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Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 434/97 of 3 March 1997 amending Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in food-stuffs of animal origin** 1
- ★ **Commission Regulation (EC) No 435/97 of 6 March 1997 amending Commission Regulation (EC) No 746/96 laying down detailed rules for the application of Council Regulation (EEC) No 2078/92 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside** 2
- Commission Regulation (EC) No 436/97 of 6 March 1997 amending the import duties in the cereals sector..... 4
- Commission Regulation (EC) No 437/97 of 6 March 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables 7
- Commission Regulation (EC) No 438/97 of 6 March 1997 fixing the export refunds on cereals and on wheat or rye flour, groats and meal..... 9
- Commission Regulation (EC) No 439/97 of 6 March 1997 altering the rate of refunds applicable for certain products of the cereals and rice sectors exported in the form of goods not covered by Annex II to the Treaty 11
- Commission Regulation (EC) No 440/97 of 6 March 1997 fixing the export refunds on cereal-based compound feedingstuffs 14
- Commission Regulation (EC) No 441/97 of 6 March 1997 fixing the export refunds on products processed from cereals and rice..... 16
- Commission Regulation (EC) No 442/97 of 6 March 1997 fixing production refunds on cereals and rice 18

II *Acts whose publication is not obligatory*

Commission

97/168/EC:

- ★ **Commission Decision of 29 November 1996 laying down the animal health requirements and the certification or official declaration for the import of hides and skins of ungulates from third countries ⁽¹⁾ 19**

97/169/EC:

- ★ **Commission Decision of 30 January 1997 terminating the anti-dumping proceeding concerning imports into Spain of certain Portland cement originating in Romania, Tunisia and Turkey 27**

Corrigenda

Corrigendum to Commission Regulation (EC) No 362/97 of 27 February 1997 suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of multiflorous (spray) carnations originating in Israel (OJ No L 59 of 28.2.1997) 31

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 434/97
of 3 March 1997**

**amending Regulation (EEC) No 2377/90 laying down a Community procedure
for the establishment of maximum residue limits of veterinary medicinal
products in foodstuffs of animal origin**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas Regulation (EEC) No 2377/90 ⁽⁴⁾ provides for the gradual evaluation of substances the use of which was authorized on the date of entry into force of that Regulation and whereas Article 14 thereof lays down that, with effect from 1 January 1997, 'the administration to food producing animals of veterinary medicinal products containing pharmacologically active substances which are not mentioned in Annexes I, II or III shall be prohibited within the Community';

Whereas, in order to allow this Community procedure to continue on a sound scientific basis and not to deprive veterinary surgeons and users of substances needed to protect animal health, this time limit should be extended for substances for which documented applications for the establishment of maximum residue limits have been lodged with the Commission or with the European Agency for the Evaluation of Medicinal Products before 1 January 1996, or the period of extension differing according to the nature of the substance,

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraphs shall be added to Article 14 of Regulation (EEC) No 2377/90:

'However, the date referred to in the previous subparagraph shall be deferred for substances the use of which was authorized on the date of entry into force of this Regulation and in respect of which documented applications for the establishment of maximum residue limits have been lodged with the Commission or with the European Agency for the Evaluation of Medicinal Products before 1 January 1996:

- until 1 January 1998 in the case of products derived from pyrasolidon, nitroimidazoles, arsanilic acid and phenylbutazone, and
- until 1 January 2000 in the case of other substances.

The Agency shall publish a list of these substances before 7 June 1997.'

Article 2

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

It shall apply from 1 January 1997.

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

Done at Brussels, 3 March 1997.

For the Council

The President

M. DE BOER

⁽¹⁾ OJ No C 381, 17. 12. 1996, p. 9.

⁽²⁾ Opinion delivered on 20 February 1997 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 27 February 1997 (not yet published in the Official Journal).

⁽⁴⁾ OJ No L 224, 18. 8. 1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 17/97 (OJ No L 5, 9. 1. 1997, p. 12).

COMMISSION REGULATION (EC) No 435/97

of 6 March 1997

amending Commission Regulation (EC) No 746/96 laying down detailed rules for the application of Council Regulation (EEC) No 2078/92 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2078/92 of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside⁽¹⁾, as last amended by Commission Regulation (EC) No 2772/95⁽²⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EC) No 746/96⁽³⁾ provides for rules concerning changes in the holding of the beneficiary of an agri-environmental measure;

Whereas Member States should have the possibility to provide for specific rules necessary to adapt undertakings under agri-environmental programmes to an increase in the area of the holding of the beneficiary or to an extension within the holding of the area subject to an undertaking;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS REGULATION:

Article 1

Article 11 of Regulation (EC) No 746/96 is replaced by the following:

*Article 11***Changes in the holding**

1. When, during the period of an undertaking, a beneficiary transfers all or part of his holding to another person, the latter may take on the undertaking for the remainder of the period. If such a continuation does not take place, the beneficiary shall reimburse, in accordance with Article 20 (1), the aid paid. Member States may choose not to require such reimbursement if, in the case of a definitive cessation of agricultural activities by a beneficiary who has already completed three years of his undertaking, a

continuation of the undertaking by a successor proves not to be feasible.

Member States may take specific measures, in the case of minor changes to the situation of the holding, to avoid that the application of the first subparagraph leads to inappropriate results in the light of the undertaking entered into.

2. Where a beneficiary is unable to continue to comply with undertakings given by virtue of the fact that the holding is subject to reparation or other similar public exercise of land consolidation, Member States shall take the measures necessary to provide for the adaptation of the undertakings to the new situation of the holding. If such adaptation proves impossible, the undertaking shall expire and reimbursement shall not be required in respect of the period in which the undertaking was effective.

3. When, during the period of an undertaking, a beneficiary increases the area of his holding, Member States may provide for:

(a) the extension of the undertaking to the additional area for the remainder of the period of the undertaking on condition that any such extension:

- is of unquestionable benefit to the environment,
- is justified in terms of the nature of the undertaking, the length of the remaining period, and the size of the additional area which must be significantly less than the original area or not more than two hectares, and
- does not diminish the effective verification of compliance with the conditions for the granting of the aids,

or

(b) the replacement of the beneficiary's original undertaking by a new undertaking for the whole area concerned under terms at least as strict as the original undertaking.

Point (b) shall also apply in cases where the area subject to an undertaking is extended within the holding.

Article 2

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

⁽¹⁾ OJ No L 215, 30. 6. 1992, p. 85.

⁽²⁾ OJ No L 288, 1. 12. 1995, p. 35.

⁽³⁾ OJ No L 102, 25. 4. 1996, p. 19.

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

Done at Brussels, 6 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 436/97
of 6 March 1997
amending the import duties in the cereals sector

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, and in particular Article 2 (1) thereof,

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 371/97⁽⁴⁾, as amended by Regulation (EC) No 419/97⁽⁵⁾;

Whereas Article 2 (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the

average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 371/97,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to amended Regulation (EC) No 371/97 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 7 March 1997.

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

Done at Brussels, 6 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ No L 60, 1. 3. 1997, p. 18.

⁽⁵⁾ OJ No L 64, 5. 3. 1997, p. 5.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	15,09	5,09
1001 90 91	Common wheat seed	23,33	13,33
1001 90 99	Common high quality wheat other than for sowing ⁽¹⁾	23,33	13,33
	medium quality	39,01	29,01
	low quality	64,43	54,43
1002 00 00	Rye	68,22	58,22
1003 00 10	Barley, seed	68,22	58,22
1003 00 90	Barley, other ⁽³⁾	68,22	58,22
1005 10 90	Maize seed other than hybrid	75,94	65,94
1005 90 00	Maize other than seed ⁽³⁾	75,94	65,94
1007 00 90	Grain sorghum other than hybrids for sowing	68,22	58,22

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2 (4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

- ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or
- ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of ECU 14 or 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 28 February 1997 to 5 March 1997)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2.14 %	HRW2.11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	131,37	134,40	116,62	102,27	175,45 (1)	122,33 (1)
Gulf premium (ECU/tonne)	35,73	17,13	9,49	12,28	—	—
Great Lakes premium (ECU/tonne)	—	—	—	—	—	—

(1) Fob Gulf.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 12,85 per tonne; Great Lakes — Rotterdam: ECU 23,94 per tonne.
3. Subsidy (third paragraph of Article 4 (2) of Regulation (EC) No 1249/96: ECU 0,00 per tonne).
-

COMMISSION REGULATION (EC) No 437/97**of 6 March 1997****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 2375/96⁽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 7 March 1997.

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

Done at Brussels, 6 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 325, 14. 12. 1996, p. 5.

⁽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 6 March 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 15	204	51,8
	212	88,6
	624	232,7
	999	124,4
0707 00 15	068	60,9
	999	60,9
0709 10 10	220	197,0
	999	197,0
0709 90 73	052	94,3
	204	90,1
	999	92,2
0805 10 01, 0805 10 05, 0805 10 09	052	43,8
	204	43,9
	212	50,6
	220	22,3
	448	35,3
	464	42,3
	600	44,1
	624	55,7
	999	42,2
	052	60,8
0805 30 20	400	65,3
	600	75,6
	999	67,2
	052	62,1
0808 10 51, 0808 10 53, 0808 10 59	060	55,8
	388	107,6
	400	78,3
	404	94,6
	508	107,4
	512	95,7
	528	107,1
	720	96,9
	999	89,5
	039	106,6
0808 20 31	388	71,0
	400	94,7
	512	64,1
	528	69,5
	999	81,2

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 438/97**of 6 March 1997****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (2) thereof,

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

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 95/96⁽⁴⁾;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

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

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

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 March 1997.

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

Done at Brussels, 6 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ No L 18, 24. 1. 1996, p. 10.

ANNEX

to the Commission Regulation of 6 March 1997 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination ⁽¹⁾	Amount of refund	Product code	Destination ⁽¹⁾	Amount of refund
0709 90 60	—	—	1008 20 00 9000	—	—
0712 90 19	—	—	1101 00 11 9000	—	—
1001 10 00 9200	—	—	1101 00 15 9100	01	8,00
1001 10 00 9400	01	0	1101 00 15 9130	01	7,50
1001 90 91 9000	—	—	1101 00 15 9150	01	7,00
1001 90 99 9000	03	1,00	1101 00 15 9170	01	6,50
	02	0	1101 00 15 9180	01	6,00
1002 00 00 9000	03	21,00	1101 00 15 9190	—	—
	02	0	1101 00 90 9000	—	—
1003 00 10 9000	—	—	1102 10 00 9500	01	41,00
1003 00 90 9000	03	17,00	1102 10 00 9700	—	—
	02	0	1102 10 00 9900	—	—
1004 00 00 9200	—	—	1103 11 10 9200	01	9,00 ⁽²⁾
1004 00 00 9400	—	—	1103 11 10 9400	—	— ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9900	—	—
1005 90 00 9000	—	—	1103 11 90 9200	01	9,00 ⁽²⁾
1007 00 90 9000	—	—	1103 11 90 9800	—	—

⁽¹⁾ The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland and Liechtenstein.

⁽²⁾ No refund is granted when this product contains compressed meal.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EC) No 439/97

of 6 March 1997

**altering the rate of refunds applicable for certain products of the cereals and rice
sectors exported in the form of goods not covered by Annex II to the Treaty**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular the fourth subparagraph of Article 13 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, and in particular Article 13 (3) thereof,

Whereas the rates of the refunds applicable from 1 March 1997 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EC) No 381/97⁽⁴⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EC) No 381/97 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto;

Whereas the second and third subparagraphs of Article 3 (3) of Commission Regulation (EC) No 1223/94⁽⁵⁾, as amended by Regulation (EC) No 2340/96⁽⁶⁾, provide that

applications for advance-fixing certificates may be accepted by the Commission, in which case certificates are issued without waiting for the expiry of the five-day period;

Whereas the certificate applications made are justified by the market situation,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 381/97 are hereby altered as shown in the Annex hereto.

Article 2

Advance-fixing certificates applied for by 1 p.m. on 6 March 1997 for maize exported in the form of goods not covered by Annex II to the Treaty may be issued from 7 March 1997 at the rate in force on the day of the application.

Article 3

This Regulation shall enter into force on 7 March 1997.

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

Done at Brussels, 6 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 60, 1. 3. 1997, p. 42.

⁽⁵⁾ OJ No L 136, 31. 5. 1994, p. 33.

⁽⁶⁾ OJ No L 318, 7. 12. 1996, p. 9.

ANNEX

to the Commission Regulation of 6 March 1997 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —
1001 90 99	Common wheat and meslin: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases	0,666 — 1,025
1002 00 00	Rye	3,208
1003 00 90	Barley	2,750
1004 00 00	Oats	1,934
1005 90 00	Maize (corn) used in the form of: — starch: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ : — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — in other cases	0,951 2,644 0,546 2,239 2,644 0,951 2,644
1006 20	Husked rice: — round grain — medium grain — long grain	19,375 17,250 17,250
ex 1006 30	Wholly-milled rice: — round grain — medium grain — long grain	25,000 25,000 25,000
1006 40 00	Broken rice used in the form of: — starch of CN code 1108 19 10: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — other (including unprocessed)	0,668 2,450 2,450

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1007 00 90	Sorghum	2,750
1101 00	Wheat or meslin flour:	
	— on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,819
	— in other cases	1,261
1102 10 00	Rye flour	4,395
1103 11 10	Groats and durum wheat meal:	
	— on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—
	— in other cases	—
1103 11 90	Common wheat groats and spelt:	
	— on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,946
	— in other cases	1,456

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

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

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

COMMISSION REGULATION (EC) No 440/97

of 6 March 1997

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

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

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

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

the quantity of cereal products present in the compound feedingstuff;

Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 7 March 1997.

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

Done at Brussels, 6 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 51.

ANNEX

to the Commission Regulation of 6 March 1997 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund ⁽¹⁾:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

<i>(ECU/tonne)</i>	
Cereal products ⁽²⁾	Amount of refund ⁽²⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	26,44
Cereal products ⁽²⁾ excluding maize and maize products	16,34

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

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

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

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

COMMISSION REGULATION (EC) No 441/97

of 6 March 1997

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, and in particular Article 13 (3) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 4 of Council Regulation (EC) No 1518/95⁽⁴⁾, as amended by Regulation (EC) No 2993/95⁽⁵⁾, on the import and export system for products processed from cereals and from rice defines the specific

criteria to be taken into account when the refund on these products is being calculated;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 147, 30. 6. 1995, p. 55.

⁽⁵⁾ OJ No L 312, 23. 12. 1995, p. 25.

Article 2

This Regulation shall enter into force on 7 March 1997.

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

Done at Brussels, 6 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 6 March 1997 fixing the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund	Product code	Refund
1102 20 10 9200 ⁽¹⁾	37,02	1104 23 10 9100	39,66
1102 20 10 9400 ⁽¹⁾	31,73	1104 23 10 9300	30,41
1102 20 90 9200 ⁽¹⁾	31,73	1104 29 11 9000	10,46
1102 90 10 9100	33,65	1104 29 51 9000	10,25
1102 90 10 9900	22,88	1104 29 55 9000	10,25
1102 90 30 9100	34,81	1104 30 10 9000	2,56
1103 12 00 9100	34,81	1104 30 90 9000	6,61
1103 13 10 9100 ⁽¹⁾	47,59	1107 10 11 9000	18,25
1103 13 10 9300 ⁽¹⁾	37,02	1107 10 91 9000	39,93
1103 13 10 9500 ⁽¹⁾	31,73	1108 11 00 9200	20,50
1103 13 90 9100 ⁽¹⁾	31,73	1108 11 00 9300	20,50
1103 19 10 9000	32,08	1108 12 00 9200	42,30
1103 19 30 9100	34,77	1108 12 00 9300	42,30
1103 21 00 9000	10,46	1108 13 00 9200	42,30
1103 29 20 9000	22,88	1108 13 00 9300	42,30
1104 11 90 9100	33,65	1108 19 10 9200	37,24
1104 12 90 9100	38,68	1108 19 10 9300	37,24
1104 12 90 9300	30,94	1109 00 00 9100	0,00
1104 19 10 9000	10,46	1702 30 51 9000 ⁽²⁾	46,80
1104 19 50 9110	42,30	1702 30 59 9000 ⁽²⁾	35,82
1104 19 50 9130	34,37	1702 30 91 9000	46,80
1104 21 10 9100	33,65	1702 30 99 9000	35,82
1104 21 30 9100	33,65	1702 40 90 9000	35,82
1104 21 50 9100	44,86	1702 90 50 9100	46,80
1104 21 50 9300	35,89	1702 90 50 9900	35,82
1104 22 20 9100	30,94	1702 90 75 9000	49,03
1104 22 30 9100	32,88	1702 90 79 9000	34,03
		2106 90 55 9000	35,82

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

⁽²⁾ Refunds are granted in accordance with Regulation (EEC) No 2730/75 (OJ No L 281, 1. 11. 1975, p. 20), amended.

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

COMMISSION REGULATION (EC) No 442/97
of 6 March 1997
fixing production refunds on cereals and rice

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 7 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, and in particular Article 7 (2) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors⁽⁴⁾, as last amended by Regulation (EC) No 1516/95⁽⁵⁾, and in particular Article 3 thereof,

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The refund referred to in Article 3 (2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, potatoes, rice or broken rice, shall be ECU 7,74 per tonne.

2. The refund referred to in Article 3 (3) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from barley and oats, shall be ECU 5,42 per tonne.

Article 2

This Regulation shall enter into force on 7 March 1997.

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

Done at Brussels, 6 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 112.

⁽⁵⁾ OJ No L 147, 30. 6. 1995, p. 49.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 November 1996

laying down the animal health requirements and the certification or official declaration for the import of hides and skins of ungulates from third countries

(Text with EEA relevance)

(97/168/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(1) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC⁽¹⁾ as last amended by Commission Decision 96/405/EC⁽²⁾, and in particular Article 10 (2) (c) and Article 10 (3) thereof,

Whereas Annex 1 Chapter 3 of Directive 92/118/EEC, lays down requirements for the import of hides and skins not covered by Council Directives 64/433/EEC or 72/462/EEC, which have not undergone certain tanning processes;

Whereas due to the risks presented by these hides and skins it is justified to allow the import of these products from third countries which have a competent authority other than the veterinary authority, which is capable of producing a reliable health declaration;

Whereas, furthermore, Directive 92/118/EEC allows the import of hides and skins which have not been specially

treated, for which special animal health conditions must be laid down;

Whereas it is necessary to lay down the animal health conditions, certification and the conditions of transport required for imports of the different categories of hides and skins;

Whereas considering the adaptation to the new system of certification, it is justified to foresee a period of time for its application;

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

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall authorize the import of treated hides and skins of ungulates if:

— they are accompanied by an animal health certificate as laid down in Annex A, and

— in the case of salted hides and skins transported by ship, the hides and skins have been salted before importation for the duration stated in this certificate.

⁽¹⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽²⁾ OJ No L 165, 4. 7. 1996, p. 40.

2. Member States shall authorize the import of treated hides and skins of ungulates other than from equidae and pigs, which have been kept separate for 21 uninterrupted days or have undergone transport for 21 uninterrupted days, if they are accompanied by an official declaration as laid down in Annex B.

3. Member States shall authorize the import of fresh or chilled hides and skins of ungulates from third countries, if they are accompanied by an animal health certificate as laid down in Annex C.

4. Health certificates mentioned in paragraph 1 and 3 and the declaration mentioned in paragraph 2 shall consist of one sheet and shall be completed in at least one of the official languages of the Member State carrying out the import control.

Article 2

Hides and skins of ungulates must be imported in containers, trucks, trainwagons or bales sealed by the competent authority of the third country of dispatch.

Article 3

This Decision shall apply from 1 January 1997.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 29 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX A

ANIMAL HEALTH CERTIFICATE

for treated hides and skins of ungulates, intended for dispatch to the European Community, originating from third countries or parts of third countries, listed in part 1 of the Annex to Decision 79/542/EEC

Note for the importer: This certificate is for veterinary purposes only and the original must accompany the consignment until it reaches the border inspection post.

Country of destination:

Reference number of the health certificate:

Exporting country:

Responsible ministry:

Certifying department:

I. Identification of hides and skins

Hides or skins of:
(species)

Nature of packaging:

Number of parts or packages:

Net weight:

Number(s) of the seal(s) of the container(s), truck, trainwagons or bale(s):

.....

.....

II. Origin of hides or skins

Address and veterinary registration number of the registered and supervised establishment:

.....

III. Destination of hides or skins

The hides and skins will be sent from:
(place of loading)

to:
(country and place of destination)

by the following means of transport:

Name and address of consignor:

.....

Name and address of consignee:

.....

IV. Attestation

I, the undersigned official veterinarian certify that the hides or skins described above have been obtained from animals which, have been slaughtered in a slaughterhouse and have undergone an *ante* and *post-mortem* inspection and found to be free of serious diseases communicable to man or animals and were not killed in order to eradicate epizootic diseases and

1. either ⁽¹⁾

(a) originate in a country or a part of a country in which no case of the following diseases, which are officially notifiable diseases in the country of origin, has occurred during the last 12 months:

- rinderpest ⁽²⁾,
- foot-and-mouth disease ⁽²⁾,
- classical swine fever ⁽²⁾,
- African swine fever ⁽²⁾,

and have been:

- dried ⁽¹⁾, or
- dry-salted or wet-salted for at least 14 days prior to dispatch ⁽¹⁾, or
- dry-salted or wet-salted on the following date and, according to the declaration of the transporter, the hides and skins will be transported by ship and the duration of transport will be such that they will have undergone a minimum of 14 days salting before they reach the EC border inspection post ⁽¹⁾;

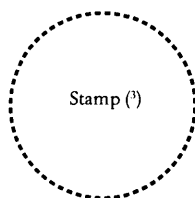
or ⁽¹⁾

(b) have been:

- salted for 7 days in sea salt with addition of sodium carbonate to 2 % ⁽¹⁾, or
- salted in sea salt with addition of sodium carbonate to 2 % on the following date and, according to the declaration of the transporter, the hides and skins will be transported by ship and the duration of transport will be such that they will have undergone a minimum of 7 days salting before they reach the EC border inspection post ⁽¹⁾, or
- dried for 42 days at a temperature of at least 20 °C ⁽¹⁾;

2. have undergone all precautions to avoid recontamination with pathogenic agents after treatment.

Done at, on
(place) (date)



.....
(signature of the official veterinarian) ⁽²⁾

.....
(name and function in capital letters)

⁽¹⁾ Delete as appropriate.

⁽²⁾ Delete diseases not appropriate to the species concerned.

⁽³⁾ The signature and the stamp must be in a colour different to that of the printing.

ANNEX B

OFFICIAL DECLARATION

for hides of ungulates, other than pigs and equidae, which are intended for dispatch to the European Community and which have been kept separate for 21 days or have been undergoing transport for 21 uninterrupted days before importation

Note for the importer: This declaration must accompany the consignment until it reaches the border inspection post.

Country of destination:

Reference number of the official declaration:

Exporting country:

Responsible authority:

Certifying authority:

I. Identification of hides

Hides of:
(species)

Nature of packaging:

Number of parts or packages:

Net weight:

Number(s) of the seal(s) of the container(s), truck, trainwagons or bale(s):

.....

.....

II. Origin of hides

Address and official registration number of the establishment:

.....

III. Destination of hides

The hides and skins will be sent from:
(place of loading)

to:
(country and place of destination)

by the following means of transport:

Name and address of consignor:

.....

Name and address of consignee:

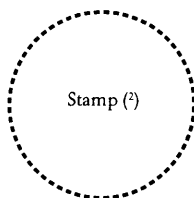
.....

IV. Attestation

I, the undersigned official certify that the hides described above:

- (a) have been subjected to one of the following treatments:
- dried ⁽¹⁾, or
 - dry-salted or wet-salted for at least 14 days prior to dispatch ⁽¹⁾, or
 - salted for 7 days in sea salt with the addition of sodium carbonate to 2 % ⁽¹⁾, or
 - drying for 42 days at a temperature of at least 20 °C ⁽¹⁾;
- (b) have undergone all precautions to avoid recontamination with pathogenic agents after treatment and have not been in contact with any other animal product or live animals;
- (c) — have been kept separate immediately before dispatch under official supervision for 21 days after the treatment described under point (a) ⁽¹⁾, or
- following the declaration of the transporter the duration of the transport period is foreseen to be at least 21 days ⁽¹⁾.

Done at on
(place) (date)



.....
(signature of the official) ⁽²⁾

.....
(name and function in capital letters)

⁽¹⁾ Delete as appropriate.

⁽²⁾ The signature and the stamp must be in a colour different to that of the printing.

ANNEX C

ANIMAL HEALTH CERTIFICATE

for fresh or chilled hides and skins⁽¹⁾ of ungulates, intended for dispatch to the European Community

Note for the importer: This certificate is for veterinary purposes only and the original must accompany the consignment until it reaches the border inspection post.

Country of destination:

Reference number of the health certificate:

Exporting country:

Responsible ministry:

Certifying department:

I. Identification of hides and skins

Hides or skins of:
(species)

Nature of packaging:

Number of parts or packages:

Net weight:

Number(s) of the seal(s) of the container(s), truck, trainwagons or bale(s):

.....

.....

II. Origin of skins

Address and veterinary registration number of the registered and supervised establishment:

.....

.....

III. Destination of skins

The hides and skins will be sent from:
(place of loading)

to:
(country and place of destination)

by the following means of transport:

Name and address of consignor:

.....

Name and address of consignee:

.....

⁽¹⁾ These hides and skins may be treated.

IV. Attestation

I, the undersigned official veterinarian certify that, the hides and skins described above:

- (a) have been obtained from animals which have been slaughtered in a slaughterhouse and have undergone an *ante* and *post-mortem* inspection and found to be free of serious diseases communicable to man or animals and were not killed in order to eradicate epizootic diseases;
- (b) originate in a country or in case of regionalization in accordance with Community legislation from a part of a country from which imports of all categories of fresh meat of the corresponding species are authorised and which for at least 12 months before dispatch has been free from the following diseases and where for this period no vaccination has been carried out against those diseases:

- classical swine fever⁽¹⁾,
- African swine fever⁽¹⁾,
- Teschen disease⁽¹⁾,
- rinderpest⁽¹⁾,

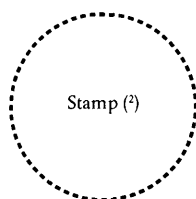
and which has been free for at least 24 months before dispatch from foot-and-mouth disease and where for 12 months before dispatch no vaccination has been carried out against foot-and-mouth disease⁽¹⁾;

- (c) have been obtained from:

- animals which have remained in the territory of the country of origin for at least three months before being slaughtered or since birth in the case of animals less than three months old,
- in the case of hides or skins from bi-ungulates, animals which come from holdings in which there has been no outbreak of foot-and-mouth disease in the previous 30 days, and around which within a radius of 10 km there has been no case of foot-and-mouth disease for 30 days,
- in the case of skins from swine, animals which come from holdings in which there has been no outbreak of swine vesicular disease in the previous 30 days or of classical or African swine fever in the previous 40 days and around which within a radius of 10 km there has been no case of these diseases for 30 days,
- animals which have passed the *ante-mortem* health inspection at the slaughterhouse during the 24 hours before slaughter and have shown no evidence of foot-and-mouth disease⁽¹⁾, rinderpest⁽¹⁾, classical swine fever⁽¹⁾, African swine fever⁽¹⁾ or swine vesicular disease⁽¹⁾;

- (d) have undergone all precautions to avoid recontamination with pathogenic agents.

Done at on
(place) (date)



.....
(signature of the official veterinarian)⁽²⁾

.....
(name and function in capital letters)

⁽¹⁾ Delete diseases not applicable to the species concerned.

⁽²⁾ The signature and the stamp must be in a colour different to that of the printing.

COMMISSION DECISION

of 30 January 1997

terminating the anti-dumping proceeding concerning imports into Spain of certain Portland cement originating in Romania, Tunisia and Turkey

(97/169/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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 9 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⁾, hereinafter referred to as the 'Basic Regulation', and in particular Article 9 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) In January 1992, the Commission received a complaint lodged by Oficemen, the national organization of Spanish cement producers acting on behalf of all Spanish producers of Portland cement.
- (2) The complaint contained *prima facie* evidence of dumping on a regional basis and of injury resulting therefrom. The evidence presented was considered sufficient to justify the initiation of a proceeding in order to establish whether the facts alleged existed and justified any action being taken. The Commission accordingly announced, by a notice in the *Official Journal of the European Communities*⁽³⁾, the initiation of an anti-dumping proceeding concerning imports into Spain of certain Portland cement originating in Turkey, Romania and Tunisia, and began an investigation. The product concerned is Portland cement, other than white, whether or not artificially coloured, in bulk or in bags, falling within CN code 2523 29 00.
- (3) The Commission officially advised the producers, exporters and importers known to be concerned, and the representatives of the exporting countries, and the complainants, and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.
- (4) The Governments of Turkey and Tunisia, and the producers and exporters in the countries concerned made their views known in writing. All parties who so requested were granted a hearing.
- (5) The investigation period was set as 1 April 1991 to 31 March 1992.
- (6) The Commission sought and verified all information it deemed to be necessary for the purposes of its determination of dumping and injury and carried out investigations at the premises of the following Spanish producers:
 - Asland Cataluna y del Mediterraneo, Barcelona,
 - Asland, SA, Madrid,
 - Cementos Atlantico, SA, Madrid,
 - Cementos Molins, SA, Barcelona,
 - Compania Valenciana de Cementos Portland, SA, Valencia,
 - Portland Iberia, SA, Madrid,
 - Sociedad Financiera y Minera, SA, Madrid,
 - Uniland Cementera, SA, Barcelona.
- (7) On the basis of the results of such investigation, the Commission, after consulting the Anti-dumping Committee, concluded that the proceeding should be terminated without measures because no material injury nor threat thereof was found to have been caused to the Spanish industry by the imports concerned.
- (8) The Commission, given the objections within the Advisory Committee, submitted, on 10 February 1994, in accordance with Article 9 of the Basic Regulation, a report to the Council together with a proposal that the proceeding be terminated without measures.

The Council, on 7 March 1994, decided not to terminate the proceeding.

- (9) The Commission, following the Council's decision, re-examined the results of its investigation in the light of both information provided by the Spanish industry and verified during the investigation, and further representations from the complainants. In this respect, the scope of this re-examination was limited by the fact that it could only look at data from the investigation period and the information relating to a subsequent period can therefore not be taken into account.

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽³⁾ OJ No C 100, 22. 4. 1992, p. 4.

- (10) This re-examination led the Commission to maintain the proposal made to the Council in 1994.

B. LIKE PRODUCT

- (11) The investigation showed that the various types of Portland cement sold on the domestic markets of the countries concerned were alike to those exported to Spain. Similarly, the various types of Portland cement manufactured in Spain and those exported to Spain from the three countries in question were alike in their essential physical characteristics and end uses. Therefore, the Commission concluded that, for the purposes of this proceeding, all types of Portland cement should be considered as a like product, in accordance with Article 2 (12) of the Basic Regulation.

C. REGIONALITY

- (12) The Commission established that 94 % of total production of the product in question by the Spanish industry was sold on the Spanish market and that total demand in Spain, as defined by apparent consumption of the cement concerned, was not to any substantial degree supplied by producers elsewhere in the Community. The share of their domestic market held by sales of the Spanish industry in the investigation period was close to 89 %, while imports from other Community Member States represented 2 %. Furthermore, 89 % of total Community imports from the countries subject to this proceeding were imported into Spain.

The Spanish industry could, therefore, be considered as constituting the Community industry within the terms of Article 4 (5) of the Basic Regulation.

D. DUMPING

- (13) From the data available, there were indications that the like product imported from the three countries in question had been sold on the Spanish market at prices which, in some instances, represented a substantial element of dumping. This aspect was not pursued, however, given the findings on injury below.

E. INJURY

1. Consumption, volume and market share of imports from the countries concerned.

- (14) The Spanish market, as defined by apparent consumption went from 26 million tonnes in 1989

to 28 million in the investigation period. Imports from the countries concerned grew from 857 000 tonnes in 1989 to 2 388 000 in the investigation period. As a result of this, the market share taken by Turkey, Romania and Tunisia went from 3,28 % in 1989 to 8,54 % in the investigation period.

2. Impact of the imports concerned on the Spanish industry.

- (15) With regard to the possible impact of the imports concerned on the situation of the Spanish industry, the Commission took account of the following facts:
- (a) Spanish production was stable at around 27 million tonnes annually over the period examined.
 - (b) Capacity installed stood at an estimated 39 million tonnes in 1989, 1990 and 1991, and grew by around 5 % to 41 million tonnes in the investigation period. Capacity utilization was stable at 69 % between 1989 and 1991, but fell to 66 % in the investigation period. This fall in the capacity utilization rate was due only to the increase in capacity installed. In this context, the Commission notes that, relative to total demand in Spain, a large over-capacity, averaging 32 %, existed in the Spanish industry throughout the period examined.
 - (c) Total sales volumes of the Spanish industry remained stable at around 25 million tonnes throughout the period in question. Given the moderate rise in consumption, the market share of the industry, however, fell from 96 % in 1989 to 89 % in the investigation period. Despite this fall, the market share of the Spanish industry remained consistently high.
 - (d) The selling prices to unrelated customers of the Spanish producers investigated, on an index basis, rose from 100 in 1989 to 103 in 1990, and then fell to 97 in 1991 and 94 in the investigation period.
 - (e) The companies investigated saw profitability on sales to unrelated clients decline, on average, from 36 % in 1989, to 32 % in 1990, 21 % in 1991, and to 18 % in the investigation period.
 - (f) Employment by the producers investigated fell continuously over the period as a whole, moving, on an index basis from 100 in 1989, to 98 in 1990, 94 in 1991, and 92 in the investigation period.
 - (g) The Commission looked also into the possible injury caused by the imports concerned on a subregional basis, taking into account the different geographical locations of the Spanish producers. The Commission's examination of injury factors showed that only the situation of the producers based on the Mediterranean

coastal zone, which represents 52 % of the total complainant industry's output, clearly deteriorated in contrast to that of producers located further inland. In fact, in terms of sales volume, between 1989 and the investigation period, coastal volumes fell by 10 % while inland increased by 3 %, and, in terms of turnover, coastal figure fell by 9 % while inland increased slightly by 1 %. Finally, with regard to the coastal industry, its profitability fell since 1989 by 4 percentage points more than for the inland industry. Despite this decrease, the profitability for the coastal industry remained at a level of 18 % during the investigation period.

F. CONCLUSIONS ON INJURY

- (16) Although the situation of the Spanish industry deteriorated to some extent over the period considered, notably with regard to producers located on the Mediterranean coastal zone, such situation has to be assessed in relation to the Spanish producers generally, in order to determine whether these developments constitute material injury. In doing so, the Commission paid particular attention to the following factors:

- (a) Production and sales volumes were stable. Although the increase in consumption appeared to have benefited dumped imports and not domestic production, the Spanish industry nevertheless still retained a market share of 89 %.
- (b) The Commission's examination of price undercutting showed that, although undercutting did exist, its effects could not be considered significant, in the light of, on the one hand, the respective market shares held by domestic producers and by imports from the three countries concerned and, on the other hand, the impact of these imports, which was limited geographically to the coastal industry.
- (c) The large overcapacity and the consequent restructuring of the domestic industry played an important role in explaining the increase in costs of production and, therefore, the fall in profits. In this regard, Spanish producers did experience a reduction in their return on sales, which was however, still 18 % on average during the investigation period for the whole industry.

Alternative profit indicators, such as return on investment, as suggested by the Spanish industry, have been examined. On the basis of

the data provided by the complainant and verified to a satisfactory extent in the course of the investigation, it was found that, after taking into account inflationary cost pressures and eliminating the excess of capacity, the return on investment ratio established for the investigation period amounted to 7 % and was thus considered adequate for the replacement of productive assets by the industry.

- (d) Employment in the complainant industry fell by 8 % between 1989 and the investigation period. However, this fall was due, to a great extent, to the restructuring of the production process.

On the basis of the above factors, it cannot be concluded that the Spanish industry has suffered material injury. This conclusion can be explained by the fact that the present proceeding refers to a regional market, as pointed out in recital (11) above. In such cases, Article 4 (5) of the Basic Regulation requires that injury is caused to the producers of all or almost all of the production within the regional market concerned. In the present proceeding, however, the Commission's examination of the individual producers investigated, on both inland and coastal areas, did not lead to the conclusion that this requirement was met.

G. THREAT OF INJURY

- (17) The Commission considers that, although the complainant also alleged that a threat of material injury existed, no substantial evidence of such threat was presented by the complainant when the complaint was submitted, nor found in the course of the investigation.

H. TERMINATION OF THE PROCEEDING

- (18) In the absence of injury or threat thereof to the producers of all or almost all of the production within the regional market under consideration, a determination of material injury with regard to the Community industry concerned by the present proceeding cannot be made.

In these circumstances, it is concluded that the introduction of protective measures appears to be unnecessary and the anti-dumping proceeding should be terminated,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding concerning imports into Spain of certain Portland cement originating in Turkey, Romania and Tunisia is hereby terminated.

Done at Brussels, 30 January 1997.

For the Commission

Leon BRITTAN

Vice-President

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 362/97 of 27 February 1997 suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of multiflorous (spray) carnations originating in Israel

(Official Journal of the European Communities No L 59 of 28 February 1997)

On page 47, in Article 2:

for: "This Regulation shall enter into force on 22 January 1997 ...",

read: "This Regulation shall enter into force on 28 February 1997 ...".
