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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 645/97**of 15 April 1997****re-establishing the preferential customs duty on imports of single-flower
(standard) carnations originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Regulation (EEC) No 4088/87 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 592/97⁽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 1985/96⁽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 1482/96⁽¹¹⁾;

Whereas the preferential customs duty fixed for single-flower (standard) carnations originating in Israel by Regulation (EC) No 1981/94 was suspended by Commission Regulation (EC) No 617/97⁽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 single-flower (standard) carnations originating in Israel; whereas the preferential customs duty should be reintroduced,

⁽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 89, 4. 4. 1997, p. 1.

⁽⁵⁾ OJ No L 264, 17. 10. 1996, p. 14.

⁽⁶⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ No L 188, 27. 7. 1996, p. 22.

⁽¹²⁾ OJ No L 94, 9. 4. 1997, p. 9.

HAS ADOPTED THIS REGULATION:

Israel the preferential customs duty set by amended Regulation (EC) No 1981/94 is reintroduced.

Article 1

For imports of single-flower (standard) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in

Article 2

This Regulation shall enter into force on 16 April 1997.

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

Done at Brussels, 15 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 646/97

of 15 April 1997

correcting Commission Regulation (EC) No 461/97 laying down the reduced agricultural components and additional duties applicable from 1 January to 30 June 1997 to the importation into the Community of goods covered by Council Regulation (EC) No 3448/93 under agreements with Estonia, Latvia and Lithuania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EC) No 461/97⁽²⁾ lays down the agricultural components and additional duties applicable to goods imported from the Baltic States up to 30 June 1997;

Whereas Regulation (EC) No 461/97 omitted to take account in Annex IV, Part 1, of the CN codes 1806 31 00

and 1806 32 10; whereas these goods benefit from a reduction in additional duty on sugar; whereas this Annex should be completed to include these goods,

HAS ADOPTED THIS REGULATION:

Article 1

The goods under CN codes 1806 31 00 and 1806 32 10 are added to Annex IV, Part 1, of Regulation (EC) No 461/97. In column 2 (AD S/Z) an asterisk (*) is added to each of these goods referring to Part 2 of that Annex.

Article 2

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

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

Done at Brussels, 15 April 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 318, 20. 12. 1993, p. 18.

⁽²⁾ OJ No L 74, 14. 3. 1997, p. 56.

COMMISSION REGULATION (EC) No 647/97
of 15 April 1997
fixing the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Commission Regulation (EC) No 2916/95⁽²⁾, and in particular Article 8 (3) thereof,

Whereas Article 8 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 2777/75 provides that from 1 July 1995 all exports for which refunds are requested, with the exception of exports of day-old chicks, shall be subject to the presentation of an export licence with advance fixing of the refund; whereas the specific implementing rules for these arrangements are laid down in Commission Regulation (EC) No 1372/95⁽³⁾, as last amended by Regulation (EC) No 2370/96⁽⁴⁾;

Whereas the present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the poultrymeat sector;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as last amended by Regulation (EC) No 150/95⁽⁶⁾, 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⁽⁷⁾, as last amended by Regulation (EC) No 1482/96⁽⁸⁾;

Whereas it follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of product codes for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund shall be as shown in the Annex hereto for exports to be carried out on the basis of the export licences referred to in Article 2 of Regulation (EC) No 1372/95 or on the basis of the 'ex-post' export licences referred to in Article 9 of the same Regulation.

Article 2

This Regulation shall enter into force on 16 April 1997.

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

Done at Brussels, 15 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 305, 19. 12. 1995, p. 49.

⁽³⁾ OJ No L 133, 17. 6. 1995, p. 26.

⁽⁴⁾ OJ No L 323, 13. 12. 1996, p. 12.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 15 April 1997 fixing the export refunds on poultrymeat

Product code	Destination of refund ⁽¹⁾	Amount of refund
		ECU/100 units
0105 11 11 9000	01	1,50
0105 11 19 9000	01	1,50
0105 11 91 9000	01	1,50
0105 11 99 9000	01	1,50
0105 12 00 9000	01	3,50
0105 19 20 9000	01	3,50
		ECU/100 kg
0207 12 10 9900	02	16,00
0207 12 90 9190	02	19,00
0207 14 20 9900	03	7,00
0207 14 60 9900	03	7,00
0207 14 70 9190	03	7,00
0207 14 70 9290	03	7,00

⁽¹⁾ The destinations are as follows:

- 01 All destinations except the United States of America,
- 02 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Yemen, Lebanon and Iran,
- 03 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic, Switzerland, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Lithuania, Estonia and Latvia.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 648/97

of 15 April 1997

fixing representative prices and additional import duties in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 5 (4) thereof,Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat ⁽³⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁴⁾, and in particular Article 5 (4) thereof,Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁵⁾, as last amended by Regulation (EC) No 2916/95, and in particular Article 3 (4) thereof,Whereas Commission Regulation (EC) No 1484/95 ⁽⁶⁾, as last amended by Regulation (EC) No 298/97 ⁽⁷⁾, fixes detailed rules for implementing the system of additional import duties and fixes additional import duties in the poultrymeat and egg sectors and for egg albumin;

Whereas it results from regular monitoring of the information providing the basis for the verification of the

import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices and additional duties for imports of certain products should be amended taking into account variations of prices according to origin; whereas, therefore, representative prices and corresponding additional duties should be published;

Whereas it is necessary to apply this amendment as soon as possible, given the situation on the market;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to amended Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 16 April 1997.

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

Done at Brussels, 15 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.⁽²⁾ OJ No L 189, 30. 7. 1996, p. 99.⁽³⁾ OJ No L 282, 1. 11. 1975, p. 77.⁽⁴⁾ OJ No L 305, 19. 12. 1995, p. 49.⁽⁵⁾ OJ No L 282, 1. 11. 1975, p. 104.⁽⁶⁾ OJ No L 145, 29. 6. 1995, p. 47.⁽⁷⁾ OJ No L 50, 20. 2. 1997, p. 14.

ANNEX

ANNEX I

CN code	Description	Representative price ECU/100 kg	Additional duty ECU/100 kg	Origin (¹)
0207 14 10	Boneless cuts of fowls of the species <i>gallus domesticus</i> , frozen	216,6	25	01
		286,3	4	02
		284,1	5	03
		287,6	4	04
1602 32 11	Preparations uncooked of the species <i>gallus domesticus</i>	221,6	20	01
		239,6	14	02
		268,8	5	03
		238,8	14	04
1602 39 21	Preparations uncooked other than turkeys and of the species <i>gallus domesticus</i>	221,6	20	01

(¹) Origin of imports:

- 01 China
- 02 Brazil
- 03 Thailand
- 04 Argentina.

COMMISSION REGULATION (EC) No 649/97**of 15 April 1997****providing for the rejection of applications for export licences for beef and veal products**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 2222/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽³⁾, as last amended by Regulation (EC) No 266/97⁽⁴⁾, and in particular Article 10 thereof,

Whereas the quantity covered by applications for advance fixing of refunds is greater than that normally disposed of; whereas it has therefore been decided to reject all applica-

tions for export licences for beef and veal submitted on 10 and 11 April 1997,

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with Article 10 (2) of Regulation (EC) No 1445/95, applications for export licences with advance fixing of refunds for products falling within the beef sector submitted on 10 and 11 April 1997 shall be rejected.

Article 2

This Regulation shall enter into force on 16 April 1997.

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

Done at Brussels, 15 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.
⁽²⁾ OJ No L 296, 21. 11. 1996, p. 50.
⁽³⁾ OJ No L 143, 27. 6. 1995, p. 35.
⁽⁴⁾ OJ No L 45, 15. 2. 1997, p. 1.

COMMISSION REGULATION (EC) No 650/97**of 15 April 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 16 April 1997.

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

Done at Brussels, 15 April 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 15 April 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 20	052	91,1
	204	73,5
	212	116,4
	624	128,7
	999	102,4
0707 00 15	068	124,7
	999	124,7
0709 90 75	052	109,3
	204	62,0
	999	85,7
0805 10 11, 0805 10 15, 0805 10 19	052	40,4
	204	43,6
	212	60,1
	220	36,8
	400	36,8
	448	24,0
	600	49,5
	624	45,6
	625	36,1
	999	41,4
0805 30 20	400	86,9
	528	66,1
	600	67,4
	999	73,5
0808 10 61, 0808 10 63, 0808 10 69	060	49,8
	388	87,2
	400	92,7
	404	100,6
	508	75,6
	512	75,1
	524	68,3
	528	78,9
	720	103,4
	804	109,2
0808 20 37	999	84,1
	388	70,3
	512	75,3
	528	79,4
	999	75,0

⁽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 651/97
of 15 April 1997
fixing 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 Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question;

Whereas, pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market;

Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No

1766/92 for the 1996/97 marketing year as regards import duties in the cereals sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 16 April 1997.

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

Done at Brussels, 15 April 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.

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 air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	18,72	8,72
1001 90 91	Common wheat seed	30,50	20,50
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	30,50	20,50
	medium quality	36,95	26,95
	low quality	58,08	48,08
1002 00 00	Rye	67,45	57,45
1003 00 10	Barley, seed	67,45	57,45
1003 00 90	Barley, other ⁽³⁾	67,45	57,45
1005 10 90	Maize seed other than hybrid	80,06	70,06
1005 90 00	Maize other than seed ⁽³⁾	80,06	70,06
1007 00 90	Grain sorghum other than hybrids for sowing	67,45	57,45

⁽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 1 April 1997 to 14 April 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)	132,65	136,06	124,24	103,26	173,54 (')	124,81 (')
Gulf premium (ECU/tonne)	29,11	19,25	9,93	8,93	—	—
Great Lakes premium (ECU/tonne)	—	—	—	—	—	—

(') Fob Gulf.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 12,71 per tonne; Great Lakes — Rotterdam: ECU 24,08 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 652/97

of 15 April 1997

altering 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 the fourth subparagraph of Article 13 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EC) No 636/97 ⁽³⁾, as amended by Regulation (EC) No 644/97 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 636/97 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas export possibilities exist for a quantity of 70 000 tonnes of maize to certain destinations; whereas the procedure laid down in Article 7 (4) of Commission Regulation (EC) No 1162/95 ⁽⁵⁾, as last amended by Regulation (EC) No 1527/96 ⁽⁶⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁷⁾, as last amended by Regulation (EC) No 150/95 ⁽⁸⁾, 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 ⁽⁹⁾, as last amended by Regulation (EC) No 1482/96 ⁽¹⁰⁾,

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, exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 636/97 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 16 April 1997.

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

Done at Brussels, 15 April 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 96, 11. 4. 1997, p. 11.

⁽⁴⁾ OJ No L 98, 15. 4. 1997, p. 13.

⁽⁵⁾ OJ No L 117, 24. 5. 1995, p. 2.

⁽⁶⁾ OJ No L 190, 31. 7. 1996, p. 23.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹⁰⁾ OJ No L 188, 27. 7. 1996, p. 22.

ANNEX

**to the Commission Regulation of 15 April 1997 altering 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	—	—
1001 10 00 9400	—	—	1101 00 15 9130	—	—
1001 90 91 9000	—	—	1101 00 15 9150	—	—
1001 90 99 9000	—	—	1101 00 15 9170	—	—
1002 00 00 9000	03	25,00	1101 00 15 9180	—	—
	02	0	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	20,00	1102 10 00 9500	01	41,00
	02	0	1102 10 00 9700	—	—
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	01	5,00 ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9400	—	— ⁽²⁾
1005 90 00 9000	03	10,00 ⁽³⁾	1103 11 10 9900	—	—
	04	25,00 ⁽³⁾	1103 11 90 9200	—	— ⁽²⁾
	02	—	1103 11 90 9800	—	—
1007 00 90 9000	—	—			

⁽¹⁾ The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland and Liechtenstein,
- 04 Slovenia, Czech Republic, Slovakia and Poland.

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

⁽³⁾ Refund fixed under the procedure laid down in Article 7 (4) of Regulation (EC) No 1162/95 in respect of a quantity of 70 000 tonnes of maize.

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 14 April 1997

terminating the anti-dumping proceeding concerning imports of certain types of electronic microcircuits known as EPROMs (erasable programmable read only memories) originating in Japan and repealing the anti-dumping measures imposed on such imports

(97/251/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 Articles 9, 11 (3), 11 (7) and 23 thereof,

Following consultations within the Advisory Committee as provided for by the said Regulation,

Whereas:

that the market conditions had changed, due to a strong and growing demand for EPROMs, that market prices were stable at a relatively high level, and that the Community industry was no longer suffering from injury.

(3) In March 1996, the suspension was extended for a period of 12 months, until 15 April 1997, by a Council Regulation⁽²⁾. The Council determined that the extension was warranted because favourable market conditions had prevailed and would probably continue and that a recurrence of injury, as a result of such extension, was therefore unlikely.

(4) During the period of suspension, a notice of impending expiry of the anti-dumping measures imposed against imports of EPROMs of Japanese origin (hereinafter also called: 'the product concerned')⁽³⁾, the Commission decided, in October 1995, and on its own initiative, to open an interim review, pursuant to Article 11 (3) of Council Regulation (EC) No 3283/94⁽⁴⁾, replaced by Council Regulation (EC) No 384/96 (hereinafter referred to as 'the Basic Regulation').

(5) The grounds for the initiation of the interim review were:

A. PROCEDURE

- (1) In March 1991 and October 1993, the Commission accepted undertakings offered by eight exporters of EPROMs of Japanese origin⁽⁵⁾. A definitive anti-dumping duty was imposed by Council Regulation (EEC) No 577/91⁽⁶⁾.
- (2) In June 1995, the Commission decided to suspend the anti-dumping measures for a period of nine months⁽⁴⁾. This decision was based on the findings

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No L 65, 12. 3. 1991, p. 42, and OJ No L 262, 21. 10. 1993, p. 64.

⁽³⁾ OJ No L 65, 12. 3. 1991, p. 1.

⁽⁴⁾ OJ No L 165, 15. 7. 1995, p. 26.

⁽⁵⁾ Council Regulation (EEC) No 664/96 (OJ No L 92, 13. 4. 1996, p. 1).

⁽⁶⁾ OJ No C 239, 14. 9. 1995, p. 3.

⁽⁷⁾ OJ No L 349, 31. 12. 1994, p. 1.

- an important new circumstance, namely the enlargement of the European Union, which had apparently led to a significant increase in the size of the Community EPROM market and had brought in several new substantial users of EPROMs,
 - an apparent significant development in respect of technology and application of one product segment which justifies a review in order to clarify the product definition,
 - the consideration that the interim review was appropriate to investigate the need for the continued imposition of the measures.
- (6) Since the interim review was not concluded at the end of the period of application of the measures, the investigation, pursuant to Article 11 (7) of Regulation (EC) No 384/96, covered also the circumstances of an expiry review in accordance with Article 11 (2) of the Basic Regulation.
- (7) The Commission officially advised the Community producers, the importers and the Japanese producers known to be concerned as well as the representatives of Japan of the opening of the investigation and gave the parties concerned the opportunity to make known their views in writing and to request a hearing.

The Commission sought and verified all information it deemed necessary for the purpose of the investigation and, for this purpose, visited the premises of SGS-Thomson Microelectronics Srl (complainant Community industry, see also recital 15 below).

- (8) During the investigation period, the following companies exported the product concerned to the European Community and cooperated with the Commission in the review investigation:
- Advanced Micro Devices Inc.,
 - Fujitsu Limited,
 - Hitachi Ltd,
 - Intel,
 - Mitsubishi,
 - Oki Electric Co. Ltd,
 - Sanyo Electric Co. Ltd,
 - Sharp Corporation,
 - Texas Instruments,
 - Toshiba Corporation.

One company, National Semiconductor Corporation which did not, in the investigation period,

export EPROMs of Japanese origin to the Community, but intended to do so after that period, and which expressed its wish to offer an undertaking, cooperated in the investigation and replied to the Commission's questionnaire.

- (9) The following unrelated importers, which are end-users of the product concerned, cooperated with the Commission in the present investigation:
- Telefonaktiebolaget LM Ericsson,
 - Nokia Corporation.
- (10) The investigation period applied in the present investigation was from 1 July 1994 to 30 June 1995. The trend analysis of factors relevant for the determination of injury was based on data collected for the period 1 January 1990 to the end of the investigation period.
- (11) The investigation has exceeded the normal time period because of the complexity of the aspects regarding injury and the likelihood of recurrence of injury which was mainly owing to the large number and the degree of diversity of the different types within the product concerned.

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

- (12) The products concerned by this investigation are EPROMs (erasable programmable read only memories), whether in processed wafer form or die form, and other product variations using EPROM technology, of all densities (including future densities), irrespective of access speed, configuration, frame or package. Flash EPROMs were also included in the investigation if they were based on an EPROM-like technology, typically (but not exclusively) on a one transistor cell technology, used in EPROM-like applications, and/or erasable only in blocks or sectors, thus distinguishing the Flash EPROM from other EPROMs which are byte-erasable.
- (13) The product concerned was classified within the following CN Codes:
- 8542 11 33, 8542 11 34, 8542 11 35 or 8542 11 36 for finished UV erasable EPROMs,
 - ex 8542 11 38 for finished Flash EPROMs,
 - ex 8542 11 76 for OTPs,
 - ex 8542 11 01 for wafers for all types of EPROMs,
 - ex 8542 11 05 for dice and chips for all types of EPROMs.

- (14) It was found that EPROMs produced in Japan, sold domestically and exported to the Community, and EPROMs produced by the Community industry and sold on the Community market are alike in their physical characteristics and use. They are therefore considered as a like product in accordance with Article 1 (4) of Council Regulation (EC) No 384/96.

C. DEFINITION OF THE COMMUNITY INDUSTRY

- (15) The Community industry consists of SGS-Thomson Microelectronics Srl ('SGS-Thomson') which is a member of the European Electronic Component Manufacturers Association (EECA). The EECA was the complainant in the original investigation. SGS-Thomson is the only producer of EPROMs in the Community. The company submitted a response to the Commission's questionnaire within the deadline set by the Commission and cooperated in this investigation.
- (16) Since SGS-Thomson is the only Community producer of EPROMs, it constitutes the entirety of Community production. The requirements of Article 4 (1) of Regulation (EC) No 384/96 are thus met.

D. INJURY

The situation of the Community industry

- (17) *Value of sales*

The sales value of the Community industry, in the period 1990 to the investigation period, increased by more than 160 %.

- (18) *Market share of the Community industry*

The investigation has shown that, while overall consumption in the Community of the product concerned increased by 104 % between 1990 and the investigation period, the market share of the Community industry on this market increased by 142 % in the same period.

- (19) *Production capacity and capacity utilization*

The production capacity more than tripled between 1990 and the investigation period. Capacity utilization was constantly at the maximum level.

- (20) *Stocks*

The value of stocks decreased by around 18 % between 1990 and the investigation period.

- (21) *Employment*

Between 1990 and the investigation period, employment in the Community industry rose by 43 %.

- (22) *Investment*

The amount of investment increased by 155 % between 1990 and the investigation period.

- (23) *Profitability*

Whereas the Community industry incurred losses in the years 1990 to 1992, substantial profits were achieved in the years 1993, 1994 and in the investigation period. In the years 1993, 1994 and in the investigation period, the return on turnover reached a satisfactory level.

- (24) *Conclusion on injury*

In the light of the abovementioned injury factors, it is considered that the Community industry did not suffer injury in the investigation period, since it produced at full capacity, sales value was at its maximum level, compared to production capacity, stocks were kept at the minimum level, employment had risen substantially, and profitability was high.

E. LIKELIHOOD OF RECURRENCE OF INJURY

Factors concerning the likelihood of recurrence of injury

- (25) *Characteristics of the EPROM market*

The EPROM market in the past has been fast growing, but volatile, as established in the original investigation. However, this volatility was less pronounced than for other types of integrated circuits, for example DRAMs, because the use of EPROM is spread more widely over different applications and user industries.

- (26) *Market demand trends*

The market demand had been increasing substantially and continually in the period from 1990 to the investigation period. On the basis of the information obtained during the investigation, it can be concluded that substantial growth rates may be expected for the time after the investigation period. These findings are confirmed by a market forecast made by a market analyst which predicts a growth of market consumption of almost 90 % between 1995 and 1999. Other market forecasts from other market research institutes are even more optimistic.

(27) *Market supply trends*

It was found in the investigation period that EPROM manufacturers worldwide had, in particular in 1995, in view of the high growth in demand for Flash EPROMs, begun to extend their production capacities for Flash. Further investment decisions for additional production capacities have been announced for the time thereafter. According to publicly available data, around 40 % of these capacities have been or will be established in Japan. These capacities would increase substantially the overall world production capacity for Flash between 1995 and 1999. Compared to Flash, no substantial increase in production capacities for EPROMs proper has been announced.

(28) *Factors concerning the likelihood of recurrence of injury*

The investigation showed that, at the end of the investigation period, the Community market for EPROMs was still stable, the situation of under-supply had continued and prices were still high. There were no substantiated indications that a change in market circumstances, which could have led to a recurrence of injury to the Community industry, was likely. Moreover, in an assessment concerning the likelihood of recurrence of injury, which was mainly based on the cost and sales data obtained from the Japanese producers in their periodical undertaking reports, it was found that, in mid 1996, i.e. one year after the investigation period of the review, the Community market for EPROMs had remained stable. Although the additional production capacities which had come on-stream had improved market supply, in particular for Flash, there were again no substantiated indications that these increased production capacities, in particular those built up by the Japanese manufacturers, would, in the imminent future, create a situation of over-supply on the Community market which could lead to a recurrence of injury to the Community industry. These findings were confirmed by the data available from market research institutes.

(29) *Conclusions concerning the likelihood of recurrence of injury*

In the light of the foregoing, it is considered that the recurrence of injury, should the measures expire, is unlikely and that the measures are therefore no longer necessary.

F. DUMPING/LIKELIHOOD OF RECURRENCE OF DUMPING

- (30) In view of the findings made in respect of injury, the investigation into dumping was not further pursued. Indeed, any dumping which might have been determined would not have caused injury and would therefore not be relevant for the purpose of this investigation. The same applies for the determination of the likelihood of recurrence of dumping.

G. COMMENTS OF THE COMMUNITY INDUSTRY ON THE COMMISSION'S FINDINGS

- (31) The aforementioned findings and considerations were disclosed to the Community industry.
- (32) The Community industry claimed in its comments that the Commission had not taken into account the market development for EPROMs, in particular for the market segment of Flash EPROMs, since October 1996, which would show a steady decline of sales prices for these product types. Furthermore, the company pointed to a publication in October 1996 by market analysts which predicted, for an undefined point in time in the future, an over-supply of Flash EPROMs and a price-crash comparable to that seen for DRAMs, based on a background of increased production capacities and further projects of substantial capacity extension.
- (33) Although the above information would indicate a certain weakening of one market segment for the product concerned, the information submitted is not considered to justify a reversal of the positive trend as determined, based on the findings for the investigation period. Indeed, the data cited by the Community industry on the price development since October 1996 does not constitute a substantiated indication that this would lead to the recurrence of dumping and injury.
- (34) The Commission therefore considers that the considerations set out in recitals 23 and 28 concerning injury in the investigation period and the likelihood of recurrence of injury remain valid.

H. CONCLUSIONS

- (35) Given the above findings, it is considered that the anti-dumping proceeding concerning imports into the Community of EPROMs originating in Japan should be terminated and that the anti-dumping measures in force should be allowed to lapse.
- (36) The Commission informed the interested parties other than the Community industry of its intention to terminate this proceeding and to allow the anti-dumping measures in force to lapse.

- (37) The Member States were consulted. No Member State raised objections to the Commission's intended course of action.

I. ENTRY INTO FORCE OF THIS DECISION

- (38) The Commission considers that this Decision should enter into force on 16 April 1997, since the suspension of the anti-dumping duty expires on this day,

HAS DECIDED AS FOLLOWS:

Article 1

The anti-dumping proceeding concerning imports of EPROMs falling within CN codes

- 8542 11 33, 8542 11 34, 8542 11 35 or 8542 11 36 for finished UV erasable EPROMs,

- ex 8542 11 38 for finished Flash EPROMs,
— ex 8542 11 76 for OTPs,
— ex 8542 11 01 for wafers for all types of EPROMs and
— ex 8542 11 05 for dice and chips for all types of EPROMs

and originating in Japan is terminated and the anti-dumping measures imposed by Regulation (EEC) No 577/91 on such imports will therefore lapse.

Article 2

This Decision shall enter into force on 16 April 1997.

Done at Brussels, 14 April 1997.

For the Commission

Leon BRITTAN

Vice-President