100 0406 90 86 200 0406 90 86 300 0406 90 86 400 0406 90 86 900	(5) (5) (5) (5) (5)	— 62,50 68,50 77,50 91,00

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 87	— — — — — Exceeding 52 % but not exceeding 62 %: — Cheeses produced from whey — Other: — Of a fat content, by weight, in the dry matter: — Of less than 5 % — Of 5 % or more but less than 19 % — Of 19 % or more but less than 39 % — Of more than 39 %: — Idiazabal, Manchego and Roncal, manufactured exclusively from sheep's milk — Maasdam — Manouri, of a fat content, by weight, of 30 % or more — Other	0406 90 87 100 0406 90 87 200 0406 90 87 300 0406 90 87 400 0406 90 87 951 0406 90 87 971 0406 90 87 972 0406 90 87 979	(¹) (¹) (¹) (¹) (¹) (¹) (¹) (¹)	— 62,50 68,50 77,50 113,50 94,50 36,00 94,50
0406 90 88	— — — — — Exceeding 62 % but not exceeding 72 %: — Cheeses produced from whey — Other: — Of a fat content, by weight, in the dry matter: — Of less than 5 % and of a dry matter content, by weight, of 32 % or more — Of 5 % or more but less than 19 % and of a dry matter content, by weight, of 32 % or more — Other	0406 90 88 100 0406 90 88 200 0406 90 88 300 0406 90 88 900	(¹) (¹) (¹)	— 62,50 68,50 —

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

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

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

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

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

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

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

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

- (b) a component calculated in accordance with the provisions of Article 12 (3) of amended Regulation (EC) No 1466/95 (OJ No L 144, 28. 6. 1995, p. 22).
When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:
- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished products, and in particular,
 - the lactose content of the added whey.
- (*) The aid on 100 kilograms of product falling within this subheading is equal to the sum of the following elements:
- (a) the amount per 100 kilograms shown; however, where whey and/or lactose and/or casein and/or caseinates have been added to the products, the amount per 100 kilograms shown shall be:
- multiplied by the weight of the lactic part other than the added whey and/or added lactose and/or added casein and/or added caseinates contained in 100 kilograms of product, and then
 - divided by the weight of the lactic part contained in 100 kilograms of product;
- (b) a component calculated in accordance with the provisions of Article 12 (3) of Regulation (EC) No 1466/95.
When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:
- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and, in particular,
 - the lactose content of the added whey.
- (*) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.
- (*) Where the product contains casein and/or caseinates, the part corresponding to the casein and/or the added caseinates will not be taken into account for the purpose of calculating the aid.
When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not casein and/or caseinates have been added per 100 kilograms and where this is the case, the actual content by weight of added casein and/or added caseinates of finished product.
- (*) The aid on frozen condensed milk is the same as that on products falling within CN codes 0402 91 or 0402 99.
-

**COMMISSION REGULATION (EC) No 1073/96
of 13 June 1996**

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

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

Having regard to Council Regulation (EEC) No 1600/92
of 15 June 1992 concerning specific measures for the
Azores and Madeira relating to certain agricultural
products⁽¹⁾, as last amended by Regulation (EC) No
2537/95⁽²⁾, and in particular Article 10 thereof,

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

Whereas Annex II to Regulation (EEC) No 2219/92 of 30
July 1992 laying down detailed rules for the application
of the specific supply arrangements for Madeira relating
to milk products and establishing the forecast supply
balance⁽⁵⁾, as last amended by Regulation (EC) No
852/96⁽⁶⁾, fixes the aid for milk products;

Whereas Commission Regulation (EC) No 1070/96 of 13
June 1996 fixing the export refunds on milk and milk
products⁽⁷⁾ fixes the refunds on those products; whereas
Annex II to Regulation (EEC) No 2219/92 should be
adapted to take account of those adjustments;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 June 1996.

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

Done at Brussels, 13 June 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 260, 31. 10. 1995, p. 10.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 6.

⁽⁴⁾ OJ No L 238, 23. 9. 1993, p. 24.

⁽⁵⁾ OJ No L 218, 1. 8. 1992, p. 75.

⁽⁶⁾ OJ No L 115, 9. 5. 1996, p. 15.

⁽⁷⁾ See page 15 of this Official Journal.

ANNEX

ANNEX II

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter ⁽¹⁾ :			
0401 10	– Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 000	(¹)	4,748
0401 10 90	– – Other	0401 10 90 000	(¹)	4,748
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	– – Not exceeding 3 %:			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 100	(¹)	4,748
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 500	(¹)	7,340
0401 20 19	– – – Other:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 100	(¹)	4,748
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 500	(¹)	7,340
	– – Exceeding 3 %:			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 91 100	(¹)	9,775
	– Of a fat content, by weight, exceeding 4 %	0401 20 91 500	(¹)	11,39
0401 20 99	– – – Other:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 99 100	(¹)	9,775
	– Of a fat content, by weight, exceeding 4 %	0401 20 99 500	(¹)	11,39
0401 30	– Of a fat content, by weight, exceeding 6 %:			
	– – Not exceeding 21 %:			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 11 100	(¹)	14,62
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 400	(¹)	22,55
	– Exceeding 17 %	0401 30 11 700	(¹)	33,87
0401 30 19	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 19 100	(¹)	14,62
	– Exceeding 10 % but not exceeding 17 %	0401 30 19 400	(¹)	22,55
	– Exceeding 17 %	0401 30 19 700	(¹)	33,87
	– – Exceeding 21 % but not exceeding 45 %:			
0401 30 31	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 35 %	0401 30 31 100	(¹)	40,34
	– Exceeding 35 % but not exceeding 39 %	0401 30 31 400	(¹)	63,00
	– Exceeding 39 %	0401 30 31 700	(¹)	69,47

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401 30 39	— — — Other:			
	— Of a fat content, by weight:			
	— Not exceeding 35 %	0401 30 39 100	(¹)	40,34
	— Exceeding 35 % but not exceeding 39 %	0401 30 39 400	(¹)	63,00
	— Exceeding 39 %	0401 30 39 700	(¹)	69,47
	— — Exceeding 45 %:			
0401 30 91	— — — In immediate packings of a net content not exceeding 2 litres:			
	— Of a fat content, by weight:			
	— Not exceeding 68 %	0401 30 91 100	(¹)	79,18
	— Exceeding 68 % but not exceeding 80 %	0401 30 91 400	(¹)	116,37
	— Exceeding 80 %	0401 30 91 700	(¹)	135,80
0401 30 99	— — — Other:			
	— Of a fat content, by weight:			
	— Not exceeding 68 %	0401 30 99 100	(¹)	79,18
	— Exceeding 68 % but not exceeding 80 %	0401 30 99 400	(¹)	116,37
	— Exceeding 80 %	0401 30 99 700	(¹)	135,80
ex 0402	Skimmed-milk powder of a fat content, by weight, not exceeding 1,5 %	0402 10 11 000 0402 10 19 000	(²)	55,00
ex 0402	Whole milk powder of a fat content, by weight, not exceeding 27 %	0402 21 11 900 0402 21 19 900	(²)	98,05
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	— Butter:			
	— — Of a fat content, by weight, not exceeding 85 %:			
	— — — Natural butter:			
0405 10 11	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 11 500		170,73
	— — — — — — Of 82 % or more	0405 10 11 700		175,00
0405 10 19	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 19 500		170,73
	— — — — — — Of 82 % or more	0405 10 19 700		175,00
0405 10 30	— — — Recombined butter:			
	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 30 100		170,73
	— — — — — — Of 82 % or more	0405 10 30 300		175,00
	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 30 500		170,73
	— — — — — — Of 82 % or more	0405 10 30 700		175,00

(in ECU/100 kg weight, if no other indication)				
CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0405 10 50	— — — Whey butter:			
	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 50 100		170,73
	— — — — — — Of 82 % or more	0405 10 50 300		175,00
	— — — — — Other:			
	— — — — — — Of a fat content by weight:			
	— — — — — — — Of 80 % or more but less than 82 %	0405 10 50 500		170,73
	— — — — — — — Of 82 % or more	0405 10 50 700		175,00
0405 10 90	— — Other	0405 10 90 000		181,40
ex 0405 20	— Dairy spreads:			
0405 20 90	— — Of a fat content by weight of more than 75 % but less than 80 %:			
	— — — Of a fat content by weight:			
	— — — — Of more than 75 % but less than 78 %	0405 20 90 500		160,06
	— — — — Of 78 % or more	0405 20 90 700		166,46
0405 90	— Other:			
0405 90 10	— — Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 000		223,00
0405 90 90	— — Other	0405 90 90 000		175,00
ex 0406	Cheeses:			
0406 90 23	Edam	0406 90 23 900		82,00
0406 90 25	Tilsit	0406 90 25 900		99,59
0406 90 76	— — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsø	0406 90 76 100		81,52
0406 90 78	— — — — — Gouda	0406 90 78 100		73,50
	— — — — — Other cheeses, of a water content, calculated by weight, of the non-fatty matter			
0406 90 79	Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	0406 90 79 900		84,39
0406 90 81	Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	0406 90 81 900		95,66
0406 90 86	— — — — — Exceeding 47 % but not exceeding 52 %:			
	— Cheeses produced from whey	0406 90 86 100		—
	— Other:			
	— Of a fat content, by weight, in the dry matter:			
	— — Of less than 5 %	0406 90 86 200	(³)	62,50
	— — Of 5 % or more but less 19 %	0406 90 86 300	(³)	68,50
	— — Of 19 % or more but less than 39 %	0406 90 86 400	(³)	77,50
	— — Of more than 39 %	0406 90 86 900	(³)	91,00

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 87	----- Exceeding 52 % but not exceeding 62 %: - Cheeses produced from whey - Other: - Of a fat content, by weight, in the dry matter: - Of less than 5 % - Of 5 % or more but less than 19 % - Of 19 % or more but less than 39 % - Of more than 39 %: - Idiazabal, Manchego and Roncal, manufactured exclusively from sheep's milk - Maasdam - Manouri, of a fat content, by weight, of 30 % or more - Other	0406 90 87 100 0406 90 87 200 0406 90 87 300 0406 90 87 400 0406 90 87 951 0406 90 87 971 0406 90 87 972 0406 90 87 979	 (3) (3) (3) (3) (3) (3) (3)	— 62,50 68,50 77,50 113,50 94,50 36,00 94,50
0406 90 88	----- Exceeding 62 % but not exceeding 72 %: - Cheeses produced from whey - Other: - Of a fat content, by weight in the dry matter: - Of less than 5 % and of a dry matter content, by weight, of 32 % or more - Of 5 % or more but less than 19 % and of a dry matter content, by weight, of 32 % or more - Other	0406 90 88 100 0406 90 88 200 0406 90 88 300 0406 90 88 900	 (3) (3)	— 62,50 68,50 —

(¹) When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no aid shall be granted. When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added to the product.

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

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

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

(³) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

COUNCIL REGULATION (EC) No 1074/96

of 10 June 1996

further amending Regulation (EEC) No 3905/88 as regards definitive anti-dumping duties on imports of polyester yarn originating in Taiwan and Turkey

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 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 15 thereof,

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

Whereas:

producers of allegedly 85 % of Community polyester yarn output.

In December 1993, a notice⁽³⁾ concerning the intention of reviewing the anti-dumping measures in force on imports of polyester yarn originating in the Republic of Korea, Taiwan and Turkey was published.

(4) On 16 June 1994, in a notice published in the *Official Journal of the European Communities*⁽⁷⁾, the Commission announced the review of Regulation (EEC) No 3905/88 pursuant to Article 15 of Regulation (EEC) No 2423/88, the Regulation applicable in this review pursuant to Article 23 of Regulation (EC) No 384/96, and hereinafter referred to as 'the basic Regulation'. Given the quasi absence of Korean imports on the Community market, it had not been shown in the view of the Commission that the expiry of the measures would have led again to recurrence of injury. It therefore decided to exclude from the review the measures concerning imports originating in the Republic of Korea which consequently lapsed⁽⁸⁾.

A. PREVIOUS PROCEDURE

- (1) In December 1988, by Regulation (EEC) No 3905/88⁽³⁾, the Council imposed a definitive anti-dumping duty on imports of polyester yarn originating in the Republic of Korea, Mexico, Taiwan and Turkey.
- (2) On 1 October 1991, by Regulation (EEC) No 2899/91⁽⁴⁾, the Council amended Regulation (EEC) No 3905/88 and repealed the definitive anti-dumping duty imposed on imports into the Community of polyester yarn originating in Mexico.

(5) The Commission officially advised the producers, exporters and importers known to be concerned, the representatives of the exporting countries and the complainant, and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing. It also sent questionnaires to all parties known to be concerned.

(6) All complainant producers and another producer in the Community replied to the questionnaire and made their views known in writing.

B. REVIEW PROCEDURE

- (3) Following the publication, in June 1993, of a notice⁽⁵⁾ of the impending expiry of the measures in force, the Commission received a request for a review lodged by the International Rayon and Synthetic Fibres Committee (Cirfs) representing the

(7) Some Turkish and Taiwanese exporters replied to the questionnaire and made their views known in writing. No importer replied to the Commission's questionnaire.

(8) The Commission sought and verified all information it deemed necessary for the purposes of a determination and carried out investigations at the premises of the following companies:

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

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

⁽³⁾ OJ No L 347, 16. 12. 1988, p. 10.

⁽⁴⁾ OJ No L 275, 2. 10. 1991, p. 21.

⁽⁵⁾ OJ No C 175, 26. 6. 1993, p. 9.

⁽⁶⁾ OJ No C 340, 17. 12. 1993, p. 15.

⁽⁷⁾ OJ No C 164, 16. 6. 1994, p. 4.

⁽⁸⁾ OJ No C 165, 17. 6. 1994, p. 12.

(a) *Community producers:*

- Rhône Poulenc, France,
- Hoechst AG, Germany,
- Nylstar, Germany,
- Unifi, Ireland,
- Montefibre Spa, Italy,
- Akzo Fibres and Polymers Division, Netherlands,
- La Seda de Barcelona SA, Spain,
- Nurel SA, Spain,
- Exsa, United Kingdom;

(b) *Producers/exporters in the countries of origin:*

TAIWAN

- Chung Shing Textile Co. Ltd, Taipei,
- Far Eastern Textiles, Taipei,
- Hsin Pao Textile Co. Ltd, Taipei,
- Lanfa Textile Co., Taipei,
- Lea Lea Enterprise Co. Ltd, Taipei,
- Nan-Ya Plastics Corporation, Taipei,
- Shinkong Synthetic Fibres Corp, Taipei,
- Tuntex Distinct Corp, Taipei,
- Zig Sheng Ind Co., Ltd, Taipei;

TURKEY

- Korteks, Bursa,
- Nergis Tekstil Sanayi Ve Ticaret, Bursa,
- Sasa Artificial and Synthetic Fibres Inc, Adana,
- Sifas Sentetik Iplik Fabrikalari A.S., Bursa.

- (9) The investigation of dumping covered the period from 1 July 1993 to 30 June 1994 (investigation period).
- (10) All parties concerned were informed of the essential facts and considerations on the basis of which it was intended to recommend the amendment of existing definitive measures. They were also granted a period within which to make representations subsequent to these disclosures.
- (11) Because of the large number of interested parties, the volume of data gathered and analysed and the complexity of certain issues, in particular the difficulties inherent to the fact that, as described in recitals (12) and (13) below, POY is a semi-finished product destined for the PTY production, the investigation has exceeded the normal period of one year as provided for in Article 7 (9) of the basic Regulation.

C. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

I. Description of the product concerned

- (12) The products covered by the complaint and for which the review investigation was initiated are partially oriented polyester yarn (POY) falling within CN code 5402 42 00 and polyester textured filament yarn (PTY) falling within CN codes 5402 33 10 and 5402 33 90. They are identical to the products which were the subject of the previous investigation.

POY is a feeder yarn used mainly to produce PTY, which is in turn used in both the weaving and knitting sectors to make polyester or polyester/cotton fabrics.

There are different types of POY as well as PTY, depending on the denier, the number of filaments and the lustre. There are also different qualities, depending on the efficiency of the production process.

- (13) The original investigation was concluded by measures imposed by Regulation (EEC) No 3905/88, on POY and PTY separately. In this respect, the present investigation has confirmed that the essential process to obtain PTY is texturization consisting mainly of twisting and drawing POY, which imparts to PTY its essential characteristics. However, the necessity for and costs of further processing indicates that POY does not belong to the same category of product as PTY since the added-value required to produce PTY from POY is substantial. In addition, the end-use of POY and PTY is different and the two products are not interchangeable. Consequently, different markets for each product exist.

It is worthwhile noting that the manufacturing processes described above can sometimes be integrated in one company or group, or be undertaken by two independent companies. Both situations (integrated, or independent manufacturing) exist in Taiwan, Turkey and the European Community. Part of the Community production of POY is sold on the Community market to independent texturizers (see recital 22 below).

- (14) In view of the above, it has been concluded that POY and PTY do not belong to the same category of product and, thus, have to be considered as two distinct products. These findings have not been contested by any interested party. Consequently, the two products have been dealt with separately in the framework of the present review.

II. Like product

POY

- (15) The investigation showed that POY sold on the domestic markets of Turkey and Taiwan were alike to those exported from those countries to the Community. Similarly, the POY manufactured by the Community industry and sold on the Community market and those exported to the Community from the countries in question are alike in all respects as regards their physical, chemical and technical characteristics and end-uses.

PTY

- (16) The same findings were made with regard to PTY sold on the domestic markets of Turkey and Taiwan, produced and sold in the Community and that exported to the Community from the countries in question.
- (17) Consequently, in each case, the product sold on the domestic market of the exporting countries, those exported from these countries to the Community and those produced and sold in the Community are like products within the meaning of Article 2 (12) of the basic Regulation.

D. PARTIALLY ORIENTED POLYESTER YARN (POY)

I. The scope of the review

- (18) In Regulation (EEC) No 3905/88, three Taiwanese producers, Far Eastern Textile Ltd, Nan Ya Plastics Corp and Tuntex Distinct Corp were not subject to the anti dumping duty imposed on imports of POY from Taiwan.

These Taiwanese exporters claimed that the present review investigation could not cover producers expressly exempted from the anti-dumping measures, because no dumping was found in their case and that the absence of existing anti-dumping measures led to the conclusion that there were no grounds for including these Taiwanese producers in the scope of the 'sunset' review.

- (19) Since the review request was made under the provisions of Article 15 of the basic Regulation, it has to be examined whether the expiry of the measures in

force would lead again to injury. On this basis, and given that the three Taiwanese producers concerned were exempted from measures on the grounds that no dumping was found for them, they should be kept outside the scope of the present review investigation.

- (20) Consequently, this review does not cover imports of POY from Tuntex Distinct Corp., Far Eastern Textile Ltd, Nan Ya Plastics Corp.

II. Community industry

- (21) In defining the Community industry, data obtained from information received in the responses to the questionnaires, from Eurostat figures and from Cirfs concerning output of Community produced POY were used since not all the producers active in the Community POY market cooperated in the investigation.
- (22) The complaining Community producers were found to represent 76 % of the total Community POY production intended for sales and thus a major proportion of that production.
- (23) On this basis, the complaining Community producers constitute the Community industry within the meaning of Article 4 (5) of the basic Regulation.

III. The situation of the Community industry

(a) Community consumption

- (24) The apparent Community consumption increased from 119 000 tonnes in 1991 to 122 000 tonnes in 1992, fell back to 119 000 tonnes in 1993, to increase again to 125 000 tonnes in the investigation period.

(b) Production, production capacity and capacity utilization

- (25) The Community industry's production for sales increased from 58 000 tonnes in 1991 to 77 000 tonnes in 1992, fell back to 72 000 tonnes in 1993, to increase again to 76 000 tonnes during the investigation period.
- (26) Over the last three years, the production capacity remained the same and the capacity utilization rate was stable at 80 %.

(c) Sales volume and market share

- (27) The quantity of POY sold on the Community market by the Community industry dropped from 50 000 tonnes in 1991 to 49 000 tonnes in 1992 to 47 000 tonnes in 1993 and 46 000 tonnes in the investigation period, though the consumption increased from 119 000 tonnes in 1991 to 125 000 tonnes in the investigation period.
- (28) The Community industry's market share developed as follows: 42 % in 1991, 40 % in 1992, 39 % in 1993 and 36,5 % during the investigation period. Overall, the market share has declined by 5,5 percentage points while the apparent consumption increased by around five percentage points.

(d) Price of evolution

- (29) Prices of the Community industry for POY have fluctuated in line with the prices of the raw materials PTA (pure terephthalic acid), DMT (dimethyl-terephthalate) and glycol. The increasing price trend of POY recorded at the end of the investigation period (first half 1994) is the result of the worldwide shortage of raw materials and their subsequent price increases. These price increases occurred consequently for all operators in the market at the same time, but should not hide the fact that the Community industry's prices always remained consistently undercut by the exporters' prices during the investigation period (see recital 38).

(e) Profitability

- (30) The Commission found that, overall and from 1991 onwards, the POY Community industry has recorded poor financial results. The situation has deteriorated considerably from 1992 with an average loss of 22 % on turnover during the investigation period. All complaining Community producers suffered heavy losses.

(f) Employment and investment

- (31) Given the integrated nature of the polyester yarn industry, it has not been possible to isolate employment and investment data for POY production only. Data available concerning the industry globally indicates that there has been a steady curtailment in employment forces of about 15 % since 1991 even if this industry is not labour intensive. Investments by the complaining Community producers were reduced in some cases to a level below that needed to ensure optimal production.

(g) Conclusion

- (32) In spite of the measures in force, an overall assessment of the main economic indicators leads to the

conclusion that the POY Community industry continues to show signs of economic difficulties. Its situation has constantly deteriorated since 1991, as demonstrated in particular by a loss in market share of up to 5,5 % over four years, notwithstanding an increase in Community consumption over the same period, reduction of employment and substantial financial losses.

IV. Recurrence of injury

- (33) In accordance with Article 15 of the basic Regulation, the Commission examined whether the expiry of the measures in force would lead again to injury or threat of injury to the Community industry.

TAIWAN

- (34) Import of Taiwanese POY regressed from 2 812 tonnes in 1991 (2,4 % market share) to 1 117 tonnes in 1992 (0,9 % market share), to 551 tonnes in 1993 (0,5 % market share) and to 448 tonnes during the investigation period (0,4 % market share). It should be noted in this respect that the three major Taiwanese producers were not subject to any anti-dumping duty. When excluding the imports from these three producers, which are not concerned by the review investigation, the Community market share held by the remaining imports from Taiwan amounts to 0,1 % only. Information available suggests that the Taiwanese producers have re-oriented their exports to other third countries geographically closer where a steady growth for POY is being registered. Furthermore, these producers have apparently moved to a greater extent into the downstream product, PTY. Consequently, there is no reasonable indication that the expiry of the anti-dumping measures on imports of POY originating in Taiwan would lead to a recurrence of injury or threat of injury to the Community industry.

TURKEY*(a) Volume and Community market share of imports from Turkey*

- (35) It was found that imports of POY from Turkey have increased substantially between 1991 and the investigation period from 7 933 tonnes to 22 436 tonnes. This corresponds to an increase in market share over the same period from 6,7 % to 17,9 %.
- (36) This evolution has to be seen in the context of the setting-up of a PTY production facility in the Community by the largest Turkish producer and

exporter of POY and PTY. Nevertheless, a significant part of the exports of POY to the Community by this Turkish producer were destined to unrelated customers.

- (37) It was claimed that Turkish imports of POY merely filled the gap left by the decreasing exports of POY yarn from Taiwan. This is factually incorrect since the Taiwanese imports have continuously decreased from less than 3 000 tonnes in 1991, while Turkish imports increased from around 8 000 tonnes in 1991 to 22 400 tonnes during the investigation period.

(b) Prices of the imports

- (38) On the basis of price information available, a comparison has been made between the weighted average Community industry's selling price and the weighted average price of the imports concerned at the same level of trade. The Community industry's price was at ex-works and, the prices of the imports were at free-at-Community frontier, customs cleared. This comparison showed in the case of Turkey an undercutting margin, persisting throughout the entire investigation period, higher than that established in the original investigation.

(c) Impact of other factors on the situation of the Community industry

- (39) Among all imports of POY in the Community from other third countries, only those from the USA and Switzerland were of significant volume, all others taken together were negligible. However, the sales volume and market share in the Community of the US imports steadily decreased since 1991 (6,9 % market share) to the investigation period (1,9 % market share). Imports from Switzerland remained relatively stable (around 13 % market share) at very high prices, and the main Swiss exporter concerned is a subsidiary of a complaining Community producer.

- (40) It was alleged that the Community industry did not make the necessary investments in order to remain competitive. In this regard, an industrial rationalization process has been in operation for some years among several Community producers. This process, however, requires financial resources which have been limited due to the existence of low-priced dumped imports on the Community market.

- (41) The claim was made that, like other industrial sectors in the Community, the producers of POY suffered from the recession and not from the Turkish imports and, in particular that, because of the recession, the Community producers were not

in a position to reflect the increasing costs of raw materials in their prices of POY.

In this respect it has to be noted that the development of the apparent Community consumption described in recital (24) above does not reflect any recession in the POY market.

- (42) Finally, it was asserted by the Turkish exporter that a capacity utilization rate of 70 % allows any 'fibres-business' to achieve a situation of breakeven. This statement has not been substantiated by the information gathered in Taiwan and among the Community industry's producers. According to this information, capacity utilization for this industry should normally reach a rate of 90 % in order to achieve breakeven. Indeed, the majority of Taiwanese producers report utilization rates above 95 %. The Community industry's utilization rate was, throughout the period under consideration, around 80 %.

In any event, the capacity utilization factor has to be examined in conjunction with other injury factors such as prices and volumes at which production is sold before any decisive conclusions can be drawn. It is clear that, in cases such as this, even a 90 % utilization rate could result in a loss-making situation if prices of the Community producers were severely depressed by the low-priced imports concerned.

(d) Conclusion

- (43) In these circumstances, it appears that there are no other factors but the imports of POY originating in Turkey which may explain the difficult situation of the Community industry, notwithstanding the anti-dumping measures in force. It is therefore concluded that the expiry of these measures as regards Turkey could only worsen the situation of the Community industry through a recurrence of injury to this industry.

V. Dumping

- (44) The continued existence of dumping was verified, to ascertain firstly whether there were grounds for the continuation of measures against POY from Turkey and, if so, whether any change in the dumping margin required the existing measures to be adapted accordingly.

(a) Normal value

- (45) It was first examined whether the volume of sales of the sole Turkish producer which had exported to the Community during the investigation period on the domestic market attained at least 5 % of the

volume of the exports of the like product to the Community, percentage which has consistently been considered to constitute sales in sufficient quantities to permit a proper comparison. This producer achieved only a percentage of domestic sales of 2,6 % of the quantity exported to the Community. Accordingly, those sales were considered as insufficient to establish a representative domestic price, and normal value had to be constructed, in accordance with Article 2 (3) (b) (ii) of the basic Regulation.

- (46) For all the types of the product concerned sold for export to the Community by the Turkish producer, a constructed normal value was calculated, by adding to the manufacturing costs of the exported types, a reasonable amount for selling, general and administrative expenses (SG&A) and a profit.

Since there were insufficient sales of POY made by the producer concerned on the domestic market, and this was the only producer/exporter involved in the investigation which sold POY on that market, the amount for SG&A and profit was calculated by reference to the sales made by this producer in the same business sector, in Turkey, i.e. in the polyester yarn sector, in accordance with Article 2 (3) (b) (ii) of the basic Regulation.

(b) *Export prices*

- (47) The Turkish producer shipped POY to independent importers in the Community and to one related importer in the Community.
- (48) Since the POY imported by the related company was transformed into PTY by the same company and sold to the first independent buyer as such, it would have been necessary to construct an export price for POY from the resale price of PTY. Given the inherent difficulties of such an exercise and taking into consideration the large quantities sold by the Turkish exporter to independent importers (more than 60 % of its exports to the Community) it was considered that the transactions between related parties should be disregarded all together and export prices were determined exclusively on the basis of the prices relating to transaction to independent importers.

(c) *Comparison*

- (49) Normal value by product type was compared with the export price for the corresponding type, on a

transaction-by-transaction basis at the ex-works stage and at the same level of trade.

- (50) For the purpose of a fair comparison, normal value was adjusted in accordance with the provisions of Article 2 (9) and 2 (10) of the basic Regulation to take account of differences directly affecting price comparability. These adjustments concerned import charges and indirect taxes and differences in selling expenses arising from sales made under different conditions and terms of sale, i.e. credit terms and transport costs.

(d) *Dumping margins*

- (51) The above comparison revealed the existence of dumping, the margins of dumping being equal to the amount by which the normal value, as established, exceeds the price for export to the Community.
- (52) The weighted average dumping margin for the Turkish producer concerned, expressed as a percentage of the free-at-Community frontier price, customs duty unpaid, is as follows:

Sasa Artificial and Synthetic Fibres Inc 3,3 %.

- (53) In the case of Turkish companies which cooperated in the investigation but were found neither to have sold POY on their domestic market nor to have exported during the investigation period, the weighted average dumping margin found for the sole company which did export during the investigation period is considered as appropriate, since it takes into account the cooperation of the companies concerned by distinguishing them from those which did not cooperate in the investigation. Accordingly, the dumping margin of 3,3 % is also applicable to the following companies: Korteks and Nergis Tekstil Sanayi Ve Ticaret.
- (54) In the case of Turkish producers which failed to make themselves known or did not reply satisfactorily to the Commission's questionnaire, the dumping margin was determined on the basis of the facts available in accordance with Article 7 (7) (b) of the basic Regulation. It was considered that the most reasonable facts were those established during the investigation and that, in order to avoid giving a premium for non-cooperation, and to ensure that the anti-dumping measures introduced constitute effective protection from unfair trade, the dumping margin attributable to these producers should be based on the POY type with the highest dumping margin found for the sole cooperating Turkish producer which exported to the Community during the investigation period.

On this basis, the POY type retained represented around 10 % of all exports to the Community by the Turkish producer concerned, and the dumping margin established for Turkish non-cooperating companies amounts to 6,8 %.

VI. Community interest

- (55) A determination as to whether the Community interest calls for intervention shall be based on an appreciation of all the various interests taken as a whole, including those of the producers, users and consumers in the Community. In such an examination, the need to eliminate the trade distorting effects of injurious dumping and to restore effective competition shall be given special consideration.
- (56) It has to be recalled that in the previous investigation, the adoption of measures was considered to be in the interest of the Community. It was stated that the measures would have a fairly negligible effect on the production costs of the user industry and no serious consequences for consumers.
- (57) These considerations remain valid in considering the extent to which it would be in the Community interest to maintain measures in force. No arguments were submitted by the users as concerns the impact of the price of POY in the end product, although questionnaires were sent to those users made known to the Commission. In any event, given the range of the measures proposed and the figures available with regard to the weight of POY in the manufacturing of PTY, the impact of the reviewed measure on the prices for the end product appears to be negligible.
- (58) On the contrary, to allow the measures to expire would put the Community industry at a risk since it would suffer increasingly from the dumped low prices of the Turkish imports, thus being unable to redress its precarious financial situation.

It appears therefore that the interests of the Community industry by far outweigh the possible, and in any case limited, disadvantages for users and final consumers.

- (59) On this basis it is concluded that Community interest calls for maintaining the anti-dumping measures in force duly amended to eliminate the injurious effects of dumped imports originating in Turkey.

VII. Measures

TAIWAN

- (60) On the basis of the reasons given in recital (34) with regard to Taiwanese imports, the existing

anti-dumping measures on those imports should be allowed to lapse.

TURKEY

- (61) In order to prevent the recurrence of injury and provide adequate protection from continued injurious dumping by Turkish imports, it is considered that the anti-dumping duty should be established in such a way as to allow the Community industry to obtain the reasonable profit it has been deprived of through the negative impact of the dumped imports.
- (62) When calculating the adequate amount of duty, the Council had to consider that the precarious situation of the Community industry consists mainly of a steady loss of market share and substantial financial losses due to depressed prices resulting from price undercutting. It is thus necessary that the measures taken allow the Community industry to make a reasonable profit in the future.
- (63) In this respect, the Council has calculated the price level considered adequate to remove injury on the basis of the weighted average cost of production of the Community industry adding a profit of 6 % estimated reasonable for guaranteeing the industry productive investment on a long term basis. This price level was then compared to the average import prices on a free-at-Community frontier basis, duty paid. Since the result of this comparison shows an injury margin higher than the dumping margin established, the duty should be based on the dumping margin found.

E. POLYESTER TEXTURED FILAMENT YARN (PTY)

I. The scope of the review

- (64) In Regulation (EEC) No 3905/88 one Taiwanese producer, Tuntex Distinct Corp., was exempted from the anti-dumping duty of 6,2 % on imports of PTY originating in Taiwan because a *de minimis* dumping margin (0,31 %) was found for this company.
- (65) For the same reasons as those developed under chapter D, I, recital (19), this Taiwanese company, Tuntex Distinct Corp., has to be excluded from the scope of the review as far as PTY is concerned.

II. Community industry

- (66) The production of PTY by companies on behalf of which the complaint was lodged was found to represent 50 % of the total PTY output in the Community during the investigation period (1 July 1993 to 30 June 1994) and hence a major proportion of this output. Therefore, the complaining companies constitute the Community industry in the meaning of Article 4 (5) of the basic Regulation.

These complaining companies produced PTY from in-house POY production with the exception of one company which purchased POY on the market.

- (67) A producer in the Community was found to be a wholly-owned subsidiary of a Turkish exporter of POY, the upstream product. Although not cited in the initial complaint, this producer cooperated in the investigation. It was considered whether this producer operating in the Community should be excluded from the definition of the Community industry in the meaning of Article 4 (5) of the basic Regulation. In this respect, it should be recalled that the provisions of this Article do not provide for the automatic exclusion of Community producers related to the exporters or producers located in exporting countries, or producers which are themselves importing the allegedly dumped product, but rather impose on the Community institutions the obligation to consider on a case-by-case basis whether the exclusion of any producer is warranted.
- (68) Following previous practice of the Community institutions, it was considered that this Community producer, through its relationship with the producer/exporter concerned in Turkey was shielded from the injurious effects of the dumped imports. It was further considered, in accordance with that practice, that to include this producer in the definition of the Community industry would distort the assessment of these effects. Indeed, the fact that the Community producer concerned produces PTY from POY bought at transfer prices from the related Turkish exporter found to have been dumping and causing injury to the complainants renders the production cost data for the product concerned unreliable. On these grounds, it was considered that the producer in the Community concerned had to be excluded from the definition of the Community industry. For the remainder of chapter E, the term 'Community industry' therefore, refers to the complaining Community producers of PTY only.

III. The situation of the Community industry

(a) Community consumption

- (69) The Commission determined that the total apparent Community consumption of PTY increased

from 230 000 tonnes in 1991, to 237 000 tonnes in 1992 and, after a fall back to 221 000 tonnes in 1993, increased again to 241 000 tonnes in the investigation period. This represents an overall increase of consumption of around 5 % over the period considered.

(b) Production, production capacity, utilization rate

- (70) The Community industry's production of PTY dropped steadily from 104 000 tonnes in 1991 to 92 000 tonnes in 1993 and recovered to 95 000 tonnes during the investigation period. This represents an overall decrease in Community industry's production of 8,6 %, while Community consumption increased by 5 % over the same period.
- (71) The PTY production capacity of the Community industry has increased over the last three years by about 7 % from 114 000 tonnes in 1991 to 122 000 tonnes during the investigation period. This increase in PTY production capacity is specifically the result of significant investment in 1992 and 1993 by one company, related to a third country producer. This company reduced drastically its imports of POY from the parent company and as counterpart extended its production of POY and consequently its PTY capacity in the Community.
- (72) The utilization rate of production capacity of the Community industry globally decreased from 91 % in 1991 to 78 % in the investigation period. Given the fact that the polyester yarn industry is very capital intensive (up to 90 % utilization rate being considered to be normal), the decreasing utilization rate has a significant effect on the allocation of fixed costs.

(c) Sales volume and market share

- (73) The quantity of PTY sold in the Community by the complaining Community producers declined from about 87 000 tonnes in 1991 and 1992 to 83 000 tonnes in 1993, to increase again to 87 000 tonnes during the investigation period in a context of growing demand.
- (74) The Community industry's share of the Community market developed as follows: 37,7 % in 1991, 36,8 % in 1992, 37,7 % in 1993 and 36 % during the investigation period. The overall relative stability of sales led however to a slight decrease of the market share due to the increase in Community consumption.

(d) Price evolution

- (75) Prices of PTY have fluctuated in line with the prices of the raw materials used for producing the upstream product POY, i.e. PTA, DMT, glycol. The increasing price trend of PTY recorded at the end of the investigation period (first half 1994) as compared to 1993 (second half), is the result of the worldwide shortage of these raw materials and their subsequent price increases. These price increases occurred consequently for all operators in the market at the same time.

(e) Profitability

- (76) It was found that, in general and from 1992 onwards, the Community industry has recorded deteriorating financial results. The overall profitable situation in 1991 turned into losses and has particularly worsened during the investigation period to reach average losses of around 10 % on turn-over. All complaining Community producers suffered heavy losses, or decreasing profitability.

(f) Employment and investment

- (77) It should be noted that though the polyester yarn industry is not labour intensive, since 1991 there has been a steady curtailment in employment by the Community industry.

Investments by the Community industry were reduced in most cases to levels not allowing optimal production.

(g) Conclusion

- (78) In spite of the measures in force on imports of PTY originating in Turkey and Taiwan, an overall assessment of the main economic indicators leads to the conclusion that the Community industry continues to show clear signs of economic difficulties. Its situation has constantly deteriorated since 1991, as demonstrated in particular by a decline of production capacity utilization and market share, notwithstanding a certain increase of consumption of PTY in the Community, as well as by increasing financial losses.

IV. Recurrence of injury

- (79) In accordance with Article 15 of the basic Regulation, it was examined whether the expiry of the measures in force would lead again to injury or threat of injury to the Community industry.

(a) Volume and market share of imports from the exporting countries concerned

- (80) Imports of PTY from Taiwan have remained stable since 1991 at an annual level of around 7 000 tonnes. The assessment of these imports in the light of the development of Community consumption shows a market share of 3 % in 1991, 2,9 % in 1992, 3,2 % in 1993 and 2,9 % during the investigation period.
- (81) Imports of PTY originating in Turkey decreased from 4 504 tonnes in 1991 (1,9 % market share) to 3 406 tonnes in 1992 (1,4 % market share) and to 1 546 tonnes in 1993 (0,7 % market share), but increased to 2 348 tonnes during the investigation period (0,98 % market share). The development of these imports and market shares appears to have been somewhat influenced by the setting-up of a PTY production facility in the Community by the largest producer and exporter of PTY in Turkey.

(b) Prices of the dumped imports

- (82) In order to examine whether price undercutting existed, all the types manufactured by the Community industry and those imported into the Community from the countries concerned have been divided into three groups depending on their weight ('denier'). A weighted average Community industry's selling price of each group was then compared with a weighted average price of each exporter concerned for the comparable group at the same level of trade. The undercutting margins thus obtained per group were then weighted in order to reach one margin per exporting company. The Community industry's prices were taken at an ex-works basis and the exporters' prices were at free-at-Community frontier, customs cleared. As far as Turkey is concerned, this comparison showed an overall weighted average undercutting margin for the entire investigation period of 33,7 %.

As regards Taiwan an overall weighted average undercutting margin of 23,6 % for the entire investigation period was found, ranging from 0,9 % to 34,6 % depending on the exporter concerned.

*(c) Impact of other factors on the situation of the Community industry***Other imports**

- (83) Imports of PTY from other third countries, i.e. Indonesia, India, Malaysia, Thailand, the USA, South Africa and Slovakia were claimed to have influenced the situation of the Community industry.

(84) Anti-dumping investigations concerning imports from India, Indonesia, Thailand and Malaysia are currently being carried out. With the exception of imports from India, which have continuously decreased since 1992 to reach, during the investigation period, a volume considered to be negligible. Community market share of the other three countries taken together increased significantly from 1,7 % in 1991 to 9,6 % during the investigation period. Prices of these imports into the Community appear to be higher than Turkish prices but lower than Taiwanese prices. However, no conclusions can be made yet on the prices and the possible dumping by these imports since the anti-dumping investigations are in course.

(85) Imports of PTY from the USA, although still significant (4,1 % market share in the investigation period) dropped by 16 % in volume between 1991 and the investigation period. As to imports of PTY from South Africa, they increased in terms of Community market share from 1,07 % in 1991 to 1,47 % during the investigation period. Eurostat figures, however, do not provide information on the types of PTY imported and, therefore, no conclusions can be made with regard to the prices at which imports of PTY from the USA and South Africa were made.

(86) As far as Slovakia is concerned, imports of PTY into the Community reached a market share in the investigation period of 3,1 %. However, it appeared that since 1993 due to an investment of a Community producer in Slovakia, a major part of imports into the Community originating in that country was made at transfer prices between related parties. It can reasonably be assumed that such imports cannot have been made by the Community producer in question with a view to adversely affect its own profitability. Consequently, it is concluded that the Slovakian imports cannot have had a meaningful impact on the situation of the Community industry.

(87) It can therefore be concluded that imports of PTY from countries other than Taiwan and Turkey, for which injurious dumping is being investigated following evidence presented by the complainants, i.e. Indonesia, Thailand and Malaysia, may have exacerbated the already unfavourable situation of the Community industry. For the other abovementioned countries, for which no anti-dumping investigation is in course, any contribution to the injury suffered by the Community industry cannot be substantiated.

Other Community producers

(88) Since the Community industry represents 50 % of the total Community production of PTY, it was considered necessary to examine the behaviour of the other Community producers of PTY in the Community and their possible impact on the situation of the Community industry.

The estimated production capacity of Community producers not included in the Community industry has remained stable over the last four years. The same applies to their actual production which showed a slight increase similar to the Community industry's production, in the first half of 1994 only. As to the Community market share of these other Community producers, it showed during the investigation period a slight decrease similar to that of the Community industry.

(89) Therefore, it does not appear that these producers' behaviour had injurious effects on the precarious situation of the Community industry, other than that resulting from normal competition.

Investment level and recession

(90) The same arguments as in the case of POY concerning the influence of insufficient investment and of the recession on the situation of the Community industry were made by the Turkish exporter with regard to PTY. The reasoning developed in recitals (40) and (41) for POY also applies to PTY. Indeed, investments by the Community industry have been limited by the lack of the necessary financial resources resulting from the low-priced dumped imports of PTY, and the development of the apparent Community consumption of PTY does not reflect any recession.

(d) Conclusion

(91) Although the anti-dumping measures in force have had a somewhat positive effect, in terms of the volume of the Turkish and Taiwanese imports of PTY into the Community, they did not prevent the pressure on Community prices to continue. Therefore, even if imports from other third countries subject to anti-dumping investigations may have had some injurious effect on the situation of the Community industry, it remains that, taken in isolation, the dumped imports from Taiwan and Turkey, notwithstanding the existence of protective measures, have continued to contribute materially to the precarious situation of the Community industry.

- (92) In these circumstances, to allow the measures to expire is likely to further weaken the Community industry through a recurrence of injury to this industry.

V. Dumping

- (93) The continued existence of dumping was verified, to ascertain firstly whether there were grounds for the continuation of measures against PTY from Turkey and Taiwan and, if so, whether any change in the dumping margins required the existing measures to be adapted accordingly.

(a) Normal value

TURKEY

- (94) As far as the determination of normal value for the Turkish producers is concerned, it was first established, for each producer, whether its total domestic PTY sales had been made in sufficient quantities to permit a proper comparison with its total PTY exports to the Community.
- (95) Only two out of the three Turkish producers, which cooperated in the investigation exported PTY to the Community during the investigation period. These two producers were found to have sold PTY also in their domestic market during that period. For each producer, the total domestic PTY sales volume was higher than 5 % of its total export sales volume to the Community. Accordingly those domestic sales were considered to have been made in sufficient quantities.
- (96) For each of the PTY types sold by the two Turkish producers on the domestic market and found to be identical or directly comparable to types sold for export to the Community, the Commission also examined whether domestic sales per type were made in sufficient quantities.
- (97) Domestic sales of each particular type were found to have been made in sufficient quantities, as the volume of each type of PTY sold in Turkey during the investigation period represented 5 % or more of the volume of the comparable type sold for export to the Community.
- (98) It was subsequently examined for both producers whether the domestic sales of each type of PTY could be considered to have been effected in the ordinary course of trade, by looking at the proportion of profitable sales of the types in question.
- (99) Given the high inflation rate in Turkey, the methodology to assess the ordinary course of trade of domestic sales was applied on a monthly basis, as follows:
- in cases where the monthly volume of a type of PTY sold at a net sales price equal to, or above the calculated monthly cost of production, as defined in Article 2 (3) (b) (ii) of the Basic Regulation, represented more than 80 % of the total monthly sales volume of that type, the normal value was established as a monthly weighted average of all domestic sales transactions of the type concerned made in each month of the investigation period, whether profitable or not,
 - in cases where the monthly volume of a type of PTY sold at a net sales price equal to or above the calculated monthly cost of production represented less than 80 % but more than 20 % of the total monthly sales volume of that type, the normal value was established as a monthly weighted average of the profitable domestic sales transactions only for the type concerned in each month of the investigation period,
 - in cases where the monthly volume of a type of PTY sold at a net sales price equal to or above the calculated monthly cost of production represented less than 20 % of the total monthly sales volume of that type, it was considered that the type in question was not sold in the ordinary course of trade and that the monthly normal value had therefore to be constructed.
- (100) As a result of the methodology referred to above for one Turkish producer, the monthly normal value for the type of PTY exported to the Community has been based on the monthly domestic price of the comparable type, after deducting from the sales price all discounts and rebates directly linked to the sales under consideration, in accordance with Article 2 (3) (a) of the basic Regulation. For the types exported by the other Turkish producer, the monthly normal value was based for the first seven months of the investigation period on a monthly constructed normal value, as more than 80 % of the monthly domestic sales were made at a loss, and for the last five months of the investigation period, normal value was based on the monthly domestic sales price of the comparable types, since domestic sales in these latter months were found to have been made in the ordinary course of trade.
- (101) The constructed normal value was determined by adding to the manufacturing costs of the product types concerned, a reasonable amount for selling, general and administrative expenses (SG&A) and profit.

- (102) This amount was established for the Turkish producer concerned by reference to the expenses incurred and the profit realized by each producer on profitable sales of the like product on the domestic market.

TAIWAN

- (103) In assessing whether domestic sales of the product concerned by the Taiwanese cooperating producers were made in sufficient quantities to permit a proper comparison and in the ordinary course of trade, the Commission applied the same methodology followed with regard to the Turkish producers (see recitals (94) to (98)) but for the whole investigation period instead of on a monthly basis.
- (104) It was found that for each of the Taiwanese producers concerned, both the total volume of domestic sales of PTY and the domestic sales volume of each type of PTY, were higher than 5 % of the corresponding volumes of the like product sold for export to the Community. As a consequence, total domestic sales and domestic sales of each product type were considered to have been made in sufficient quantities to permit a proper comparison.
- (105) It was also found that out of a total of 32 types of PTY sold for export to the Community by the Taiwanese producers concerned, only for 16 types had the corresponding like product been sold on the domestic market in the ordinary course of trade. Normal value was therefore established for these types on the basis of the domestic price of comparable types, after deducting all discounts and rebates directly linked to the sales under consideration, in accordance with Article 2 (3) (a) of the basic Regulation.
- (106) For the remaining 16 types of PTY sold for export to the Community, normal value needed to be constructed since the comparable types were not found to have been sold on the domestic market in the ordinary course of trade.
- (107) For each of the Taiwanese producers concerned, the constructed normal value was determined by adding to the manufacturing costs of the product types in question a reasonable amount for selling, administrative and general expenses (SG&A) and profit. This amount was established by reference to the expenses incurred and the profit realized by each producer on the profitable sales of the like products on the domestic market.

(b) *Export prices*

- (108) Since all imports of PTY into the Community originating in Taiwan and Turkey were made

directly by independent importers, export prices were determined on the basis of the prices actually paid or payable for the product sold for export to the Community, in accordance with Article 2 (8) of the basic Regulation.

- (109) In the case of one of the Taiwanese producers concerned, the Commission was unable to use its reply to the questionnaire as the basis for establishing export prices. The reply was deemed unreliable because information supplied concerned one sales transaction only which could not be satisfactorily verified. It was therefore considered that this company did not export the product concerned to the Community during the investigation period.

(c) *Comparison*

- (110) Weighted average normal value by product type was compared with the export price for the corresponding type, on a transaction-by-transaction basis at an ex-works level and at the same level of trade.
- (111) For the purpose of a fair comparison, normal value was adjusted in accordance with the provisions of Article 2 (9) and (10) of the basic Regulation to take account of differences directly affecting price comparability. These adjustments concerned selling expenses arising from sales made under different conditions and terms of sale. Adjustment claimed for the above differences were limited to those for which satisfactory evidence was submitted that they had a direct relationship to the sales under consideration.

(d) *Dumping margins*

- (112) The above comparison revealed the existence of dumping, the margins of dumping being equal to the amount by which the normal value, as established, exceeds the price for export to the Community. The weighted average dumping margins by producer, expressed as a percentage of the free-at-Community frontier prices, customs duty unpaid, are as follows:

TURKEY

- Korteks: 7,6 %
— Sasa-Artificial and Synthetic Fibres Inc.: 8,7 %

TAIWAN

- Chung Shing Textile Co. Ltd: 5,5 %
— Far Eastern Textiles: 6,6 %
— Hsin Pao: 0 %
— Nan-Ya Plastics Corporation: 10,6 %
— Lea Lea Enterprise Co. Ltd: 12,9 %
— Lanfa Textile Co.: 16,1 %

- (113) For the reasons given in recital (53), for producers which cooperated in the investigation but were found not to have exported during the investigation period, the weighted average dumping margin found for the cooperating producers which did export was considered appropriate.

In the case of the Turkish producers hereby concerned, the margin amounts to 8,3 % and should apply to the company Nergis-Tekstil Sanayi Ve Ticaret.

In the case of the Taiwanese producers hereby concerned, the margin amounts to 7 % and is applicable to the following companies: Shingkong Synthetic Taiwanese Fibres Corp. and Zig Sheng Ind. Co. Ltd.

- (114) For those producers in the exporting countries concerned which neither replied satisfactorily to the Commission's questionnaire nor otherwise made themselves known, the dumping margin was determined on the basis of the facts available in accordance with Article 7 (7) (b) of the basic Regulation.

In this respect, the most reasonable facts available were considered to be those established during the investigation. In order to avoid giving a premium for non-cooperation and to ensure that the measures introduced constitute effective protection for the Community industry from unfair trade, it is considered appropriate to establish the dumping margin for the non-cooperating producers in each of the countries concerned at the level of the highest dumping margin found for the cooperating producers in the respective country.

On this basis, for Turkey, the highest dumping margin found for a cooperating producer is 8,7 %. However, considering the low level of cooperation of Turkish producers as shown by the fact that imports of non-cooperating producers represent 40 % of total imports from Turkey during the investigation period, this dumping margin would constitute a bonus for non-cooperation in this proceeding. Therefore, it is considered appropriate to calculate the dumping margin for non-cooperating producers in Turkey by reference to the highest dumping found for a type of PTY sold for export to the Community by the cooperating producers in that country. This dumping margin is 15,2 % and corresponds to a PTY type which represented more than 3 % of total exports to the Community during the investigation period by one of the cooperating Turkish producers. Conse-

quently, the dumping margin for non-cooperating producers in Turkey amounts to 15,2 %.

With regard to Taiwan, the highest dumping margin found for a cooperating producer in that country is 16,1 %. This dumping margin is considered appropriate in the light of the high level of cooperation shown by Taiwanese producers. Indeed, exports of PTY by these producers represent 90 % of total Taiwanese exports to the Community during the investigation period. Consequently, the dumping margin for non-cooperating producers in Taiwan amounts to 16,1 %.

VI. Community interest

- (115) A determination as to whether the Community interest calls for intervention shall be based on an appreciation of all the various interests taken as a whole, including those of the producers, users and consumers in the Community. In such an examination, the need to eliminate the trade distorting effects of injurious dumping and to restore effective competition shall be given special consideration.
- (116) It has to be recalled that in the previous investigation, the adoption of measures was considered to be in the interest of the Community. It was stated that the measures would have a fairly negligible effect on the production costs of the user industry and no serious consequences for consumers.
- (117) These considerations remain valid in considering the extent to which it would be in the Community interest to maintain measures in force. No arguments were submitted by the users as concerns the impact of the price of PTY in the end product. Nevertheless, given the range of the measures proposed, the impact of the reviewed measures on the prices for the end products, mainly fabrics and carpets, has been estimated to be moderate.
- (118) On the contrary, to allow the measures to expire would put the Community industry at a risk since it would suffer increasingly from the dumped low prices of Taiwanese and Turkish imports being unable to redress its precarious financial situation. It thus appears that the interests of the Community industry by far outweigh the possible, and in any case limited, disadvantages for users and final consumers.
- (119) It is therefore concluded that Community interest calls for maintaining the anti-dumping measures in force duly amended to eliminate the injurious effects of dumped imports originating in Turkey and Taiwan and that these measures should still take the form of anti-dumping duties.

VII. Measures

- (120) In order to provide adequate protection from continued injurious dumping by Turkish and Taiwanese imports and to prevent the recurrence of injury, it is considered that anti-dumping duties should be established in such a way as to allow the Community industry to obtain the reasonable profit it has been deprived of through the negative effects of the dumped imports.
- (121) When calculating the adequate amount of duty, consideration was given to the precarious situation of the Community industry which consisted mainly of loss of market share and substantial financial losses due to depressed prices resulting from price undercutting. It is thus necessary that the measures
- taken allow the Community industry to make a reasonable profit in the future.
- (122) In this respect, the Commission has calculated the price level considered adequate to remove injury on the basis of the weighted average cost of production of the Community industry, adding a profit of 6 % estimated reasonable for guaranteeing the industry productive investment on a long-term basis. The price level was then compared to the average import prices on a free-at-Community frontier basis, duty paid.
- (123) Since the result of this comparison, for all producers in the countries concerned, shows higher injury margins than the respective dumping margins established, the duties should be based on the dumping margins found,

HAS ADOPTED THIS REGULATION:

Article 1

Definitive anti-dumping duties imposed by Regulation (EEC) No 3905/88 on imports of partially oriented polyester yarn (POY) falling within CN code 5402 42 00 originating in Taiwan shall be repealed.

Article 2

Article 1 of Regulation (EEC) No 3905/88 shall be replaced by the following:

'Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of partially oriented polyester yarn (POY) falling within CN code 5402 42 00 originating in Turkey.
2. The rate of the duty applicable to the net, free-at-Community-frontier price, before customs clearance, shall be as follows:

Country	Manufacturer	Rate of duty	Additional Taric code
Turkey	Sasa-Artificial and Synthetic Fibres Inc. Adana	3,3 %	8895
	Korteks-Mensucat Sanayi Ve Ticaret A.S. Bursa	3,3 %	8895
	Nergis-Tekstil Sanayi Ve Ticaret A.S. Bursa	3,3 %	8895
	Others	6,8 %	8536

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

Article 3

Article 2 of Regulation (EEC) No 3905/88 shall be replaced by the following:

'Article 2

1. A definitive anti-dumping duty is hereby imposed on imports of polyester textured filament yarn (PTY) falling within the CN codes 5402 33 10 and 5402 33 90 originating in Taiwan and Turkey.

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

Country	Manufacturer	Rate of duty	Additional Taric code
Taiwan	Lea Lea Enterprise Co. Ltd Taipei	12,9 %	8893
	Nan-Ya Plastics Corporation Taipei	10,6 %	8162
	Shingkong Synthetic Fibres Corp. Taipei	7 %	8163
	Zig Sheng Ind. Co. Ltd	7 %	8163
	Far Eastern Textiles Ltd Taipei	6,6 %	8894
	Chung Shing Textile Co. Ltd Taipei	5,5 %	8161
	Others	16,1 %	8164
Turkey	Sasa-Artificial and Synthetic Fibres Inc. Adana	8,7 %	8166
	Nergis-Tekstil Sanayi Ve Ticaret A.S. Bursa	8,3 %	8167
	Korteks-Mensucat Sanayi Ve Ticaret A.S. Bursa	7,6 %	8892
	Others	15,2 %	8170

with the exception of imports which are manufactured and sold for export to the Community by the following Taiwanese companies which shall not be subject to any anti-dumping duty:

Country	Manufacturer	Rate of duty	Additional Taric code
Taiwan	Tuntex Distinct. Corp., Taipei	0 %	8160
	Hsin Pao Corp., Taipei	0 %	8160

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

Article 4

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 Luxembourg, 10 June 1996.

For the Council

The President

L. DINI
