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⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1063/97

of 12 June 1997

setting the trigger level for additional import duties on certain fruit and vegetables

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

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organization of the market in fruit and vegetables ⁽¹⁾, and in particular Article 33 (4) thereof,

Whereas Article 2 of Commission Regulation (EC) No 1555/96 of 30 July 1996 on rules of application for additional import duties on fruit and vegetables ⁽²⁾ provides for the trigger levels and periods to be fixed;

Whereas Article 5 (4) of the Agreement on Agriculture ⁽³⁾ lays down the criteria in accordance with which the Commission is to set the trigger levels for additional duties on certain fruit and vegetables; whereas Article 5 (6) permits trigger periods to be set on the basis of the characteristics of perishable and seasonal products;

Whereas, pursuant to the abovementioned criteria, the trigger level for additional import duties on fruit and vegetables should be set in accordance with the Annex hereto for the relevant periods;

Whereas the trigger levels for the additional duties for tomatoes and cherries were set by Commission Regulations (EC) No 2351/96 ⁽⁴⁾ and (EC) No 905/97 ⁽⁵⁾ respectively;

Whereas the Management Committee for Fresh Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The trigger level for the additional import duties provided for in Article 2 of Regulation (EC) No 1555/96 for the 1997/98 marketing year shall be as set out in the table in the Annex hereto.

Article 2

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

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

Done at Brussels, 12 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ No L 193, 3. 8. 1996, p. 1.

⁽³⁾ OJ No L 336, 23. 12. 1994, p. 22.

⁽⁴⁾ OJ No L 320, 11. 12. 1996, p. 13.

⁽⁵⁾ OJ No L 130, 22. 5. 1997, p. 10.

ANNEX

CN code	Trigger period	Trigger level (tonnes)	Description
0707 00 35 0707 00 40 0707 70 10 0707 00 15	1 November to 30 April	34 876	Cucumbers
0805 10 61 0805 10 65 0805 10 69 0805 10 01 0805 10 05 0805 10 09 0805 10 11 0805 10 15 0805 10 19 0805 10 21 0805 10 25 0805 10 29 0805 10 31 0805 10 33 0805 10 35	1 December to 31 May	1 115 541	Sweet oranges, fresh
0805 20 33 0805 20 35 0805 20 37 0805 20 39 0805 20 13 0805 20 15 0805 20 17 0805 20 19	1 November to end of February	68 300	Mandarins (including tangerines and satsumas), wilkings and similar citrus hybrids
ex 0805 30 30 ex 0805 30 40	1 September to 30 November	64 349	Lemons
ex 0805 30 40 0805 30 20	1 December to 31 May	32 718	
0806 10 40 0806 10 50	21 July to 20 November	29 849	Table grapes

COMMISSION REGULATION (EC) No 1064/97

of 12 June 1997

amending Regulation (EC) No 1556/96 introducing a system of import licences
for certain fruit and vegetables imported from third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organization of the market in fruit and vegetables ⁽¹⁾, and in particular Article 31 (2) thereof,

Whereas Regulation (EC) No 1556/96 of 30 July 1996 ⁽²⁾, as amended by Regulation (EC) No 906/97 ⁽³⁾, introduced a system of import licences for certain fruit and vegetables imported from third countries and set the list of products covered;

Whereas examination of the market situation for these products indicates that the list should be modified;

Whereas the Management Committee for fresh Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1556/96 is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 12 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ No L 193, 3. 8. 1996, p. 5.

⁽³⁾ OJ No L 130, 22. 5. 1997, p. 12.

ANNEX

CN code	Period	Description
0702 00 40 0702 00 45 0702 00 50 0702 00 15	1 October to 31 March	Tomatoes ⁽¹⁾
0702 00 20 0702 00 25 0702 00 30 0702 00 35	1 April to 30 September	
0707 00 35 0707 00 40 0707 00 10 0707 00 15	1 November to 30 April	Cucumbers
0805 10 61 0805 10 65 0805 10 69 0805 10 01 0805 10 05 0805 10 09 0805 10 11 0805 10 15 0805 10 19 0805 10 21 0805 10 25 0805 10 29 0805 10 31 0805 10 33 0805 10 35	1 December to 31 May	Oranges
0805 20 33 0805 20 35 0805 20 37 0805 20 39 0805 20 13 0805 20 15 0805 20 17 0805 20 19	1 November to end February	Mandarins, including tangerines, satsumas, wilkings and similar citrus hybrids
ex 0805 30 30 ex 0805 30 40	1 September to 30 November	Lemons
0805 30 20	1 December to 31 May	
0806 10 40 0806 10 40	21 July to 20 November	Table grapes
0809 20 31 0809 20 39 0809 20 41 0809 20 49 0809 20 51 0809 20 59 0809 20 61 0809 20 69	21 May to 10 August	Cherries
ex 0808 10 61 ex 0808 10 63 ex 0808 10 69	1 May to 30 June	Apples

⁽¹⁾ Except tomatoes originating in Morocco.

COMMISSION REGULATION (EC) No 1065/97

of 12 June 1997

supplementing the Annex to Regulation (EC) No 1107/96 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾, as amended by Regulation (EC) No 535/97⁽²⁾, and in particular Article 17 (2) thereof,

Whereas for certain names notified by the Member States pursuant to Article 17 of Regulation (EEC) No 2081/92 additional information was requested in order to make sure that they complied with Articles 2 and 4 of that Regulation; whereas this additional information shows that the names comply with the said Articles; whereas they should therefore be registered and added to the Annex to Commission Regulation (EC) No 1107/96⁽³⁾, as last amended by Regulation (EC) No 123/97⁽⁴⁾;

Whereas, following the accession of three new Member States, the six-month period provided for in Article 17 of Regulation (EEC) No 2081/92 is to begin on the date of their accession; whereas some of the names notified by those Member States comply with Articles 2 and 4 of that Regulation and should therefore be registered;

Whereas the name 'Speck dell'Alto Adige' concerns a border geographical area which is bilingual; whereas,

since Article 5 (5) therefore applies, the Member States in question have consulted one another and arrived at an agreement; whereas, as the name has been registered already in Italian, it should be registered also in German;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Regulatory Committee on Geographical Indications and Designations of Origin,

HAS ADOPTED THIS REGULATION:

Article 1

The names in the Annex to this Regulation are hereby added to the Annex to Regulation (EC) No 1107/96.

Article 2

The name 'Speck dell'Alto Adige' is hereby registered in German as 'Südtiroler Markenspeck' or 'Südtiroler Speck'.

Article 3

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, 12 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 208, 24. 7. 1992, p. 1.

⁽²⁾ OJ No L 83, 25. 3. 1997, p. 3.

⁽³⁾ OJ No L 148, 21. 6. 1996, p. 1.

⁽⁴⁾ OJ No L 22, 24. 1. 1997, p. 19.

ANNEX

A. PRODUCTS INTENDED FOR HUMAN CONSUMPTION LISTED IN ANNEX II TO THE TREATY**Meat-based products**

ITALY

‘— Prosciutto di Norcia (PGI)’

AUSTRIA

‘— Tiroler Speck (PGI)’

Cheeses

AUSTRIA

‘— Tiroler Bergkäse (PDO)
— Vorarlberger Alpkäse (PDO)
— Vorarlberger Bergkäse (PDO)’

NETHERLANDS

‘— Boeren-Leidse met sleutels (PDO)⁽¹⁾’

Other products of animal origin (eggs, honey, milk products excluding butter, etc.)

FRANCE

‘— Miel de Sapin des Vosges (PDO)’

Olive oils

GREECE

‘— Καλαμάτα (Kalamata) (PDO)
— Κολυμβάρι Χανίων Κρήτης (Kolymvari Hanion Kritis) (PDO)⁽²⁾’⁽³⁾

ITALY

‘— Bruzio (PDO)
— Cilento (PDO)
— Colline Salernitane (PDO)
— Penisola Sorrentina (PDO)’

Fruit, vegetables and cereals

GREECE

‘— apples
Μήλα Ντελίσσιους Πιλαφά Τριπόλεως (Mila Delicious Pilafa de Tripoli) (PDO)’

FRANCE

‘— Lentille verte du Puy (PDO)’

ITALY

‘— Lenticchia di Castelluccio di Norcia (PGI)’

AUSTRIA

‘— Waldviertler Graumohn (PDO)’.

⁽¹⁾ Protection of the name ‘Leidse’ is not sought.

⁽²⁾ Protection of the name ‘Χανίων’ (Hanion) is not sought.

⁽³⁾ Protection of the name ‘Κρήτης’ (Kritis) is not sought.

COMMISSION REGULATION (EC) No 1066/97
of 12 June 1997
amending for the third time Regulation (EC) No 581/97 adopting exceptional
support measures for the market in pigmeat in Belgium

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the outbreak of classical swine fever in certain regions bordering the Netherlands, exceptional support measures for the market in pigmeat have been adopted for Belgium by Commission Regulation (EC) No 581/97 ⁽³⁾, as last amended by Regulation (EC) No 1009/97 ⁽⁴⁾;

Whereas, in view of the persistence of classical swine fever in the Netherlands, it does not seem possible to end the exceptional support measures for the market in pigmeat in Belgium in the near future; whereas, therefore, the minimum weight for eligible fattened pigs should be reduced so as to reduce expenditure on that measure and the number of pigs to be processed in rendering plants;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 581/97 is hereby amended as follows:

1. in Article 1 (2) and in Article 4 (1) and (2), '120 kilograms' is replaced by '100 kilograms';
2. in Article 4 (2), '110 kilograms' is replaced by '90 kilograms'.

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 2 June 1997.

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

Done at Brussels, 12 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 87, 2. 4. 1997, p. 11.

⁽⁴⁾ OJ No L 145, 5. 6. 1997, p. 21.

COMMISSION REGULATION (EC) No 1067/97

of 12 June 1997

amending for the sixth time Regulation (EC) No 413/97 adopting exceptional support measures for the market in pigmeat in the Netherlands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas exceptional measures to support the market in pigmeat were adopted for the Netherlands by Commission Regulation (EC) No 413/97 ⁽³⁾, as last amended by Regulation (EC) No 1031/97 ⁽⁴⁾, in response to the outbreak of classical swine fever in certain production regions in that country;

Whereas, since the veterinary and trade restrictions adopted by the Dutch authorities continue to apply and have been extended to new areas, the numbers of fattened pigs, piglets and young piglets which may be delivered to the competent authorities should be increased, so that the exceptional measures can continue in the coming weeks;

Whereas, in order to make the legislation clearer, the numbers of eligible animals, which have been amended several times since Regulation (EC) No 413/97 was applied on 18 February 1997, should be listed in a single Annex;

Whereas the aid granted for the delivery of young piglets should be increased slightly so as to restore a logical hierarchy of aid between the different piglet categories;

Whereas the swift and effective application of the exceptional market support measures is one of the best ways of combating the spread of classical swine fever; whereas the

application of this Regulation from 2 June 1997 is accordingly justified;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 413/97 is hereby amended as follows:

1. the last subparagraph of Article 1 (3) is deleted;
2. Article 4 (4) is replaced by the following:

‘4. The aid provided for in Article 1 (2), (3) and (4), at farm gate, shall be:

 - ECU 55 per head for piglets weighing 25 kilograms or more on average per batch,
 - ECU 47 per head for piglets weighing more than 24 kilograms on average per batch, but less than 25 kilograms,
 - ECU 40 per head for young piglets weighing 8 kilograms or more on average per batch,
 - ECU 38 per head for very young piglets up to three weeks old.’;
3. Annex I is replaced by the Annex hereto.

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 2 June 1997.

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

Done at Brussels, 12 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 62, 4. 3. 1997, p. 26.

⁽⁴⁾ OJ No L 150, 7. 5. 1997, p. 34.

*ANNEX**ANNEX I*

Maximum total number of animals from 18 February 1997:

Fattened pigs	1 050 000 head
Piglets and young piglets	1 630 000 head
Very young piglets	500 000 head'

COMMISSION REGULATION (EC) No 1068/97

of 12 June 1997

amending Annex II to Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

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

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾, as amended by Regulation (EC) No 535/97⁽²⁾, and in particular the third subparagraph of Article 1 (1) thereof,

Whereas cochineal and cork should be included in Annex II to Regulation (EEC) No 2081/92 to meet the expectations of certain agricultural producers for whom those products are one of their main sources of income; whereas, since agricultural products are concerned, such producers might conceivably submit applications for registration of such products under Regulation (EEC) No 2081/92 in view of the link which such products may have with certain geographical areas;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee for Geographical Indications and Designations of Origin,

HAS ADOPTED THIS REGULATION:

Article 1

The following products are hereby inserted in Annex II to Regulation (EEC) No 2081/92:

- cork
- cochineal (raw product of animal origin).'

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, 12 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 208, 24. 7. 1992, p. 1.

⁽²⁾ OJ No L 83, 25. 3. 1997, p. 3.

COMMISSION REGULATION (EC) No 1069/97

of 12 June 1997

imposing a provisional anti-dumping duty on imports of cotton-type bed linen
originating in Egypt, India and Pakistan

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⁾ as amended by Regulation (EC) No 2331/96 of 2 December 1996⁽²⁾, and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) On 13 September 1996, the Commission announced by a notice published in the *Official Journal of the European Communities*⁽³⁾ the initiation of an anti-dumping proceeding with regard to imports into the Community of cotton-type bed linen originating in Egypt, India and Pakistan and commenced an investigation.
- (2) The proceeding was initiated as a result of a complaint lodged on 30 July 1996 by the Committee of the Cotton and allied Textile Industries of the European Communities (Eurocoton), on behalf of Community producers representing a major proportion of Community production of cotton-type bed linen. The complaint contained evidence of dumping of the said product and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.
- (3) The Commission officially advised the producers/exporters and importers known to be concerned as well as their associations, the representatives of the exporting countries and the complainants about the initiation of the proceeding.
- (4) Interested parties were given the opportunity to make their views known in writing and to request a hearing. A number of producers/exporters in the countries concerned, as well as Community producers, importers, traders and one consumer organization made their views known in writing. All parties who so requested were granted a hearing.

- (5) In view of the large number of Community producers expressly supporting the complaint, the Commission decided to make use of sampling techniques and sent questionnaires to and received detailed information from a representative sample of Community producers, as set out in recitals (58) to (61).
- (6) In view of the large number of producers/exporters in the exporting countries concerned, sampling was also used with regard to them and the Commission sent questionnaires to and received detailed information from a representative sample of producers/exporters, as set out in recitals (15) to (21).
- (7) The Commission sent questionnaires to fourteen importers known to be concerned and only received replies from three.

In addition, the Commission sent out questionnaires to 28 large purchasers of bed linen including wholesalers, retailers and mail order companies in order to take account of their economic interests and to assess the likely effects on them and on their purchasing decisions. However, only four replied to the questionnaire.

- (8) The Commission sought and verified all the information it deemed necessary for the purpose of a preliminary determination of dumping and injury, including the carrying out of verification visits at the premises of the following sampled companies:

(a) *Community producers*

Germany

- Bierbaum Textilwerke GmbH & Co KG, Borken,
- Irisette GmbH & Co KG, Zell im Wiesental,
- Gunter Meckelholz GmbH, Bocholt,
- Wilh. Wulfing GmbH & Co, Borken,
- Luxorette GmbH, Wendlingen;

France

- Société Industrielle Mulliez Frères SA, Roubaix,
- Hacot Colombier SA, Houplines,
- Éts Vanderschooten, Nieppe,
- Joseph Hacot SA, La Gorgue,
- Groupe Fremaux SA, Haubourdin,
- C Bera SA, Noyelles-sur-Selle,
- Jalla SA, Paris;

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No L 317, 6. 12. 1996, p. 1.

⁽³⁾ OJ No C 266, 13. 9. 1996, p. 2.

Italy

- Vincenzo Zucchi SpA, Milan,
- Bassetti SpA, Milan,
- Bossi SpA, Mortara,
- Gabel Industria Tessile SpA, Rovellasca;

Portugal

- Lameirinho Indústria Têxtil SA, Pevidém;

(b) *producers/exporters*

Egypt

- Damietta Spinning & Weaving Co., Damietta,
- El Nasr Wool and Selected Textiles Co (STIA), Alexandria,
- Orient Linen & Cotton Co., Alexandria,
- Stephanie Textile, Cairo;

India

- Anglo French Textiles, Pondicherry,
- Madhu Industries Ltd, Ahmedabad,
- Madhu International, Ahmedabad,
- Omkar Exports, Ahmedabad,
- Prakash Cotton Mills Ltd, Bombay,
- The Bombay Dyeing & Manufacturing Co Ltd, Bombay,
- Nowrosjee Wadia & Sons Ltd, Bombay;

Pakistan

- Al-Abid Silk Mills Ltd, Karachi,
- Al-Abid Export (Pvt) Ltd, Karachi,
- Al-Karam Textile Mills (Pvt) Ltd, Karachi,
- Fateh Textile Mills, Hyderabad,
- Gul Ahmed Textiles Mills Ltd, Karachi,
- Excel Textile Mills Ltd, Karachi,
- Mohammad Farooq Textile Mills Ltd, Karachi;

(c) *related importer*

- Barkat Limited, Brentford, United Kingdom.

- (9) The investigation of dumping covered the period from 1 July 1995 to 30 June 1996 (hereinafter referred to as 'the investigation period'). The examination of injury covered the period from 1992 up to the end of the investigation period.

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

1. Product under consideration

- (10) The proceeding covers bed linen of cotton-type fibres, pure or mixed with man-made fibres or flax, bleached, dyed or printed. Bed linen includes bed sheets, duvet covers and pillow cases, packaged for sale either separately or in sets.

The fabrics made of cotton-type fibres used to produce bed-linen are identified by two pairs of numbers. The first one indicates the count (or weight) of yarns employed respectively for the warp and for the weft. The second one indicates the number of threads per centimeter or per inch respectively of the warp and of the weft.

The fabrics are bleached, dyed or printed. Then they are cut and stitched into different size flat sheets, fitted sheets, duvet covers and pillow cases. The final product is packaged for sale either separately or in sets.

Notwithstanding the different possible product types due to different weaving construction, finish of the fabric, presentation and size, packing, etc., all of them constitute a single product for the purpose of this proceeding because they have the same physical characteristics and essentially the same use.

2. Like product

- (11) The Commission examined whether cotton-type bed linen produced by the Community industry and sold on the Community market, as well as cotton-type bed linen produced in Egypt, India and Pakistan and sold on the Community market and on their domestic markets were alike.
- (12) The representatives of certain interested parties requested that bleached bed linen should be excluded from the scope of the current proceeding on the grounds that it should not be treated as a like product. They claimed that bleached bed linen is technically different from printed and/or dyed bed linen, that it is not substitutable with Community production which is based on printed and/or dyed bed linen and that it has different end users (hospitals and hotels).
- (13) The investigation revealed that although there are different processes in finishing the fabrics (bleaching, dyeing, printing), products of all finishes are substitutable and compete with each other on the Community market. This is supported by the fact that retailers are buying all types of bed linen (bleached, dyed and printed). It was also found that there is production in the Community of bleached bed linen and that certain types of the product are not used exclusively by any particular category of users.
- (14) The Commission concluded that although there were differences in the mix of products produced in the Community and that sold for export to the Community or sold domestically in the countries concerned, there were no differences in the basic characteristics and uses of the different types and qualities of bed linen of cotton-type fibres. Therefore domestic and export types in the countries concerned and types produced in the Community were considered like products within the meaning of Article 1(4) of Regulation (EC) No 384/96 (hereinafter referred to as 'the basic Regulation').

C. SAMPLING OF EXPORTERS/PRODUCERS IN THE COUNTRIES OF ORIGIN

1. General

- (15) In view of the large number of exporters in the countries concerned, the Commission decided to apply sampling techniques in accordance with Article 17 of the basic Regulation.

In order to enable the Commission to select a sample, exporters and representatives acting on their behalf, were, pursuant to Article 17 (2) of the basic Regulation, requested to make themselves known within three weeks of the initiation of the proceeding and to provide basic information on their export and domestic turnover, the stages of production performed and the names and activities of all related companies in the bed linen sector. The authorities of the countries concerned were in this context also contacted by the Commission.

2. Pre-selection of the sample

- (16) The companies which identified themselves, provided the requested information within the three weeks period and had exported the product concerned to the Community during the investigation period, were considered as cooperating companies and were taken into account in the selection of the sample.

These companies represented approximately 100 %, 82 % and 77 % of the total exports to the Community from Egypt, India and Pakistan respectively.

- (17) The companies which were not finally retained in the sample, were informed that any anti-dumping duty on their exports would be calculated in accordance with the provisions of Article 9 (6) of the basic Regulation, i.e. without exceeding the weighted average margin of dumping established for the companies in the sample.
- (18) The companies which did not make themselves known within the three weeks period were considered as non-cooperating companies.

3. Selection of the sample

- (19) For all the countries concerned, the selection of the sample was made in agreement with the representatives of the companies, associations and/or governments concerned.
- (20) The companies selected in the sample and which fully cooperated with the investigation were at-

tributed their own dumping margin and individual duty rate.

- (21) The Commission also selected reserve companies which though having to reply to the questionnaire would only be investigated in the event that companies in the main sample would subsequently refuse to cooperate.

These companies were also informed that any anti-dumping duty on their exports would be calculated in accordance with the provisions of Article 9 (6) of the basic Regulation unless they were selected to replace a company in the original sample in which case they would have their own dumping margin and individual duty rate.

4. Individual examination of companies not selected in the sample

- (22) Seven co-operating companies not selected in the sample requested the calculation of individual margins of dumping and accompanied this request with a reply to the questionnaire within the deadlines set for this purpose. In accordance with Article 17 (3) of the basic Regulation, their requests, however, could not be accepted in the current investigation since the number of exporters was so large that individual examinations would have been unduly burdensome and prevented completion of the investigation in good time. The seven companies in question were informed accordingly.

D. DUMPING

1. Normal value

(a) *India*

- (23) In accordance with Article 2 (2) of the basic Regulation, the Commission first examined whether global domestic sales of cotton-type bed linen by each exporter/producer were representative, i.e. whether the total volume of such sales was greater than or equal to 5 % of the total volume of the corresponding export sales to the Community.

This assessment revealed that only one exporter/producer had representative sales of cotton-type bed linen on the domestic market during the investigation period.

- (24) The Commission then examined whether the different product types exported to the Community were sold in representative quantities on the domestic market. In this context, the Commission found that domestic and export types which had similar size, weaving construction, finish of fabric and final presentation were comparable products.

Domestic sales of a particular type were considered as sufficiently representative when the volume of that type sold on the domestic market during the investigation period represented 5 % or more of the total volume of the comparable type sold for export to the Community.

For the sole company with representative global domestic sales, this assessment revealed that five types of cotton-type bed linen exported to the Community had also been sold in representative quantities on the domestic market during the investigation period.

- (25) The Commission subsequently examined whether the domestic sales of each of the five representative types of this company could be considered as being made in the ordinary course of trade pursuant to Article 2 (4) of the basic Regulation.

It was found that the five types in question had been sold at a loss i.e. at prices below cost of production plus selling, general and administrative costs (hereafter 'SG&A'). Therefore, it was considered that these types were not sold in the ordinary course of trade and that the domestic prices did not provide an appropriate basis for establishing normal value.

- (26) For all types sold for export to the Community by all companies normal value had, therefore, to be constructed in accordance with Article 2 (3) of the basic Regulation.

The constructed value was determined by adding to the cost of production of the exported types of each company, a reasonable amount for SG&A and a reasonable amount for profit.

Since only one company had representative global domestic sales and the profitable domestic types represented less than 80 % but more than 10 % of total domestic sales, the amount for SG&A and profit used for the construction of normal value for all companies investigated were those respectively incurred and realised by this company, in accordance with Article 2 (6) of the basic Regulation.

(b) *Egypt*

- (27) The global representativeness assessment (see recital (23)) revealed that three out of the four companies in the sample had representative sales of cotton-type bed linen on the domestic market during the investigation period.
- (28) On the basis of the comparability criteria (see recital (24)), the Commission found that domestic and export types of all three Egyptian companies

with representative domestic sales did not permit a proper comparison.

- (29) Therefore, for all types sold for export to the Community by all Egyptian companies in the sample, the normal value was calculated on the basis of a constructed value for the products exported to the Community, in accordance with Article 2 (3) of the basic Regulation.

In order to determine a reasonable amount for profits it was further examined with regard to the three companies with overall representative sales whether these sales were made in the ordinary course of trade. It was found that for two of the three companies with representative domestic sales all domestic types were sold at a loss (i.e. at prices below cost of production plus SG&A). Therefore, it was considered that domestic sales for these two companies were not made in the ordinary course of trade and could consequently not be used as a basis for the determination of 'a reasonable amount for profits'.

For the third company it was found that less than 80 % but more than 10 % of all types sold domestically were profitable (i.e. sold at prices above cost of production plus SG&A). Therefore, these sales were considered as made in the ordinary course of trade and the profit realized in these sales was used in constructing normal value for all Egyptian companies.

- (30) Accordingly for the only company with sufficient profitable domestic sales of the product concerned during the investigation period the constructed normal value was based on cost of production of the exported types plus its own SG&A and profit margin.
- (31) For the two companies with representative domestic sales but not made in the ordinary course of trade, their own cost of production and SG&A plus the profit margin of the company with sufficient profitable domestic sales were used to construct normal value.
- (32) To construct normal value for the company without representative domestic sales, the Commission used its own cost of production for each exported type to which it added the actual weighted average domestic SG&A of the companies with representative domestic sales and the profit margin of the company with sufficient profitable domestic sales.

(c) *Pakistan*

- (33) The global representativeness assessment (see recital (23)) revealed that only one company in the sample had representative sales of cotton-type bed linen on the domestic market during the investigation period.
- (34) On the basis of the comparability criteria (see recital (24)), the Commission found that domestic and export types of the company with representative domestic sales did not permit a proper comparison.
- (35) Therefore, for all types sold for export to the Community by all Pakistani companies in the sample, the normal value was calculated on the basis of a constructed value for the products exported to the Community, in accordance with Article 2 (3) of the basic Regulation.

For the company with representative domestic sales it was found that less than 80 % but more than 10 % of the domestically sold types were profitable (i.e. sold at prices above cost of production plus SG&A). Therefore, these sales were considered as made in the ordinary course of trade. Consequently, the SG&A incurred and the profit margin earned in these profitable sales were used in constructing normal value for all Pakistani companies in the sample.

On this basis, the Commission determined the constructed value by adding to the cost of production of the exported types of each company the amount of SG&A and profit incurred and realized respectively by the company with representative profitable domestic sales.

- (36) Two companies claimed that, due to exceptional circumstances resulting from civil disorder on a major scale in Karachi during the investigation period, costs corresponding to idle capacity should not be taken into account in calculating constructed normal value. Given that these companies did not submit sufficient accounting evidence from their records which would justify a deviation from the cost allocations historically utilised, the Commission provisionally did not accept these claims when calculating the dumping margins.

2. Export price

- (37) In general, sales of cotton-type bed linen made by the exporters/producers on the Community market were made to independent customers. Consequently the export price was established by

reference to the prices actually paid or payable in accordance with Article 2 (8) of the basic Regulation.

- (38) One Pakistani exporter/producer, however, sold part of its exports to a related importer based in the Community. For the transactions made through the related importer the export prices were adjusted in accordance with Article 2 (9) of the basic Regulation to take account of all costs, including duties and taxes, incurred between importation and resale and of profits normally accruing, so that a reliable export price could be established.

3. Comparison

- (39) For the purpose of ensuring a fair comparison between normal value and export price, due allowances in the form of adjustments were made where applicable and justified for differences affecting price comparability in accordance with Article 2 (10) of the basic Regulation.

The adjustments made were as follows:

- India: allowances for differences in import charges and indirect taxes, transport and handling, ocean freight, ocean insurance, packing costs, credit and commissions;
- Egypt: allowances for differences in ocean freight, packing costs, credit and commissions;
- Pakistan: allowances for differences in import charges and indirect taxes, ocean freight, inland transport, credit and commissions.

- (40) The Indian exporter/producer with representative global domestic sales requested an adjustment to normal value of 5 % for differences in levels of trade based on the fact that export sales to distributors in the Community are made in much larger quantities than sales through three distinct sales channels on the domestic market (exclusive wholesalers for branded products, other wholesalers and industrial users).

As a result of this request, the Commission examined whether such an adjustment could be granted under Article 2 (10) of the basic Regulation.

An adjustment for differences in quantities was not justified since no indication was found that distributors in the domestic market had benefited from discounts or rebates because of the larger quantities allegedly purchased by them.

An adjustment for differences in levels of trade could not be granted either, since the company concerned limited itself to refer to the different distribution channels in the domestic and export markets but failed to show that the alleged difference between the levels of trade of the export price and the normal value had affected price comparability as demonstrated by consistent and distinct differences in the functions and prices between the different levels of trade in the domestic market.

- (41) The same company also requested an adjustment to normal value of 10 % for differences in brand promotion expenses on the basis that it was incurring excessive promotion expenses when selling to its exclusive domestic wholesalers which were not incurred in its exports to the Community. In order to evaluate whether such a difference in promotion expenses borne could have affected price comparability, the Commission looked at the total of SG&A incurred by this company with respect to domestic sales to exclusive wholesalers which bought only branded products and found that it was the same as that incurred on domestic sales to other wholesalers which bought non-branded products only. Furthermore, no evidence was supplied that customers had been consistently paying higher prices for branded products. Since exports to the Community of the company concerned consisted of non-branded products, it was concluded that brand promotion expenses was not a factor affecting price comparability. Consequently, the request for such an adjustment was also rejected.
- (42) Finally, it should be noted that the quantification of both adjustments requested (see recitals (40) and (41)) was not supported by any verifiable data and was found to exceed the total level of SG&A expenses incurred by the company concerned during the investigation period.
- (43) All Indian exporters/producers claimed an adjustment for credit granted in respect of export sales on the basis of their actual credit costs. However, since the basic Regulation provides in Article 2 (10) (g) that such adjustment shall be made when the credit granted is a factor taken into account in the determination of prices charged, the Commission calculated this adjustment on the basis of the credit agreed at the time of sale, i.e. cost calculated on payment terms/number of days and prevailing interest rate.
- (44) The Indian exporter/producer with representative global domestic sales claimed an adjustment for credit costs in respect of domestic sales. This had

to be rejected on the ground that there was no evidence during the investigation period that any payment terms had been agreed at the time of sale. In fact the investigation revealed that the delivery of the goods always took place after payment.

- (45) An adjustment to normal value was claimed by all Pakistani exporters/producers in respect of import charges and duties borne by the materials physically incorporated in the like product, when intended for consumption in Pakistan and refunded on export of the product under consideration pursuant to the Pakistani legislation. However, the investigation revealed that the amounts of import charges and duties refunded exceeded the verifiable amounts actually included in the cost of the raw materials utilized. Therefore, in accordance with Article 2 (10) (b) of the basic Regulation the adjustment was restricted to the amounts actually included in the cost of the raw materials.

4. Dumping margins

(a) General methodology

- (46) In general, weighted average constructed normal value by type was compared with weighted average export price by type. However, with regard to five Pakistani exporters/producers, every export transaction referred to a different product type. A comparison of individual normal values, as determined for these companies under recital (35), with individual export prices to the Community on a transaction by transaction basis, as determined under recitals (37) and (38), was therefore made in respect of these Pakistani exporters/producers.

(b) Methodology for groups of companies

- (47) It has been the consistent practice of the Commission to consider related companies or companies belonging to the same group as one single entity and, therefore, to establish for all of them one single dumping margin. Indeed, calculating individual dumping margins might encourage circumvention of anti-dumping measures, thus rendering them ineffective, by enabling related producers to channel their exports to the Community through the company with the lowest individual dumping margin.

In accordance with this practice, related exporters/producers belonging to the same group were regarded as one single entity and attributed one

single dumping margin. For exporters/producers belonging to a same group it was decided to first calculate a dumping margin per company. Then, a weighted average of these dumping margins was established and attributed to the group as a whole.

(c) *Specific application*

- (48) The above methodology was applied to two Indian and two Pakistani groups of companies. However, with regard to both one Indian and one Pakistani group, the exports to the Community of one company of each group were considered minor and have not been taken into account in the calculations.

With regard to Egypt, the majority of the cooperating companies (13 out of 21) are directly or indirectly State-owned and managed by the Government. Therefore, in accordance with the practice mentioned in recital (47) all these stated-owned companies were regarded as one single entity.

Among the four Egyptian exporters/producers selected in the sample three of them were State-owned. One weighted average dumping margin was calculated for these three companies and was applied to all cooperating State-owned companies, whether investigated or not. An individual dumping margin was calculated for the fourth company investigated. Finally, cooperating non State-owned companies not included in the sample were attributed the weighted average dumping margin of the four companies in the sample, weighted on the basis of their export turnover to the Community.

(d) *Dumping margins for companies in the sample*

- (49) The comparison, as described under recital (39) and (46) to (48), showed the existence of dumping in respect of all companies which fully cooperated in the investigation. The provisional dumping margins expressed as a percentage of the cif import price at the Community frontier are the following:

India

— Anglo French Textiles,	27,3 %
— The Bombay Dyeing & Manufacturing Co., Ltd,	9,4 %
— Nowrosjee Wadia & Sons Ltd,	9,4 %
— Madhu Industries Ltd,	19,5 %
— Madhu International,	19,5 %
— Omkar Exports,	16,5 %
— Prakash Cotton Mills Ltd,	3,9 %

Egypt

— Damietta Spinning & Weaving Co.,	13,5 %
— El Nasr Wool and Selected Textiles Co. (STIA),	13,5 %
— Oirent Linen & Cotton Co.,	13,5 %
— Stephanie Textile,	9,1 %

Pakistan

— Al-Abid Silk Mills Ltd,	8,2 %
— Al Abid Export (Pvt) Ltd,	8,2 %
— Al-Karam Textile Mills (Pvt) Ltd,	2,6 %
— Fateh Textile Mills Ltd,	7,9 %
— Gul Ahmed Textile Mills Ltd,	0,2 % (<i>de minimis</i>),
— Excel Textile Mills Ltd,	0,2 % (<i>de minimis</i>),
— Mohammed Farooq Textile Mills Ltd,	6,6 %

(e) *Dumping margin for cooperating companies not in the sample*

- (50) Cooperating companies not selected in the sample (see recitals (17) and (21)) were attributed the average dumping margin of the companies in the sample, weighted on the basis of their export turnover to the Community. In accordance with Article 9 (6) of the basic Regulation, when calculating this average dumping margin *de minimis* margins established have been disregarded. Expressed as a percentage of the cif import price at the Community frontier, these provisional dumping margins are the following:

— India	13,6 %
— Egypt	13,5 % (<i>for State-owned companies</i>),
— Egypt	13,0 % (<i>for other companies</i>),
— Pakistan	6,5 %

(f) *Dumping margin for non-cooperating companies*

- (51) For non cooperating companies a dumping margin was determined on the basis of the facts available in accordance with Article 18 of the basic Regulation. Since the level of cooperation was high, it was considered appropriate to set the dumping margin for non cooperating companies in each country concerned at the level of the highest dumping margin established for a company in each sample because it would constitute a bonus for non-cooperation to assume that the dumping margin attributable to exporters/producers which did not make themselves known is lower than the highest found for a cooperating exporter/producer.

These provisional dumping margins expressed as a percentage of the cif import price at the Community frontier, are the following:

— India	27,3 %,
— Egypt	13,5 %,
— Pakistan	8,2 %.

E. COMMUNITY INDUSTRY

1. Definition of the Community industry

- (52) After elimination from the list of companies included in the complaint of seven of them found not to be complainants, the Commission found that the remaining companies represented a major proportion of Community production of bed linen and satisfied the requirements of Article 5 (4) of the basic Regulation.

After initiation of the proceeding, a number of organizations representing exporters and importers of bed linen from the countries concerned alleged that several of the producers which made up the Community industry were also importing the dumped product from the countries subject to the proceeding. In these circumstances, the Commission re-examined whether, in the light of the provisions of Article 4 (1) (a) of the basic Regulation, these companies should be excluded from 'the Community industry'.

- (53) For the purposes of carrying out this reexamination, and in accordance with consistent practice of the Community institutions, it appeared appropriate to determine whether those companies were primarily producers in the Community with an additional activity based on imports and merely supplementing their Community production, in order to be able to offer a complete range of products, or whether they were importers with relatively limited additional production in the Community.
- (54) In all but one case, companies alleged to be importing bed linen from the countries concerned were among those selected in the sample of Community producers (see recitals (58) to (61)). The Commission was therefore able to examine the extent of these imports during the course of its on-the-spot verification visits. For all but one of these sampled companies, the investigation showed that the imports of dumped products from the countries concerned had accounted for less than 10 % of the turnover of the companies in question in the period examined. It is therefore the opinion of the Commission that these companies were not shielded from the effects of dumped imports and that for the purposes of Article 4 of the basic Regu-

lation these companies may be considered along with the other cooperating producers, as belonging to the Community industry.

In the case of the one other sampled company, it was found that a higher proportion of its bed linen sales in the investigation period were of Pakistani origin and also that only a minor part of its sales were of its own production. It appeared in addition that the company's future activity was likely to be further focused on imports. This company, whose core interests were deemed clearly not to be in the production of bed linen within the Community, was therefore eliminated from the Community industry.

- (55) Since all but one of the sampled companies alleged to be importing bed linen from the countries concerned were found, on examination, not to be doing so in quantities sufficient to warrant exclusion, it has been considered that the allegations made by the exporters in this regard were excessive and unreliable. Consequently, on the basis of the findings concerning the sample, no exclusion of the one non-sampled company is warranted. This company should, therefore, be retained in the definition of the Community industry. In any event, this issue has no substantial influence on the question of the representativity of the Community industry.
- (56) Three other companies were eliminated. In one case the company was found no longer to produce bed linen. In two other cases the companies did not respond to the requests for information which were addressed, via Eurocoton and the national associations, to those complainants which were not selected in the sample of Community producers, in order to obtain information on the Community industry as a whole.
- (57) The remaining 35 companies, which cooperated with the enquiry and are located in France, Germany, Italy, Spain, Portugal, Austria and Finland, represented a major proportion of total Community production in the investigation period. These companies were therefore deemed to make up the Community industry under the terms of Article 4 (1) of the basic Regulation.

2. Sampling

- (58) Because of the number of companies in the Community industry it was decided to resort to sampling, in accordance with Article 17 of the basic Regulation.
- (59) 27 of the 35 companies, representing 96,7 % of Community industry production and 32,5 % of total Community production in 1995, (the latest figures available at the time of sample selection) were situated in Germany, Italy, France and Portugal.

- (60) As a general rule, Community producers sell a large proportion of their bed linen production in their own Member State, in part because of differences between Member States in standard products and sizes. This is true of Germany, France and Italy which are both the largest producers of bed linen in the Community and very important importers. The producers in these Member States were therefore clear candidates for assessing the impact of the imports on the Community industry.

Producers in Portugal, for their part, sell a large proportion of their production in other Member States and represent about one third of the production of complainant companies. Even though Portugal is not a significant importer, therefore, it was decided that the effect of the imports on the producers there should be assessed and that Portugal should be represented in the sample.

- (61) In consultation with the complainant Eurocoton an initial list of 19 companies was arrived at (eight from France, six from Germany, four from Italy and one from Portugal).

In the course of the enquiry one of these companies was eliminated from the sample for failing to cooperate with the enquiry. As a result of this exclusion, and of the exclusion of the other company under Article 4 (1) (a) of the basic Regulation (see recital (54)), in the following injury analysis information given for 'sampled producers' is based on information supplied by the remaining 17 producers which represented 20,7 % of total Community production and 61,6 % of the production of the Community industry. They included the largest Community industry companies in Germany, Italy and Portugal, and also smaller producers. The Commission therefore considered this sample to be representative of the Community industry.

F. INJURY

1. Collection of data

- (62) Data for the examination of injury caused to the Community industry was collected and analysed at three different levels, as follows:

- at the level of the entire Community (EU-15), for trends concerning production, consumption in the Community, imports, exports and market share. Data was obtained from Eurocoton and from recognized industry sources, notably the CITH (*Centre d'Information Textile et Habil-*

lement) which produces a series of production figures across the Community for the whole of textile category 20. This category is very slightly broader than the definition of the product concerned in the present proceeding. However, the difference is very slight, as the extra products it includes are of very minor significance,

- at the level of the Community industry, as defined above, for trends concerning production, sales by value and employment,
- at the level of the sampled Community producers, for the factors mentioned above and also for trends concerning prices and profitability.

2. Consumption

- (63) Community consumption of the product concerned (as measured by production plus imports minus exports) decreased from 200 000 tonnes in 1992 to 186 000 tonnes in the investigation period, a decrease of 7 %.

3. Cumulative assessment of the effects of the dumped imports

- (64) The Commission considered, in the light of Article 3 (4) of the basic Regulation, whether cumulative assessment of injury caused by the three exporting countries was justified.
- (65) With regard to the conditions laid down in Article 3 (4) (a) the margin of dumping established in relation to the imports from each country is more than the minimis and the volume of imports from each country is not negligible. In this respect India and Pakistan are both subject to quotas on their exports of bed linen to the Community. Both countries used these quotas in full (at least 98 %) in each of the 1993, 1994 and 1995 quota years and increased the effective quotas by transferring quota allocation from other categories. In addition, it appears that in 1995, India exported to the Community a volume of bed linen 20 % higher than the amount licensed for the 1995 quota year.

All three exporting countries involved in this proceeding increased their exports of the product concerned between 1992 and the investigation period. The largest exporter, Pakistan, increased its exports by volume by 6 %, and the second largest, India, increased its exports by 56 %. Exports from Egypt, which are not subject to quotas, rose by 282 % between 1992 and the investigation period though remained well below the other two countries.

In accordance with the terms of Article 3 (4) (b), the conditions of competition between imported products, and between imported products and the like Community products, were analysed. It was found that the imports compete directly with each other and with the like Community product, and that in particular a number of large purchasers of bed linen buy both from the Community industry and from the countries concerned. While there are variations in the proportions by type and destination of exports from each of the countries concerned, it was found that products from each exporting country were substitutable and competed with each other and with the products of Community producers on the Community market.

- (66) It was therefore held that a cumulative assessment of the effects of the imports was appropriate in terms of Article 3 (4) of the basic Regulation.

4. Volume and market share of dumped imports

- (67) Dumped imports from the three countries concerned increased from 33 825 tonnes in 1992 to 46 656 tonnes during the investigation period i.e. an increase of 12 831 tonnes or 38 %. During the same period their market share increased from 16,9 % to 25,1 %.

5. Prices of the imports concerned

- (68) The Commission examined whether the exporting producers' sales in the Community were at prices that undercut the prices of the sampled Community producers during the investigation period.
- (69) Given the great diversity of products involved, the Commission defined certain reference products of particular importance in each of the principal markets analysed (France, Germany, Italy) for which price and cost data would be determined for the sampled Community producers. Because of different habits and traditions these products were different in each of the Member States examined.

For each of the reference products and for certain other bed linen products of particular interest in specific markets sold by the sampled Community producers the Commission established average prices during the investigation period using information obtained from the sampled Community producers. These prices were then compared with imported products of similar size, weaving construction and finish, where these were sold to clients in the Member State concerned.

- (70) Certain exporters contended that even when products corresponded in size, weaving construction and finish they should not be regarded as comparable, in particular because the imported goods were of poorer quality. These quality differences were alleged to arise, for example, from lower weaving production technology.
- (71) Differences in production technology do not of themselves, however, mean that there are physical differences between the articles produced. In addition, the Commission received evidence that exporters in the countries concerned produced bed linen using the most modern machinery.

It was also found that the products were often sold alongside each other, for example appearing on the same page of mail order catalogues without any indication of origin. In any event, no quality differences could be established.

The Commission therefore considered that there were no reasons not to compare the prices of products corresponding in size, weaving construction and finish, as envisaged in recital (69) above.

- (72) Certain exporters also claimed that the imported and Community products were sold through different sales channels and were not therefore in competition. They alleged that while the exporters sold to large hypermarket chains, mail order companies etc, in particular for lower-priced 'promotion' sales, the European producers concentrated on branded goods sold through specialists or department stores etc.

On examination it was found that the mix of sales channels did indeed differ to the Community producers and for importers, and indeed differed between Community producers. However, large purchasers such as hypermarkets and mail order companies were also important to the majority of the sampled Community producers, and were sometimes their dominant clients. It was also found that selling to these clients for promotional sales was an important part of this output. It was therefore held that prices of imported and Community-produced goods could be compared.

- (73) The Commission examined how quantities and prices of the imports concerned and of the sampled Community producers varied by sales channel. The results varied between Member States. In France and Germany, for example, Community producers made more than 80 % of their sales directly to retailers, and small quantities at relatively high prices to wholesalers and distributors. Imports were

divided between retail and wholesalers and some exporters sold exclusively to wholesalers. In these circumstances the Commission considered that a comparison of prices by sales channel would not be appropriate: the prices of Community producers to wholesalers and distributors could not be considered to be representative ones with which the prices of imports sold in higher volumes could be compared.

- (74) The comparison was therefore made between average prices of the imports, expressed duty paid cif Community frontier, and average ex-works prices of the Community producers for each reference product. The prices of the Community producers were adjusted downwards by a margin calculated to give the average price through the cheapest sales channel (eg. discount stores in Germany, hypermarkets in France). The resulting price was further adjusted to take account of importers' costs.
- (75) Certain exporters observed that some product types (notably a particular quality called seersucker, and white (bleached) products which are often destined for use by institutions such as hotels and hospitals) were important in their exports but were not represented among the reference products. They claimed that this showed that the products they exported to the Community and the products sold by Community producers were not in competition with each other, that a valid undercutting analysis could not be carried out or that these types should be excluded from any measures imposed.
- (76) The Commission considered these arguments but concluded that a difference of product mix did not invalidate the finding that there was competition between the products sold by the exporters and the products sold by Community producers. The Commission found that the concentration by Community producers on other products was a reflection of the level of competition from the dumped imports, and decided that the analysis undertaken according to the methodology set out above was a valid measure of the degree of price undercutting practised by the exporters.
- (77) The reference products used for the undercutting analysis, which in effect represent a product sample, were found to be represented among the Community sales of all the sampled exporters from the countries concerned except one Egyptian company, with a variable degree of importance among the rest. Where the degree of representativity was particularly low, the Commission examined the prices of other products (or a per kilo basis) to check that those used for the undercutting analysis were in line with the prices of the rest of their sales to the Community.

- (78) The Egyptian company whose exports to the Community contained no reference products was one of the three State-owned producers. The company exported almost exclusively bleached articles to the Community in the investigation period. A calculation was made using the prices of these articles which matched reference products in all respects apart from the fact that they were bleached, adjusted upwards for dyeing costs.
- (79) All the sampled exporters were found to be undercutting the prices of the reference products of the Community producers. In India, the level of undercutting ranged from 13,8 % to 40,8 %, in Pakistan from 11,9 % to 34,7 % and in Egypt from 23,8 % to 53,7 %, expressed as percentages of the adjusted average prices of the Community industry.
- (80) The Commission assessed the development of the average prices of imports from the countries concerned. It was established that since 1992 the prices of Indian and Egyptian imports had fallen by up to 18 %. While the prices of Pakistani imports had risen in that period, the rise had been at a much slower rate than the very sharp increases in the world price of raw cotton.

6. Situation of the Community industry

(a) *Production*

- (81) Total output of bed linen by producers in the Community fell by 9,6 % from 138 400 tonnes in 1992 to 125 100 tonnes in the investigation period. This fall in production arose essentially through the closure of enterprises or their cessation of bed linen production within the Community (see recital (91) below). It should also be noted that total exports by Community producers have increased by 50 %, from 14 027 tonnes in 1992 to 21 756 in the investigation period. Without this export performance, Community bed linen production would have suffered further than the figures given above.

The pattern observed for total Community production was not replicated at the level of the 35 producers of the Community industry, whose production rose by 8,7 % from 39 370 tonnes in 1992 to 42 781 tonnes in the investigation period. The Commission concluded that the Community industry represented those companies which were strong enough to survive the competition from dumped imports and which to a certain extent had benefited from the demise of those which had not so survived.

Indeed, in the course of its investigation the Commission acquired evidence of 29 companies other than the Community industry which ceased

or reduced bedlinen production in the Community between 1992 and the investigation period. It is estimated that total loss of production amounted to at least 10 000 tonnes per annum.

The sales, employment and profits of companies which have since disappeared are not included in the aggregated data for the Community industry, thus artificially improving the apparent trends for the survivors.

(b) Sales by volume

- (82) At the level of the total Community producers, sales by volume in the Community, as measured by production minus exports, fell by 17 % from 124 400 tonnes in 1992 to 103 350 tonnes in the investigation period.

Sales by the sampled producers of the Community industry also declined, from 23 706 to 23 347 tonnes, a decrease of 1,5 %.

(c) Sales by value

- (83) Sales by the Community industry rose by 4,2 % from ECU 428,6 million in 1992 to ECU 446,6 million in the investigation period. Sales by the sampled producers also rose, from ECU 280,6 million in 1992 to ECU 285,3 million (a rise of 1,7 %). It should be noted that these rises in nominal terms do not take account of inflation and represent a fall in real terms, since consumer prices in ecus rose by 5,5 % over the same period for the EU-15 countries. It should also be noted that these rises were overtaken by rises in the price of raw cotton (see recital (88) below).

It should be noted that among the sampled producers it was observed that sales have been maintained by seeking higher value market niches as the lower value, mass market items are undercut by imports. This pattern is indicated by developments on prices (see recital (87) below).

(d) Market share

- (84) The market share by volume of producers at the level of the entire Community fell from 62,2 % in 1992 to 55,6 % in the investigation period. In that period the sampled producers from the Community industry increased their market share slightly, from 10,7 % to 11,3 %. The reason why the market share of survivors has slightly increased is that they have taken over some of the sales of those which had not survived the competition from dumped imports, particularly the sales of higher value niche products.

- (85) An estimated analysis was done of market share by value. The patterns observed were the same as for market share by volume: producers at the level of the entire Community lost market share (from 77,8 % in 1992 to 72,0 % in the investigation period), while the Community industry as a whole and sampled producers gained market share, from 22,4 % to 25,1 % and from 14,7 % to 16,0 % respectively.

(e) Price development

- (86) The Commission examined the development in average prices achieved by the sampled Community producers for the defined reference products between 1993 and the investigation period, using a constant product mix of the reference products. This showed that prices, in index terms, fell from 100 in 1993 to 97,6 in 1994, recovering to 98,3 in 1995 and 99,2 in the investigation period. This represents a greater fall in real terms, since in the same period average consumer prices measured in ECUs rose by 5,5 % in the Community.

- (87) The development in average prices per kilogram of the sampled producers was also measured. This measure showed an average price development from 100 in 1992 to 97,8 in 1993 to 103,2 in the investigation period. The fact that this measure has developed more positively than prices for the defined reference products further reflects the fact the sampled producers have been forced to move into niche markets and away from high volume, mass market products.

- (88) The Commission also examined the development of the standard measure for prices of cotton, the principal raw material. This measure showed increases of 48 % from 1992 to the investigation period and of 59 % between 1993 and the investigation period. Since the raw material can represent typically 15 % of the costs of the finished product, it follows that the prices achieved by the sampled Community producers were far from reflecting the rises in the costs of that material.

(f) Profitability

- (89) The profitability of the sampled companies declined by more than 50 % between 1992 and the investigation period, from a figure of 3,6 % to 1,6 % of sales. This is well below the figure of 5 % which can be regarded as a minimum level which was achieved by these companies in 1991 when the dumped imports concerned were 30 % lower than in the investigation period. It is also below profit levels achieved by importers, which explains why certain producers have ceased production and switched to importing.

- (90) It should be recalled again that the sampled companies are among those which have been able to survive the competition of dumped imports. It should also be noted that the industry in question is not capital intensive and that it contains a large number of SMEs, which means that any move into loss-making can lead to immediate exit rather than remaining in business waiting for better times. This is why the companies that are left are those that are profitable or, as in this case, only just profitable.

(g) Employment

- (91) Direct employment by the 35 companies of the Community industry on the product concerned declined by 5,3 % between 1992 and the investigation period, from around 7 000 jobs to 6 700.

In analysing data on the Community industry, account should be taken of the 29 companies other than the Community industry which ceased or reduced bed linen production in the Community between 1992 and the investigation period (see recital (81)). The associated job losses numbered over 2 400.

(h) Conclusion on injury

- (92) The Commission took into account all the economic indicators mentioned above in determining whether or not the Community industry was suffering material injury. Account was taken of the fact that the number of companies making up the Community industry was reduced in comparison with the start of the injury investigation period. The production, sales, employment and profits of companies which have since disappeared are not included in the aggregated data for the Community industry, thus improving the apparent trends for the survivors.
- (93) The Commission noted the decline in the total production and market share of Community producers. This background demonstrates the difficult conditions in which the remaining Community industry was operating. The fact that these surviving companies were able to maintain production and market share should not detract from the assessment of the overall situation. Above all, the remaining Community industry suffered declining and inadequate profitability, as further evidenced by prices which had not been able to reflect increases in the costs of raw cotton or to keep pace with inflation in prices of consumer goods.
- (94) Accordingly the Commission reached the view that the Community industry had suffered material injury.

G. CAUSATION

1. Introduction

- (95) The Commission examined the volume and prices of the dumped products from the exporting countries concerned and their consequent impact on the situation of the Community industry. As part of this examination the Commission also examined the effects of other factors in order to ensure that these effects were not incorrectly attributed to the dumped imports. This examination had to take into account the existence of quotas, which might have limited the potential for growth in sales on the Community market by the countries concerned and other third countries.

2. Effects of the dumped imports from the countries concerned

- (96) The investigation of the Community industry showed as the main injury indicator the unsatisfactory development of sales prices and the consequent declining profitability. It was also established that the dumped imports were sold at prices which significantly undercut those of the Community producers and in substantial and increasing quantities, reaching 25 % market share in the investigation period.
- (97) In order to assess the full impact of the dumped imports, it should be noted that the market for bed linen is characterised by product substitutability and transparency. Large retailers were found to sell the imported products and the Community-produced products alongside each other, without the ultimate consumer being informed of the product's origin. The transparency of the market was found not to be significantly affected by the differences in standard products among Member States: several sampled exporters in the countries concerned sold products in three or more Member States, in each case adapting their production to supply the standard products of the territory concerned. In view of the price sensitivity of the large purchasers it can be concluded that the consistently low prices of the imports concerned, coupled with their substantial and increasing market share (see recitals (67) to (80)), have applied continuous downward pressure on prices on the Community market.
- (98) It was observed among sampled producers that they had been obliged increasingly to shift production and sales to high value niche markets in order to maintain production and sales levels. The undercutting calculation provided evidence that this shift was caused by the imports concerned. Undercutting

margins were lower in the lower value qualities, indicating that the imports significantly influence price levels in this market segment and have forced down Community producers' prices. Where higher value items were imported the undercutting margins were higher, indicating that imports of these qualities were not yet at sufficient volume to bring down Community prices to the same extent.

It is worth noting that the Commission has received indications from importers, from Community producers and from suppliers of textile machinery to the exporting countries to the effect that exporters in the countries concerned are increasingly moving to higher value items.

- (99) Since price suppression and consequent decreasing profitability to inadequate levels were the main indicators on which the Commission's finding of injury was based, and in view of the coincidence in time between the deterioration of the situation of the Community industry and the significant increase of the dumped imports, it can be concluded that there was a direct causal link between these imports and the material injury found.

3. Effects of other factors

(a) Imports from third countries

- (100) Imports from other third countries not covered by this proceeding fell between 1992 and the investigation period, both in absolute terms (from 41 600 tonnes to 35 800 tonnes) and in terms of market share (from 20,8 % in 1992, considerably above the total of the countries concerned in this proceeding, to 19,3 % in the investigation period, considerably below). These imports originate in a wide range of third countries outside the countries concerned by this investigation. The most significant in terms of volume was, with its 1995 market share, Turkey (3,6 %). However Eurostat statistics show that imports from Turkey declined between 1992 and 1995 and were imported at prices significantly above those of the countries concerned by this investigation. Countries with prices comparable to those of the countries concerned by this investigation include Romania, Slovakia and Estonia. However, their combined market share of 2,8 % in 1995 is just over 10 % of the combined share of the countries concerned by this investigation.
- (101) It follows from the foregoing that imports from countries not concerned which undercut the

Community industry's prices could also have contributed to the injury suffered by the Community industry. However, the Commission considered that the link between the dumped imports and the injury to the Community industry was sufficiently clear and direct as to consider that injury from these other sources, which had only a small market share, had not been wrongly attributed in the analysis. In this respect, there was shown to be a reasonable coincidence in timing between, on the one hand, the degree of the effects of low prices and rising volumes of the dumped imports and, on the other, the material injury attributed to the dumped imports.

(b) Increase in raw cotton prices

- (102) The world raw cotton price, as measured by the Cotton Outlook A index (converted from US\$ into ECUs) rose by 48 % between 1992 and the investigation period. Over the same period prices on the Community market of the product concerned by this proceeding were experiencing strong downward pressure because of price undercutting by the dumped imports. In this period the sampled producers were not able to achieve a satisfactory price development. As noted in recital (86) above, prices of the reference products fell on average in real terms.

- (103) The Commission concluded that increases in raw material prices had caused injury. However, the extent of such injury depends on the ability of the producers to pass on some or all of the increased cost. In this case, it was reasonable to assess that the dumped imports were the main reason why such pass-through did not occur.

(c) Developments in Community consumption and demand

- (104) Certain exporters suggested that any injury being suffered by the Community industry could be ascribed to the steady decrease in total consumption of the product concerned, by 7 % between 1992 and the investigation period.
- (105) It is clear that the decline in consumption between 1992 and the investigation period has contributed to the situation of the Community industry. However, the fall did not affect all operators equally. During this period the total volume of sales by Community producers fell by an amount 50 % higher than the total fall in consumption. While sales by the Community industry have remained relatively stable, benefiting from the

disappearance of other Community producers, the dumped imports from the countries concerned increased by 48 %. Imports from other third countries decreased by 14 %. Because total sales by Community producers fell by 50 % more than the total fall in consumption and sales by other imports declined, it can be concluded that increased dumped imports through severe price undercutting gained at least one third of the sales volumes lost by Community producers. This clearly constitutes a cause of material injury not attributable to the decline in consumption.

- (106) In addition, even if the decline in consumption contributed to some extent to the situation of the Community industry, in particular because it strengthened the position of large purchasers in price negotiations with Community producers, this strengthened position depended critically on the availability to these purchasers of the dumped imports undercutting the Community industry's prices.

(d) Competition from non-complainant producers in the Community

- (107) The Community industry represents only a part of total Community production. It should therefore be examined whether competition from other producers within the Community affects the situation of the Community industry. Other producers of bed linen are known to include, in particular, a large number of 'converters', i.e. producers who make bed linen from grey cloth woven elsewhere, whereas the Community industry consists largely of integrated producers who weave most or all of their own grey cloth. As has been found, on a provisional basis, in the separate proceeding concerning imports of grey cloth from India, Pakistan, Egypt, China, Indonesia and Turkey, important sources of supply of this product were imported into the Community at dumped prices which would have provided these producers with an unfair advantage over the Community industry in the present proceeding. It cannot therefore be ruled out that distorted competition from this source contributed to the situation of the Community industry.

- (108) Nevertheless it should be noted that the production and market share of the non-complainant producers have fallen between 1992 and the investigation period. Indeed the fall in production across the Community has been due to reduction by the non-complainants rather than by complainants. Since the imports concerned have increased over this timescale, the Commission decided that

competition by non-complainants did not invalidate the conclusion that the imports concerned caused the injury observed.

4. Conclusion on causation

- (109) As has been shown above, there is a direct causal link between the increased volume and the price effect of the dumped imports and the material injury suffered by the Community industry. The direct link in this case is demonstrated by the existence of heavy undercutting which can reasonably explain the significant increase in market share of the dumped imports from 16,9 % in 1992 to 25,1 % in the investigation period and the corresponding negative consequences on volumes and prices of sales of Community producers. In terms of volumes, Community producers' market share decreased from 62,2 % in 1992 to 55,6 % in the investigation period. This fall was not reflected at the level of individual producers of the Community industry because they obtained sufficient benefit from the demise of other Community producers to keep their sales volume relatively stable. However, as far as the prices of the dumped imports are concerned, they have had an evident impact on the sampled producers, many of them being SMEs, whose profitability has fallen from 3,6 % to 1,6 %. In this respect, the Commission noted that such a situation can cause particular difficulty for SMEs given their lack of resources and the reluctance of banks to finance any losses.

- (110) The consequent impact of the low-priced dumped imports has to be considered at two levels. Firstly, they have resulted in the exit of a significant number of firms with a considerable number of jobs lost. This is an on-going process which is likely to continue if dumping persists. Secondly, as to the surviving producers, they face continuing injury on two fronts. For low-value products the injury is very heavy since they are gradually pushed out of the corresponding market segment. For higher-value products, these producers have done considerably better but dumped imports are now progressively targeting this segment with the result that profitability is also falling in this respect.

In connection with this it should be noted that the larger Community industry producers, however, have a production capacity which cannot be utilized at a reasonable rate on the basis of high value items only. This capacity utilization can only be maintained through production of mass-market lower value items the market for which is now highly penetrated by imported goods.

- (111) The analysis of the effects of other factors than the dumped imports on the state of the Community industry has in fact confirmed the above direct causal link. Imports from some countries not concerned, increases in raw material prices, contraction in demand and competition from non-complainant bed linen producers had or may have negatively affected the Community industry. However, even the combined effect of these other factors could not break the direct causal link established since it can reasonably be concluded that the Community industry could, in the absence of the dumped imports, have adapted to these other factors without being materially injured. The dumped imports themselves were therefore determined to have caused material injury within the terms of Article 3 (6) of the basic Regulation.

H. COMMUNITY INTEREST

1. Preliminary remarks

- (112) The Commission examined, on the basis of all evidence submitted, whether, despite the conclusion on dumping and injury, compelling reasons existed which would lead to the conclusion that it was not in the Community interest to impose measures in this particular case. For this purpose, and pursuant to Article 21 (1) of the basic Regulation, the Commission considered the impact of possible measures for all parties involved in the proceeding and also the consequences of not taking provisional measures. In this examination, special attention was paid to the need to remove the trade-distorting effects of injurious dumping in order to restore effective competition on the Community market.
- (113) In order to inform this appreciation, and to add to the information received in the course of their enquiries from Community producers and exporters, the Commission contacted organizations representing importers and consumers and sent out questionnaires to 28 large purchasers of bed linen including wholesalers, retailers and mail order companies, in order to take account of their economic interests. The Commission also responded to other organisations which came forward and invited them to make submissions.

2. Interests of the Community industry

(a) *Nature and viability of the Community industry*

- (114) The 35 companies of the Community industry are of a wide variety of sizes. The range of production

is from five tonnes of bed linen per year to over 6 000. For some bed linen is a minor or incidental activity; for others, it represents all or almost all their output. Many of the companies are family businesses and some date from the beginning of the century or before. Others have shareholding links between them. It was observed that many of the sampled Community industry companies have invested in modern machinery, have consolidated through mergers and alliances or have otherwise restructured in order to maintain their viability. Further evidence of the viability of Community producers is given by the total Community producers' export performance of the product concerned, which as noted in recital (81) above increased by 50 % in the period studied.

(b) *Likely effects of measures*

- (115) The basic quotas at Community level to which imports of the product concerned from India and Pakistan are subject have risen consistently throughout the period investigated. In addition, the working levels, i.e. the basic quota levels corrected for swaps from other categories and/or years as foreseen by bilateral agreements, have nonetheless always been at least 98 % utilized. These working levels have consistently been above the basic quota levels, indicating that the exporters have transferred quota allocation to the product concerned from other quota categories and/or years. This indicates that exports from these countries have been lower than they would be in the absence of quota controls. The exporters are therefore constrained as to quantity. In these circumstances duties of the magnitude proposed can be expected to have only a limited effect on the quantities exported. Since quota working levels are already up to 15 % above the basic quota levels, there would appear to be little risk that the proposed measures would drive exports below the latter.
- (116) Imports from Egypt are not subject to any formal restraints, so the arguments above do not apply. However, in the absence of such constraints imports have increased dramatically, rising by nearly 300 % between 1992 and the investigation period. Although it is unlikely that in the absence of measures such growth rates could be maintained for long, particularly given declining Community consumption, the annual rate of growth in the investigation period was still over 25 %. In these circumstances, although measures could reduce or even eliminate the growth of exports, duties of the magnitude proposed may well not reduce quantities exported by Egypt below current levels.

- (117) Some exporters and importers from the countries concerned have claimed that taking measures in this proceeding will not increase quantities purchased from Community producers. The above analysis supports the view that increases in sales quantities cannot be expected to be significant. It should however be noted that the injury suffered by the Community industry consists less in the quantity of its sales than in the depression of its prices and consequent profitability. In this respect, the measures proposed are, by virtue of Article 7(2) of the basic Regulation, less than the full amount required to restore prices of the imports concerned to a level which would be non-injurious for the Community industry (see recital (130)). Nevertheless it can be expected that the measures will raise the prices of the imported goods to the initial purchaser and thereby contribute to the restoration of fair competition on the Community market, to the recovery of profitability to the Community industry and to the reversal in the decline of market share of Community producers.

(c) Likely effects of the absence of measures

- (118) In the absence of measures it can be expected that the current difficulties of the Community industry will worsen, particularly as further rises of quotas are envisaged in relation to India and Pakistan and in the light of the continuing decline in consumption. It could be expected that the consistent decline in total production of the product concerned in the Community would continue and that production would increasingly be located outside the Community, with consequent losses of employment.
- (119) It should be noted that the around 6 700 people directly employed on bed linen by the companies of the Community industry understates the true importance of the industry for employment in the Community. At a conservative estimate a further 1 500 people depend on the Community industry via subcontracting in the finishing and making-up sectors. It should also be noted that the Community industry represents only a part of total Community production. In view of the continuing decline in bed linen production in the Community it can be supposed that employment by the non-complainant producers would also be at risk in the absence of measures against the dumped imports.

3. Interests of suppliers to the production of bed linen

- (120) A number of Community manufacturers of textile machinery and one association of such manufacturers wrote to the Commission indicating their

concern that measures would reduce their ability to sell their products in the exporting countries concerned. The Commission examined this argument carefully but concluded that at the provisional stage such arguments should not be taken into account, since there was no direct economic link between these machinery manufacturers and the product concerned: the manufacturers merely provided machinery for certain parts of the manufacturing process.

- (121) The Commission also considered the effects on spinners and suppliers of cotton yarn within the Community. During the course of the investigation it became clear that the Community industry purchased a large proportion of its supplies of cotton yarn from Community spinners. These sales would be put at risk by further gains of market share by the imported bed linen products.

4. Interests of importers, retailers and other large purchasers of bed linen

(a) Procedure

- (122) 14 importers came forward to request questionnaires. All were sent questionnaires, but only three completed and returned them. Some further importers and a number of associations representing importers made submissions to the Commission. In addition, and following the investigations of Community producers which had indicated important purchasers of bed linen which had not come forward at the outset of the investigation, the Commission sent out questionnaires to 28 large purchasers of bed linen including wholesalers, retailers and mail order companies, in order to take account of their economic interests and to understand the likely effects on them and on their purchasing decisions of measures. However, only four returned the questionnaire.

Certain sectors such as hotels, hospitals and the linen hire trade are also large purchasers and users of bed linen. One organization representing these sectors came forward after the deadline for submissions. Nevertheless the Commission indicated that it would consider submissions made. No substantiated information was received from this organization, however, which would allow the Commission to assess the effect on these sectors of an anti-dumping duty.

(b) Arguments

- (123) The importers made two main points concerning the likely effect on their business of measures. The first was that they would not be able to replace the products they imported, which were at the cheaper end of the range, with goods produced in the

Community and that they would look for other third country sources. The second was that the increased costs associated with any duties would threaten the viability and employment of them and of other businesses in the supply chain.

On the first of these points, the Commission found that products at the cheaper end of the range were in fact produced in the Community, although in decreasing quantities because of competition from the dumped imports. There was no technical reason why those products could not be sourced in the Community. Even if the goods were purchased from other third countries, the Commission considered the injury suffered by the Community industry consisted less in the quantity of its sales than in the depression of its prices and consequent profitability.

On the second point, the allegations made were not substantiated by analysis or by facts which would allow the Commission to assess the arguments raised. However, few of the jobs alleged to be at risk were in the actual processing of imports and most were in the retail supply chain which is common to both Community-produced and imported goods.

5. Interests of consumers

- (124) A submission was received from BEUC (*Bureau Européen des Unions de Consommateurs*) on behalf of the interests of consumers. This expressed concern that the consumers' interest should be taken into account, in particular the concern that any duties would be passed on to the ultimate consumer. However, in the case where the duty were fully passed through the supply chain to the ultimate consumer, an anti-dumping duty of 10 % would represent a price increase of less than 3 %. In order to appreciate such maximum impact, it has to be borne in mind that the trade has to cope with fluctuations such as erratic currency changes or raw material price changes. In this respect, the impact of the proposed measures has to be considered as minor. Therefore, it can be reasonably expected that the trade can cope with them without sensible repercussion on the consumers. In addition, the large number of suppliers in the bed linen market and the resulting competition will ensure that the pressure on consumer prices will remain substantial.

6. Maintenance of effective competition on the Community market

- (125) One further claim by exporters was that there was a risk of the complainant industry forming a cartel and that measures would therefore reduce effective

competition. No indication whatsoever of any infringement of national or Community competition rules has been given. This argument can therefore be discounted.

7. Conclusion on Community interest

- (126) The Commission weighed up all the factors outlined above and considered that there were no compelling reasons not to impose measures in order to correct the distortive effect of injurious dumping, to restore a competitive regime of fair pricing practices and prevent further injury to the Community industry.

I. PROVISIONAL DUTY

- (127) In order to prevent further injury being caused by the dumped imports concerned before the end of the investigation, provisional anti-dumping measures should be adopted. These measures should take the form of provisional anti-dumping duties. Given the wide variety of products exported by the countries concerned, the Commission is of the opinion that an *ad valorem* duty is the most appropriate form of measure.
- (128) For the purpose of establishing the level of the provisional duty, account has been taken both of the dumping margins found and of the amount of duty necessary to eliminate the injury sustained by the Community industry.
- (129) As already established the injury to the Community industry consists principally of price suppression and declining and inadequate profitability or losses. Therefore, the removal of injury requires that the industry should be put in the position where prices can be increased to profitable levels without reductions of sales volume. In order to achieve this, the prices of the imports concerned originating in the countries currently under investigation should be increased accordingly.
- (130) In all but one case, the undercutting margins calculated as a percentage of free-at-the-Community-frontier price were higher than the respective dumping margins established for exports in the sample and there was therefore, in accordance with the lesser duty rule as set out in Article 7 (2) of the basic Regulation, no need to establish injury elimination levels based on the difference between the export price and the cost of production of the Community producers plus a minimum amount of profit required to ensure the viability of the Community industry.

However, in the case of one exporter the undercutting margin was slightly lower than the respective dumping margin and therefore, in order to calculate the amount of duty, an injury elimination level was established by comparing the export prices to the result of adding to the Community cost of production a very conservative profit margin of 5 % on turnover. The injury elimination level thus established was higher than the dumping margin. Therefore, in all cases, the provisional duties, for exporters in the sample, should be limited to the dumping margins.

in recital (51) because the amount of duty necessary to eliminate the injury exceeded in all cases the dumping margin established.

- (132) In view of the deadlines applicable to this proceeding, the provisional anti-dumping duties are to be imposed for a period not exceeding six months.

J. FINAL PROVISIONS

- (131) The provisional anti-dumping duty for companies which cooperated but were not included in the sample equals the average dumping margin for the sample, weighted on the basis of export turnover to the Community. This was lower than the amount of duty necessary to eliminate the injury in all cases. The provisional anti-dumping duty for non cooperating companies is based on the dumping margin calculated for those companies as explained

- (133) In the interest of sound administration, a period should be fixed in which the parties concerned should make known their views in writing and request a hearing. Furthermore, it should be stated that all findings made for the purpose of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive duty which the Commission may propose,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of cotton-type bed linen, falling within CN codes 6302 21 00, 6302 22 90, 6302 31 10, 6302 31 90 and 6302 32 90, originating in Egypt, India and Pakistan.

2. The rate of the provisional anti-dumping duty applicable to the net, free-at-Community-frontier price, before duty, shall, subject to paragraphs 3 and 4, be as follows for products originating in:

Country	Rate of duty	Taric additional code
Egypt	13,5 %	8900
India	27,3 %	8900
Pakistan	8,2 %	8900

3. Products manufactured and sold for export by the producers/exporters listed in the Annex shall be subject to the following anti-dumping duty rates:

Country	Rate of duty	Taric additional code
Egypt	13,0 %	8041
India	13,6 %	8042
Pakistan	6,5 %	8043

4. Products manufactured and sold for export by the companies listed below shall be subject to the following anti-dumping duty rates:

Country	Manufacturer	Rate of duty	Taric additional code
India	Anglo French Textiles	27,3 %	8044
	The Bombay Dyeing & Manufacturing Co. Ltd	9,4 %	8045
	Nowrosjee Wadia & Sons Ltd	9,4 %	8045
	Madhu Industries Ltd	19,5 %	8046
	Madhu International	19,5 %	8046
	Omkar Exports	16,5 %	8047
	Prakash Cotton Mills Ltd	3,9 %	8048

Country	Manufacturer	Rate of duty	Taric additional code
Egypt	Stephanie Textile	9,1 %	8049

Country	Manufacturer	Rate of duty	Taric additional code
Pakistan	Al-Abid Silk Mills Ltd	8,2 %	8050
	Al-Abid Export (Pvt) Ltd	8,2 %	8050
	Al-Karam Textile Mills (Pvt) Ltd	2,6 %	8051
	Fateh Textile Mills Ltd	7,9 %	8052
	Mohammad Farooq Textile Mills Ltd	6,6 %	8053
	Gul Ahmed Textile Mills Ltd	0,0 %	8054
	Excel Textile Mills Ltd	0,0 %	8054

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

6. The release for free circulation in the Community of the product referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Pursuant to Article 20 (1) of Regulation (EC) No 384/96, the parties concerned may make their views known in writing and apply to be heard orally by the Commission within 15 days of the date of entry into force of this Regulation.

Pursuant to Article 21 (4) of Regulation (EC) No 384/96, the parties concerned may comment on the application of this Regulation within one month of the date of its entry into force.

Article 3

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

Subject to Articles 7, 9, 10 and 14 of Regulation (EC) No 384/96, this Regulation shall apply for a period of six months unless the Council adopts definitive measures before the expiry of that period.

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

Done at Brussels, 12 June 1997.

For the Commission

Leon BRITTAN

Vice-President

ANNEX

EGYPT

AMC Arab Metals Co., Cairo
Dantex Ltd, Cairo
Egytex, Cairo
El Naggar Egyptian Co. For Furniture Elmahalla
Nile Tex, Alexandria
Wintex-Wahab International Textiles Ltd, Cairo
Zahret El Mehalla for Weaving, Mehalla El Kubra — El-Seka
El-Wosta

INDIA

A. Shashikant & Co., Mumbai (Bombay)
Ajit Impex, Mumbai (Bombay)
Akai Impex Ltd, Mumbai (Bombay)
Alps Industries Ltd, Ghaziabad
Amitara Fabrics Pvt. Ltd, Mumbai (Bombay)
B.X. International, Mumbai (Bombay)
Badridass Gauridatt Pvt. Ltd, Mumbai (Bombay)
Brijmohan Purusottamdas, Mumbai (Bombay)
Bünt's Exports Pvt. Ltd, Mumbai (Bombay)
Chhaganlal Kasturchand & Co., Ltd, Mumbai (Bombay)
Classic Connections, Mumbai (Bombay)
Concepts International India Pvt. Ltd, Gurgaon
Cotfab Exports, Mumbai (Bombay)
Country House, New Delhi
Deepak Traders, Mumbai (Bombay)
Dhanalakshmi Weaving Works, Cannanore
Divya Textiles, Mumbai (Bombay)
Dyna-Impex Pvt. Ltd, Mumbai (Bombay)
Elite Exports, Mumbai (Bombay)
Emperor Trading Company, Tirupur
Encore Themes, New Delhi
Govindji Trikamdas & Co., Mumbai (Bombay)
Hindustan Textiles, Cannanore
Ibats, New Delhi
Incotex, Mumbai (Bombay)
Indo Euro Textiles Pvt. Ltd, New Delhi
Indo Export Corporation, New Delhi
International Services, Chennai (Madras)
Intex Exports, Mumbai (Bombay)
Invitation Apparels Pvt. Ltd, Mumbai (Bombay)
Jindal India, Mumbai (Bombay)
Jindal Worldwide Ltd, Ahmedabad
K. Overseas, New Delhi
Kanodia Fabrics (International), Mumbai (Bombay)
Kaushalya Export, Ahmedabad
Kitu Bhandari Pvt. Ltd, New Delhi
Kothari Industrial Corporation Ltd, Chennai (Madras)
Lakshmi Apparels and Wovens Limited, Coimbatore
Mahalaxmi Exports, Ahmedabad
Maritex Exports, Mumbai (Bombay)
Marwaha Exports, New Delhi
Minar Exports, Mumbai (Bombay)
Mridul Enterprises, New Delhi

Niaz International, Farrukhabad
P.J. Exports, Mumbai (Bombay)
Patodia Syntex Ltd, Mumbai (Bombay)
Pattex Exports, Mumbai (Bombay)
Prem Textiles, Indore
Punch Exporters, Mumbai (Bombay)
Raghuvir Exim Ltd, Ahmedabad
Rajka Designs Pvt. Ltd, Ahmedabad
Sanna Inttex, Mumbai (Bombay)
Santex Exports, Mumbai (Bombay)
Shetty Garments Pvt. Ltd, Mumbai (Bombay)
Shivani Exports, Mumbai (Bombay)
Shorewala Exim Int'l, New Delhi
Shrijee Enterprises, Mumbai (Bombay)
Shruti Designs Pvt. Ltd, Mumbai (Bombay)
Sohanlal Balkrishna Export, Mumbai (Bombay)
Southern Sales & Services, Bangalore
Standard Industries Ltd, Mumbai (Bombay)
Starline Exports, Mumbai (Bombay)
Sumangalam Exports Pvt. Ltd, Mumbai (Bombay)
Sunil Impex, Mumbai (Bombay)
Sunil Silk Mills, Mumbai (Bombay)
Sunny Made Ups, Mumbai (Bombay)
Suresh & Co., Mumbai (Bombay)
Surya International, Panipat
Syndicate Impex, Ahmedabad
Syntex Corporation Ltd, Mumbai (Bombay)
Tata Exports Limited, Mumbai (Bombay)
Texcellence Overseas, Mumbai (Bombay)
The Hindoostan Spg. & Wvg. Mills Ltd, Mumbai (Bombay)
The Ruby Mills Limited, Mumbai (Bombay)
Trend Setters, Mumbai (Bombay)
Trend Setters K.F.T.Z., Mumbai (Bombay)
Vepar Private Limited, Ahmedabad
Vigneshwara Exports Pvt. Ltd, Mumbai (Bombay)
Wooltop Weaves, Chennai (Madras)

PAKISTAN

Adamjees Impex International, Karachi
Afroze Textile Industries (Private) Ltd, Karachi
Amer Fabrics Limited, Lahore
Anjum Textile Mills (Private) Ltd, Faisalabad
Arzoo International (Pvt.) Ltd, Faisalabad
Arzoo Textile Mills Ltd, Faisalabad
Asco International (Pvt.) Ltd, Karachi
Aziz Sons, Karachi
B.I.L. Exporters, Karachi
Be Be Jan Pakistan (Pvt.) Ltd, Faisalabad
Bela Textiles Limited, Karachi
Dyer Textile & Printing Mills (Pvt.) Ltd, Karachi
Eksons Sales Organisation, Karachi
Elahi Enterprises Ltd, Lahore
Elasta Amtex Industries (Pvt.) Ltd, Karachi
Fairdeal Textiles (Pvt.) Ltd, Karachi

Faisal Industries, Karachi
Fashion Knit Industries, Karachi
Gohar Enterprises, Faisalabad
Gohar International (Pvt.) Ltd, Faisalabad
H.A. Industries (Private) Ltd, Faisalabad
Home Furnishings Ltd, Karachi
Kam International, Karachi
Kausar Textile Industries (Pty) Ltd, Faisalabad
Kohinoor Textile Mills Ltd, Rawalpindi
Latif Int'l (Pvt.) Ltd, Faisalabad
Liberty Mills Limited, Karachi
Linex International (Pvt.) Ltd, Karachi
Lotus Textile Industries Limited, Karachi
Lucky Impex, Karachi
Lucky Tex, Karachi
Lucky Textile Mills, Karachi
M.F.M.Y. Industries Ltd, Karachi
M.R. Export (Private) Ltd, Lahore
Mukaty Corporation, Karachi

Nadia Textile International (Pvt.) Ltd, Lahore
Nakshbandi Industries Limited, Karachi
Nash Textiles, Karachi
Nina Industries Ltd, Karachi
Nishat Mills Limited, Karachi
Nishitex Enterprises, Karachi
Nu-tex (Pvt.) Ltd, Karachi
Parsons Industries (Pvt.) Ltd, Karachi
S.P.R.L. Rehman Brothers, Lahore
Sas Texexport (Pvt.) Ltd, Karachi
Shabbir Associates, Karachi
Sharif Textile Industries (Pvt.) Ltd, Faisalabad
Sitara Textile Industries (Pvt.) Ltd, Faisalabad
Syncotex Sa Agencies, Karachi
The Crescent Textile Mills Limited, Faisalabad
Today's Sportswear Inc., Karachi
Towellers Limited, Karachi
Unibro Industries Limited, Karachi
Union Exports (Pvt.) Ltd, Karachi
ZN Textiles (Pvt.) Ltd, Faisalabad

COMMISSION REGULATION (EC) No 1070/97

of 12 June 1997

fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 17 (3) thereof,

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

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

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

Whereas Article 17 (5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

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

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

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

Whereas, in accordance with Article 12 of Commission Regulation (EC) No 1466/95 of 27 June 1995 on specific detailed rules for the application of export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 417/97 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ No L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ No L 64, 5. 3. 1997, p. 1.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 230,00 per 100 kilograms;

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

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

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in

particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to destinations No 022, 024, 028, 043, 044, 045, 046, 052, 404, 600, 800 and 804 for products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 13 June 1997.

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

Done at Brussels, 12 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

ANNEX

to the Commission Regulation of 12 June 1997 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0401 10 10 9000	+	2,327	0402 21 99 9600	+	131,29
0401 10 90 9000	+	2,327	0402 21 99 9700	+	137,24
0401 20 11 9100	+	2,327	0402 21 99 9900	+	143,96
0401 20 11 9500	+	3,597	0402 29 15 9200	+	0,6300
0401 20 19 9100	+	2,327	0402 29 15 9300	+	0,9530
0401 20 19 9500	+	3,597	0402 29 15 9500	+	1,0040
0401 20 91 9100	+	4,790	0402 29 15 9900	+	1,0802
0401 20 91 9500	+	5,581	0402 29 19 9200	+	0,6300
0401 20 99 9100	+	4,790	0402 29 19 9300	+	0,9530
0401 20 99 9500	+	5,581	0402 29 19 9500	+	1,0040
0401 30 11 9100	+	7,161	0402 29 19 9900	+	1,0802
0401 30 11 9400	+	11,05	0402 29 91 9100	+	1,0878
0401 30 11 9700	+	16,60	0402 29 91 9500	+	1,1851
0401 30 19 9100	+	7,161	0402 29 99 9100	+	1,0878
0401 30 19 9400	+	11,05	0402 29 99 9500	+	1,1851
0401 30 19 9700	+	16,60	0402 91 11 9110	+	2,327
0401 30 31 9100	+	28,24	0402 91 11 9120	+	4,790
0401 30 31 9400	+	44,10	0402 91 11 9310	+	14,00
0401 30 31 9700	+	48,63	0402 91 11 9350	+	17,15
0401 30 39 9100	+	28,24	0402 91 11 9370	+	20,85
0401 30 39 9400	+	44,10	0402 91 19 9110	+	2,327
0401 30 39 9700	+	48,63	0402 91 19 9120	+	4,790
0401 30 91 9100	+	55,43	0402 91 19 9310	+	14,00
0401 30 91 9400	+	81,46	0402 91 19 9350	+	17,15
0401 30 91 9700	+	95,06	0402 91 19 9370	+	20,85
0401 30 99 9100	+	55,43	0402 91 31 9100	+	9,464
0401 30 99 9400	+	81,46	0402 91 31 9300	+	24,65
0401 30 99 9700	+	95,06	0402 91 39 9100	+	9,464
0402 10 11 9000	+	63,00	0402 91 39 9300	+	24,65
0402 10 19 9000	+	63,00	0402 91 51 9000	+	11,05
0402 10 91 9000	+	0,6300	0402 91 59 9000	+	11,05
0402 10 99 9000	+	0,6300	0402 91 91 9000	+	55,43
0402 21 11 9200	+	63,00	0402 91 99 9000	+	55,43
0402 21 11 9300	+	95,30	0402 99 11 9110	+	0,0233
0402 21 11 9500	+	100,40	0402 99 11 9130	+	0,0480
0402 21 11 9900	+	108,00	0402 99 11 9150	+	0,1336
0402 21 17 9000	+	63,00	0402 99 11 9310	+	16,14
0402 21 19 9300	+	95,30	0402 99 11 9330	+	19,37
0402 21 19 9500	+	100,40	0402 99 11 9350	+	25,75
0402 21 19 9900	+	108,00	0402 99 19 9110	+	0,0233
0402 21 91 9100	+	108,78	0402 99 19 9130	+	0,0480
0402 21 91 9200	+	109,53	0402 99 19 9150	+	0,1336
0402 21 91 9300	+	110,88	0402 99 19 9310	+	16,14
0402 21 91 9400	+	118,51	0402 99 19 9330	+	19,37
0402 21 91 9500	+	121,15	0402 99 19 9350	+	25,75
0402 21 91 9600	+	131,29	0402 99 31 9110	+	0,1026
0402 21 91 9700	+	137,24	0402 99 31 9150	+	26,81
0402 21 91 9900	+	143,96	0402 99 31 9300	+	0,2824
0402 21 99 9100	+	108,78	0402 99 31 9500	+	0,4863
0402 21 99 9200	+	109,53	0402 99 39 9110	+	0,1026
0402 21 99 9300	+	110,88	0402 99 39 9150	+	26,81
0402 21 99 9400	+	118,51	0402 99 39 9300	+	0,2824
0402 21 99 9500	+	121,15			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0402 99 39 9500	+	0,4863	0404 90 29 9160	+	136,02
0402 99 91 9000	+	0,5543	0404 90 29 9180	+	142,66
0402 99 99 9000	+	0,5543	0404 90 81 9100	+	0,6194
0403 10 11 9400	+	2,327	0404 90 81 9910	+	0,0233
0403 10 11 9800	+	3,597	0404 90 81 9950	+	16,00
0403 10 13 9800	+	4,790	0404 90 83 9110	+	0,6194
0403 10 19 9800	+	7,161	0404 90 83 9130	+	0,9445
0403 10 31 9400	+	0,0233	0404 90 83 9150	+	0,9950
0403 10 31 9800	+	0,0360	0404 90 83 9170	+	1,0703
0403 10 33 9800	+	0,0480	0404 90 83 9911	+	0,0233
0403 10 39 9800	+	0,0716	0404 90 83 9913	+	0,0480
0403 90 11 9000	+	61,94	0404 90 83 9915	+	0,0716
0403 90 13 9200	+	61,94	0404 90 83 9917	+	0,1105
0403 90 13 9300	+	94,45	0404 90 83 9919	+	0,1660
0403 90 13 9500	+	99,50	0404 90 83 9931	+	16,00
0403 90 13 9900	+	107,03	0404 90 83 9933	+	19,20
0403 90 19 9000	+	107,83	0404 90 83 9935	+	25,52
0403 90 31 9000	+	0,6194	0404 90 83 9937	+	26,55
0403 90 33 9200	+	0,6194	0404 90 89 9130	+	1,0783
0403 90 33 9300	+	0,9445	0404 90 89 9150	+	1,1746
0403 90 33 9500	+	0,9950	0404 90 89 9930	+	0,3390
0403 90 33 9900	+	1,0703	0404 90 89 9950	+	0,4863
0403 90 39 9000	+	1,0783	0404 90 89 9990	+	0,5543
0403 90 51 9100	+	2,327	0405 10 11 9500	+	185,37
0403 90 51 9300	+	3,597	0405 10 11 9700	+	190,00
0403 90 53 9000	+	4,790	0405 10 19 9500	+	185,37
0403 90 59 9110	+	7,161	0405 10 19 9700	+	190,00
0403 90 59 9140	+	11,05	0405 10 30 9100	+	185,37
0403 90 59 9170	+	16,60	0405 10 30 9300	+	190,00
0403 90 59 9310	+	28,24	0405 10 30 9500	+	185,37
0403 90 59 9340	+	44,10	0405 10 30 9700	+	190,00
0403 90 59 9370	+	48,63	0405 10 50 9100	+	185,37
0403 90 59 9510	+	55,43	0405 10 50 9300	+	190,00
0403 90 59 9540	+	81,46	0405 10 50 9500	+	185,37
0403 90 59 9570	+	95,06	0405 10 50 9700	+	190,00
0403 90 61 9100	+	0,0233	0405 10 90 9000	+	196,95
0403 90 61 9300	+	0,0360	0405 20 90 9500	+	173,78
0403 90 63 9000	+	0,0480	0405 20 90 9700	+	180,73
0403 90 69 9000	+	0,0716	0405 90 10 9000	+	240,00
0404 90 21 9100	+	61,94	0405 90 90 9000	+	190,00
0404 90 21 9910	+	2,327	0406 10 20 9100	+	—
0404 90 21 9950	+	13,87	0406 10 20 9230	037	—
0404 90 23 9120	+	61,94		039	—
0404 90 23 9130	+	94,45		099	24,03
0404 90 23 9140	+	99,50		400	24,72
0404 90 23 9150	+	107,03		...	36,05
0404 90 23 9911	+	2,327	0406 10 20 9290	037	—
0404 90 23 9913	+	4,790		039	—
0404 90 23 9915	+	7,161		099	22,36
0404 90 23 9917	+	11,05		400	16,09
0404 90 23 9919	+	16,60		...	33,54
0404 90 23 9931	+	13,87		037	—
0404 90 23 9933	+	17,00		039	—
0404 90 23 9935	+	20,66		099	9,820
0404 90 23 9937	+	24,43		400	8,246
0404 90 23 9939	+	25,54		...	14,73
0404 90 29 9110	+	107,83			
0404 90 29 9115	+	108,54			
0404 90 29 9120	+	109,89			
0404 90 29 9130	+	117,46			
0404 90 29 9135	+	120,05			
0404 90 29 9150	+	130,11			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 10 20 9610	037	—	0406 20 90 9990	+	—
	039	—	0406 30 31 9710	037	—
	099	32,61		039	—
	400	35,03		099	12,55
0406 10 20 9620	...	48,91		400	8,785
	037	—		...	18,82
	039	—	0406 30 31 9730	037	—
	099	33,07		039	—
0406 10 20 9630	400	38,41		099	18,41
	...	49,60		400	12,89
	037	—		...	27,62
	039	—	0406 30 31 9910	037	—
0406 10 20 9640	099	36,91		039	—
	400	43,37		099	12,55
	...	55,37		400	8,785
	037	—		...	18,82
0406 10 20 9650	039	—	0406 30 31 9930	037	—
	099	54,25		039	—
	400	50,89		099	18,41
	...	81,37		400	12,89
0406 10 20 9660	037	—		...	27,62
	039	—	0406 30 31 9950	037	—
	099	45,21		039	—
	400	26,78		099	26,79
0406 10 20 9830	...	67,81		400	18,75
	+	—		...	40,18
	037	—	0406 30 39 9500	037	—
	039	—		039	—
0406 10 20 9850	099	16,77		099	18,41
	400	14,08		400	12,89
	...	25,15		...	27,62
	037	—	0406 30 39 9700	037	—
0406 10 20 9870	039	—		039	—
	099	20,33		099	26,79
	400	17,07		400	18,75
	...	30,49		...	40,18
0406 10 20 9900	+	—	0406 30 39 9930	037	—
	+	—		039	—
	+	—		099	26,79
	037	—		400	18,75
0406 20 90 9100	039	—		...	40,18
	099	37,49	0406 30 39 9950	037	—
	400	33,25		039	—
	...	56,24		099	30,29
0406 20 90 9913	037	—		400	22,25
	039	—		...	45,43
	099	49,48	0406 30 90 9000	037	—
	400	44,34		039	—
0406 20 90 9915	...	74,22		099	31,78
	037	—		400	22,25
	039	—		...	47,66
	099	52,57	0406 40 50 9000	037	—
0406 20 90 9917	400	47,10		039	—
	...	78,86		099	57,42
	037	—		400	34,72
	039	—		...	86,13
0406 20 90 9919	099	58,76			
	400	52,65			
	...	88,14			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 40 90 9000	037	—	0406 90 33 9151	037	—
	039	—		039	—
	099	58,96		099	38,10
	400	34,72		400	22,64
	...	88,44		...	57,15
0406 90 13 9000	037	—	0406 90 33 9919	037	—
	039	—		039	—
	099	63,33		099	36,17
	400	68,40		400	21,40
	...	94,99		...	54,25
0406 90 15 9100	037	—	0406 90 33 9951	037	—
	039	—		039	—
	099	65,44		099	38,10
	400	72,00		400	21,06
	...	98,16		...	57,15
0406 90 17 9100	037	—	0406 90 35 9190	037	30,47
	039	—		039	30,47
	099	65,44		099	64,63
	400	68,40		400	79,25
	...	98,16		...	96,94
0406 90 21 9900	037	—	0406 90 35 9990	037	—
	039	—		039	—
	099	64,87		099	57,56
	400	46,87		400	42,31
	...	97,30		...	86,34
0406 90 23 9900	037	—	0406 90 37 9000	037	—
	039	—		039	—
	099	48,04		099	63,33
	400	19,55		400	72,00
	...	72,06		...	94,99
0406 90 25 9900	037	—	0406 90 61 9000	037	42,75
	039	—		039	42,75
	099	48,65		099	69,28
	400	22,27		400	60,28
	...	72,97		...	103,92
0406 90 27 9900	037	—	0406 90 63 9100	037	39,07
	039	—		039	39,07
	099	44,05		099	67,25
	400	19,55		400	70,62
	...	66,08		...	100,88
0406 90 31 9119	037	—	0406 90 63 9900	037	31,07
	039	—		039	31,07
	099	36,17		099	51,51
	400	24,22		400	54,09
	...	54,25		...	77,27
0406 90 31 9151	037	—	0406 90 69 9100	+	—
	039	—	0406 90 69 9910	037	—
	099	38,10		039	—
	400	22,64		099	51,51
	...	57,15		400	54,09
0406 90 33 9119	037	—		...	77,27
	039	—	0406 90 73 9900	037	—
	099	36,17		039	—
	400	24,22		099	48,53
	...	54,25		400	51,72
				...	72,79

Product code	Destination (°)	Amount of refund	Product code	Destination (°)	Amount of refund	
0406 90 75 9900	037	—	0406 90 85 9995	037	—	
	039	—		039	—	
	099	54,70		099	54,70	
	400	23,44		400	22,27	
	...	82,05		...	82,05	
0406 90 76 9100	037	—	0406 90 85 9999	+	—	
	039	—		0406 90 86 9100	+	—
	099	38,73		0406 90 86 9200	037	—
	400	19,09		039	—	
	...	58,10		099	39,13	
0406 90 76 9300	037	—	0406 90 86 9300	400	29,10	
	039	—		...	58,69	
	099	45,89		037	—	
	400	21,18		039	—	
	...	68,84		099	40,50	
0406 90 76 9500	037	—	0406 90 86 9400	400	31,89	
	039	—		...	60,75	
	099	50,79		037	—	
	400	24,44		039	—	
	...	76,19		099	45,50	
0406 90 78 9100	037	—	0406 90 86 9900	400	36,08	
	039	—		...	68,25	
	099	43,06		037	—	
	400	19,09		039	—	
	...	64,59		099	57,63	
0406 90 78 9300	037	—	0406 90 87 9100	400	42,36	
	039	—		...	86,45	
	099	52,73		0406 90 87 9200	+	—
	400	21,18			037	—
	...	79,09			039	—
0406 90 78 9500	037	—	0406 90 87 9300		099	32,61
	039	—			400	26,91
	099	52,73		...	48,91	
	400	24,44		037	—	
	...	79,09		039	—	
0406 90 79 9900	037	—	0406 90 87 9400	099	37,20	
	039	—		400	29,49	
	099	39,88		...	55,80	
	400	20,24		037	—	
	...	59,82		039	—	
0406 90 81 9900	037	—	0406 90 87 9951	099	40,35	
	039	—		400	33,38	
	099	47,73		...	60,53	
	400	42,31		037	—	
	...	71,59		039	—	
0406 90 85 9910	037	30,47	0406 90 87 9971	099	55,52	
	039	30,47		400	69,82	
	099	62,39		...	83,29	
	400	79,25		037	—	
	...	93,58		039	—	
0406 90 85 9991	037	—		099	55,36	
	039	—		400	36,22	
	099	57,56		...	83,04	
	400	42,31				
	...	86,34				

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 87 9972	099	21,09	2309 10 19 9100	+	—
	400	14,39	2309 10 19 9200	+	—
	...	31,64	2309 10 19 9300	+	—
0406 90 87 9973	037	—	2309 10 19 9400	+	—
	039	—	2309 10 19 9500	+	—
	099	49,56	2309 10 19 9600	+	—
	400	25,35	2309 10 19 9700	+	—
	...	74,34	2309 10 19 9800	+	—
0406 90 87 9974	037	—	2309 10 70 9010	+	—
	039	—	2309 10 70 9100	+	14,58
	099	55,36	2309 10 70 9200	+	19,44
	400	25,35	2309 10 70 9300	+	24,30
	...	83,04	2309 10 70 9500	+	29,16
0406 90 87 9979	037	—	2309 10 70 9600	+	34,02
	039	—	2309 10 70 9700	+	38,88
	099	48,04	2309 10 70 9800	+	42,77
	400	25,35	2309 90 35 9010	+	—
	...	72,06	2309 90 35 9100	+	—
0406 90 88 9100	+	—	2309 90 35 9200	+	—
0406 90 88 9105	037	—	2309 90 35 9300	+	—
	039	—	2309 90 35 9400	+	—
	099	55,22	2309 90 35 9500	+	—
	400	31,89	2309 90 35 9700	+	—
	...	82,83	2309 90 39 9010	+	—
0406 90 88 9300	037	—	2309 90 39 9100	+	—
	039	—	2309 90 39 9200	+	—
	099	33,52	2309 90 39 9300	+	—
	400	31,89	2309 90 39 9400	+	—
	...	50,28	2309 90 39 9500	+	—
2309 10 15 9010	+	—	2309 90 39 9600	+	—
2309 10 15 9100	+	—	2309 90 39 9700	+	—
2309 10 15 9200	+	—	2309 90 39 9800	+	—
2309 10 15 9300	+	—	2309 90 70 9010	+	—
2309 10 15 9400	+	—	2309 90 70 9100	+	14,58
2309 10 15 9500	+	—	2309 90 70 9200	+	19,44
2309 10 15 9700	+	—	2309 90 70 9300	+	24,30
2309 10 19 9010	+	—	2309 90 70 9500	+	29,16
			2309 90 70 9600	+	34,02
			2309 90 70 9700	+	38,88
			2309 90 70 9800	+	42,77

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

However, '099' covers all destination codes from 053 to 096 inclusive.

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

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

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

**COMMISSION REGULATION (EC) No 1071/97
of 12 June 1997**

**fixing the maximum export refund on wholly milled round grain rice in
connection with the invitation to tender issued in Regulation (EC) No 1629/96**

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1629/96 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question

results in the maximum export refund being fixed at the amount specified in Article 1;

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 maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1629/96 is hereby fixed on the basis of the tenders submitted from 9 to 12 June 1997 at ECU 315 per tonne.

Article 2

This Regulation shall enter into force on 13 June 1997.

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

Done at Brussels, 12 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 204, 14. 8. 1996, p. 6.

⁽³⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ No L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 1072/97**of 12 June 1997****fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 1630/96**

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1630/96 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question

results in the maximum export refund being fixed at the amount specified in Article 1;

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 maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1630/96 is hereby fixed on the basis of the tenders submitted from 9 June to 12 June 1997 at ECU 293 per tonne.

Article 2

This Regulation shall enter into force on 13 June 1997.

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

Done at Brussels, 12 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 204, 14. 8. 1996, p. 9.

⁽³⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ No L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 1073/97**of 12 June 1997****concerning tenders submitted in response to the invitation to tender for the
export to certain third countries of wholly milled medium grain and long grain****A rice issued in Regulation (EC) No 1631/96**

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

Having regard to Council Regulation (EC) No 3072/95 of
22 December 1995 on the common organization of the
market in rice ⁽¹⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on
rice was issued pursuant to Commission Regulation (EC)
No 1631/96 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No
584/75 ⁽³⁾, as last amended by Regulation (EC) No
299/95 ⁽⁴⁾, allows the Commission to decide, in accord-
ance with the procedure laid down in Article 22 of Regu-
lation (EC) No 3072/95 and on the basis of the tenders
submitted, to make no award;

Whereas on the basis of the criteria laid down in Article
13 of Regulation (EC) No 3072/95 a maximum refund
should not be fixed;

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

No action shall be taken on the tenders submitted from 9
June to 12 June 1997 in response to the invitation to
tender for the export refund on wholly milled medium
grain and long grain A rice to certain third countries
issued in Regulation (EC) No 1631/96.

Article 2

This Regulation shall enter into force on 13 June 1997.

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

Done at Brussels, 12 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 204, 14. 8. 1996, p. 12.

⁽³⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ No L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 1074/97**of 12 June 1997****concerning tenders submitted in response to the invitation to tender for the export to certain third countries of wholly milled long grain rice issued in Regulation (EC) No 530/97**

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, and in particular Article 13 (3) thereof,

Whereas an invitation to tender for the export refund on rice was issued under Commission Regulation (EC) No 530/97 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award;

Whereas on the basis of the criteria laid down in Article 13 of Regulation (EC) No 3072/95 a maximum refund should not be fixed;

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

No action shall be taken on the tenders submitted from 9 to 12 June 1997 in response to the invitation to tender for the export refund on wholly milled long grain rice falling within CN code 1006 30 67 to certain third countries issued in Regulation (EC) No 530/97.

Article 2

This Regulation shall enter into force on 13 June 1997.

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

Done at Brussels, 12 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 82, 22. 3. 1997, p. 48.

⁽³⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ No L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 1075/97

of 12 June 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 13 June 1997.

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

Done at Brussels, 12 June 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 12 June 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
0709 90 77	052	82,4
	999	82,4
0805 30 30	388	78,0
	528	73,9
	999	76,0
0808 10 61, 0808 10 63, 0808 10 69	388	88,0
	400	87,3
	404	112,5
	508	83,1
	512	66,4
	524	72,9
	528	73,5
	804	98,4
	999	85,3
0809 10 20	400	278,4
	999	278,4
0809 20 49	052	193,5
	064	213,6
	400	220,3
	999	209,1

⁽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 1076/97

of 12 June 1997

**temporarily suspending the issue of export licences for certain milk products
and determining the extent to which export licences may be issued against
applications currently pending**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 417/97 ⁽⁴⁾, and in particular Article 8 (3) thereof,

Whereas the issue of the licences requested for certain products would result in an overrun of the maximum quantities which can be exported with refunds during the 12 months' period in question; whereas the issue of export licences for the products concerned should be temporarily suspended and licences only issued for certain of those products for which applications are pending;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The issue of export licences for milk and milk products falling within CN code 0406 and those referred to in the Annex is hereby suspended for the period 13 to 23 June 1997.
2. Licences shall be issued against applications for milk products referred to in the Annex submitted between 6 and 10 June 1997 which are currently pending and against which licences should have been issued from 13 June 1997.
3. No licences shall be issued for milk products referred to in the Annex for which applications submitted on 11 June 1997 are still pending and against which licences would have been issued from 18 June 1997.

Article 2

This Regulation shall enter into force on 13 June 1997.

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

Done at Brussels, 12 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ No L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ No L 64, 5. 3. 1997, p. 1.

ANNEX

Product code	Product code	Product code	Product code
0401 10 10 9000	0402 21 99 9700	0402 99 39 9300	0404 90 23 9917
0401 10 90 9000	0402 21 99 9900	0402 99 39 9500	0404 90 23 9919
0401 20 11 9100	0402 29 15 9200	0402 99 91 9000	0404 90 23 9931
0401 20 11 9500	0402 29 15 9300	0402 99 99 9000	0404 90 23 9933
0401 20 19 9100	0402 29 15 9500	0403 10 11 9400	0404 90 23 9935
0401 20 19 9500	0402 29 15 9900	0403 10 11 9800	0404 90 23 9937
0401 20 91 9100	0402 29 19 9200	0403 10 13 9800	0404 90 23 9939
0401 20 91 9500	0402 29 19 9300	0403 10 19 9800	0404 90 29 9110
0401 20 99 9100	0402 29 19 9500	0403 10 31 9400	0404 90 29 9115
0401 20 99 9500	0402 29 19 9900	0403 10 31 9800	0404 90 29 9120
0401 30 11 9100	0402 29 91 9100	0403 10 33 9800	0404 90 29 9130
0401 30 11 9400	0402 29 91 9500	0403 10 39 9800	0404 90 29 9135
0401 30 11 9700	0402 29 99 9100	0403 90 11 9000	0404 90 29 9150
0401 30 19 9100	0402 29 99 9500	0403 90 13 9200	0404 90 29 9160
0401 30 19 9400	0402 91 11 9110	0403 90 13 9300	0404 90 29 9180
0401 30 19 9700	0402 91 11 9120	0403 90 13 9500	0404 90 81 9100
0401 30 31 9100	0402 91 11 9310	0403 90 13 9900	0404 90 81 9910
0401 30 31 9400	0402 91 11 9350	0403 90 19 9000	0404 90 81 9950
0401 30 31 9700	0402 91 11 9370	0403 90 31 9000	0404 90 83 9110
0401 30 39 9100	0402 91 19 9110	0403 90 33 9200	0404 90 83 9130
0401 30 39 9400	0402 91 19 9120	0403 90 33 9300	0404 90 83 9150
0401 30 39 9700	0402 91 19 9310	0403 90 33 9500	0404 90 83 9170
0401 30 91 9100	0402 91 19 9350	0403 90 33 9900	0404 90 83 9911
0401 30 91 9400	0402 91 19 9370	0403 90 39 9000	0404 90 83 9913
0401 30 91 9700	0402 91 31 9100	0403 90 51 9100	0404 90 83 9915
0401 30 99 9100	0402 91 31 9300	0403 90 51 9300	0404 90 83 9917
0401 30 99 9400	0402 91 39 9100	0403 90 53 9000	0404 90 83 9919
0401 30 99 9700	0402 91 39 9300	0403 90 59 9110	0404 90 83 9931
0402 21 11 9200	0402 91 51 9000	0403 90 59 9140	0404 90 83 9933
0402 21 11 9300	0402 91 59 9000	0403 90 59 9170	0404 90 83 9935
0402 21 11 9500	0402 91 91 9000	0403 90 59 9310	0404 90 83 9937
0402 21 11 9900	0402 91 99 9000	0403 90 59 9340	0404 90 89 9130
0402 21 17 9000	0402 99 11 9110	0403 90 59 9370	0404 90 89 9150
0402 21 19 9300	0402 99 11 9130	0403 90 59 9510	0404 90 89 9930
0402 21 19 9500	0402 99 11 9150	0403 90 59 9540	0404 90 89 9950
0402 21 19 9900	0402 99 11 9310	0403 90 59 9570	0404 90 89 9990
0402 21 91 9100	0402 99 11 9330	0403 90 61 9100	2309 10 70 9100
0402 21 91 9200	0402 99 11 9350	0403 90 61 9300	2309 10 70 9200
0402 21 91 9300	0402 99 19 9110	0403 90 63 9000	2309 10 70 9300
0402 21 91 9400	0402 99 19 9130	0403 90 69 9000	2309 10 70 9500
0402 21 91 9500	0402 99 19 9150	0404 90 21 9100	2309 10 70 9600
0402 21 91 9600	0402 99 19 9310	0404 90 21 9910	2309 10 70 9700
0402 21 91 9700	0402 99 19 9330	0404 90 21 9950	2309 10 70 9800
0402 21 91 9900	0402 99 19 9350	0404 90 23 9120	2309 90 70 9100
0402 21 99 9100	0402 99 31 9110	0404 90 23 9130	2309 90 70 9200
0402 21 99 9200	0402 99 31 9150	0404 90 23 9140	2309 90 70 9300
0402 21 99 9300	0402 99 31 9300	0404 90 23 9150	2309 90 70 9500
0402 21 99 9400	0402 99 31 9500	0404 90 23 9911	2309 90 70 9600
0402 21 99 9500	0402 99 39 9110	0404 90 23 9913	2309 90 70 9700
0402 21 99 9600	0402 99 39 9150	0404 90 23 9915	2309 90 70 9800

COMMISSION REGULATION (EC) No 1077/97
of 12 June 1997
repealing Regulation (EC) No 978/97 fixing export taxes on cereal products

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 16 thereof,

Whereas Commission Regulation (EC) No 978/97⁽³⁾ fixes an export tax on common wheat, flour of common wheat and spelt, flour of meslin, groats and meal of common wheat and spelt, as well as durum wheat, flour of durum wheat and groats and meal of durum wheat;

Whereas the market conditions which led to the introduction of the export tax on these products no longer

apply; whereas the taxes on those products should be abolished;

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

Regulation (EC) No 978/97 is hereby repealed.

Article 2

This Regulation shall enter into force on 13 June 1997.

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

Done at Brussels, 12 June 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 141, 31. 5. 1997, p. 30.

COMMISSION REGULATION (EC) No 1078/97

of 12 June 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 export possibilities exist for a quantity of 15 000 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 932/97⁽⁶⁾, should be used; whereas account should be taken of this when the refunds are fixed;

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 13 June 1997.

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

Done at Brussels, 12 June 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.

⁽⁵⁾ OJ No L 117, 24. 5. 1995, p. 2.

⁽⁶⁾ OJ No L 135, 27. 5. 1997, p. 2.

ANNEX

**to the Commission Regulation of 12 June 1997 fixing the export refunds on cereals and on wheat
or rye flour, groats and meal**

<i>(ECU / tonne)</i>			<i>(ECU / tonne)</i>		
Product code	Destination ⁽¹⁾	Amount of refund	Product code	Destination ⁽¹⁾	Amount of refund
0709 90 60	—	—	1101 00 11 9000	—	—
0712 90 19	—	—	1101 00 15 9100	—	—
1001 10 00 9200	—	—	1101 00 15 9130	—	—
1001 10 00 9400	—	—	1101 00 15 9150	—	—
1001 90 91 9000	—	—	1101 00 15 9170	—	—
1001 90 99 9000	—	—	1101 00 15 9180	—	—
1002 00 00 9000	—	—	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	—	—	1102 10 00 9500	01	30,00
1004 00 00 9200	—	—	1102 10 00 9700	—	—
1004 00 00 9400	—	—	1102 10 00 9900	—	—
1005 10 90 9000	—	—	1103 11 10 9200	—	— ⁽²⁾
1005 90 00 9000	03	25,00 ⁽³⁾	1103 11 10 9400	—	— ⁽²⁾
1007 00 90 9000	02	—	1103 11 10 9900	—	—
1008 20 00 9000	—	—	1103 11 90 9200	—	— ⁽²⁾
			1103 11 90 9800	—	—

⁽¹⁾ The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Slovenia.

⁽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 15 000 tonnes of maize bound for Slovenia.

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 1079/97**of 12 June 1997****fixing the corrective amount applicable to the refund on cereals**

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 (8) thereof,

Whereas Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

Whereas 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 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⁾, allows for the fixing of a corrective amount for the products listed in Article 1 (1) (c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

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 the provisions set out above that the corrective amount must 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 corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 June 1997.

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

Done at Brussels, 12 June 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.

⁽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 12 June 1997 fixing the corrective amount applicable to the refund on cereals

(ECU / tonne)

Product code	Destination ⁽¹⁾	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11	6th period 12
0709 90 60	—	—	—	—	—	—	—	—
0712 90 19	—	—	—	—	—	—	—	—
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	—	—	—	—	—	—	—	—
1002 00 00 9000	—	—	—	—	—	—	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	—	—	—	—	—	—	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	—	—	—	—	—	—	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	0	0	0	— 25,00	— 25,00	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	—	—	—	—	—	—	—	—
1101 00 15 9130	—	—	—	—	—	—	—	—
1101 00 15 9150	—	—	—	—	—	—	—	—
1101 00 15 9170	—	—	—	—	—	—	—	—
1101 00 15 9180	—	—	—	—	—	—	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	—	—	—	—	—	—	—	—
1102 10 00 9700	01	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	—	—	—	—	—	—	—	—
1103 11 10 9400	—	—	—	—	—	—	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	—	—	—	—	—	—	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

⁽¹⁾ The destinations are identified as follows:

01 all third countries.

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 30 May 1997

establishing that the exploitation of geographical areas for the purpose of exploring for or extracting oil or gas does not constitute in the United Kingdom an activity defined in Article 2 (2) (b) (i) of Council Directive 93/38/EEC and that entities carrying on such an activity are not to be considered in the United Kingdom as operating under special or exclusive rights within the meaning of Article 2 (3) (b) of the Directive

(Only the English text is authentic)

(Text with EEA relevance)

(97/367/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/38/EEC of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Articles 3 (4) and (5) and 40 (5) to (8) thereof,

Having regard to Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorizations for the prospection, exploration and production of hydrocarbons ⁽²⁾, and in particular Article 12 thereof,

Whereas, pursuant to Article 3 of Directive 93/38/EEC, a Member State may request the Commission to provide that exploitation of geographical areas for the purpose of exploring for or extracting oil, gas, coal or other solid fuels is not to be considered to be an activity defined in Article 2 (2) (b) (i) of the Directive and that entities are not to be considered as operating under special or exclusive rights within the meaning of Article 2 (3) (b) by virtue of

carrying on one or more of those activities, provided that a number of precise conditions laid down in its paragraphs 1 and 3 are satisfied with respect to the relevant national provisions concerning such activities and that, pursuant to its paragraph 2, any Member State requesting such a decision ensures that entities observe the principles of non-discrimination and competitive procurement in awarding contracts and communicate to the Commission information relating to the award of such contracts;

Whereas Member States, which have complied with the provisions of Directive 94/22/EC, shall be considered to satisfy the conditions laid down in Article 3 (1) of Directive 93/38/EEC;

Whereas, by letter dated 3 February 1997, the Office of the United Kingdom Permanent Representative to the European Communities requested the Commission to provide that exploitation of geographical areas for the purpose of exploring for or extracting oil or gas should not be considered in the United Kingdom to be an activity defined in Article 2 (2) (b) (i) of Directive 93/38/EEC and the entities carrying on such an activity are not to be considered in the United Kingdom as operating under special or exclusive rights within the meaning of Article 2 (3) (b) of the Directive; whereas that request did not cover the exploitation of geographical areas for the purpose of exploring for or extracting coal or other solid fuels;

⁽¹⁾ OJ No L 199, 9. 8. 1993, p. 84.

⁽²⁾ OJ No L 164, 30. 6. 1994, p. 3.

Whereas, by adopting the Hydrocarbons Licensing Regulations 1995, the Petroleum (Production) (Seaward Areas) (Amendment) Regulations 1995 and the Petroleum (Production) (Landward Areas) Regulations 1995, the United Kingdom has complied with Directive 94/22/EC;

Whereas compliance with the conditions pursuant to Article 3(3) of Directive 93/38/EEC in the United Kingdom was examined in connection with the adoption of Commission Decision 93/425/EEC of 14 July 1993 establishing that the exploitation of geographical areas for the purpose of exploring for or extracting oil or gas does not constitute in the United Kingdom an activity defined in Article 2(2)(b)(i) of Council Directive 90/531/EEC, and that entities carrying on such an activity are not to be considered in the United Kingdom as operating under special or exclusive rights within the meaning of Article 2(3)(b) of the Directive⁽¹⁾;

Whereas 'the Utilities Supply and Works Contracts Regulations 1992', adopted on 23 December 1992, implemented Council Directive 90/531/EEC⁽²⁾ into United Kingdom law; whereas Regulation 8 was made up of a series of implementing provisions conforming to Article 3(2); whereas these provisions were examined in connection with the adoption of Decision 93/425/EEC and found to constitute a satisfactory implementation of Article 3(2) of Directive 90/531/EEC as far as works and supplies contracts are concerned; whereas it was necessary to provide for an implementation of Article 3(2) in respect of service contracts;

Whereas 'The Utilities Contracts Regulations 1996' implement Directive 93/38/EEC into United Kingdom law; whereas Regulation 9 reproduces the previous provisions extending their applicability to service contracts; whereas these provisions entered into force on 12 December 1996; whereas these Regulations guarantee compliance with the principles of non-discrimination and competitive procurement by entities carrying out exploration or extraction, in particular as regards the information they make available to enterprises concerning their intentions with respect to the award of contracts, and with the obligation to transmit to the Commission information of the award of such contracts;

Whereas, in accordance with Article 40(5) to (8) of Directive 93/38/EEC, the Advisory Committee for Public Contracts has delivered its opinion on this Decision,

HAS ADOPTED THIS DECISION:

Article 1

From 30 May 1997 the exploitation of geographical areas for the purpose of exploring for or extracting oil or gas shall not be considered in the United Kingdom as an activity defined in Article 2(2)(b)(i) of Directive 93/38/EEC, and entities carrying on such an activity shall not be considered in the United Kingdom as operating under special or exclusive rights within the meaning of Article 2(3)(b) of the Directive.

Article 2

1. This Decision is taken on the basis of the provisions adopted by the United Kingdom as of 30 May 1997 in order to implement Directive 94/22/EC and Article 3(2) of Directive 93/38/EEC and communicated to the Commission.
2. Any laws, regulations or administrative provisions amending the rules mentioned under paragraph 1 shall be communicated to the Commission as soon as they are adopted.
3. The information referred to in paragraph 2 is notified to the Commission in order to enable it to assess if it is appropriate to amend, withdraw or maintain this Decision.

Article 3

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 30 May 1997.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 196, 5. 8. 1993, p. 55.

⁽²⁾ OJ No L 297, 29. 10. 1990, p. 1.

COMMISSION DECISION

of 11 June 1997

concerning certain protective measures with regard to certain fishery products
originating in China

(Text with EEA relevance)

(97/368/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries ⁽¹⁾, as last amended by Directive 93/43/EC ⁽²⁾, and in particular Article 19,Whereas, upon importation of cooked and frozen mussels originating in a processing establishment in China, the presence of *vibrio parahaemolyticus* has been detected;Whereas the presence of *vibrio parahaemolyticus* on food is a result of bad hygienic practices before and/or after processing of food;Whereas the presence of *vibrio parahaemolyticus* on food presents a potential risk for human health;

Whereas imports of products from the establishment concerned in China must not therefore be further allowed;

Whereas Community inspections in China have shown that the matter of competence and/or communication of information between the various authorities must be clarified;

Whereas the results of checks at the Community border inspection posts have shown that potential health risks with regard to the production and processing of fishery products exists;

Whereas all fishery products in fresh form originating in China should not be allowed pending a Community inspection on the spot to verify the situation, and that this inspection should include verification of the hygiene on board of fishing vessels;

Whereas the processed and frozen fishery products from China should therefore, upon presentation for importation at the Community border inspection posts, be sampled in order to demonstrate their wholesomeness;

Whereas the review of this Decision must depend on the results of the Community inspection on the spot and the

results of the tests carried out by Member States when importing products from China;

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

HAS ADOPTED THIS DECISION:

Article 1

This Decision shall apply to fishery products, fresh, frozen or processed, originating in China.

Article 2

1. Member States shall ban the imports of fresh fishery products originating in China.

2. Member States shall, in addition to point 1, ban the imports of fish products, in all forms, originating in the following establishment in China: Quindao Hongdao Fisheries Group, Corp Fish Plant, Yang Mao Tan, Hongdao Quindao Code No 3700/D2539.

*Article 3*Member States shall, using appropriate sampling plans and detection methods, subject each consignment of frozen or processed fishery products originating in China to a microbiological test in order to ensure that the products concerned do not present a hazard to human health. This test must be carried out, in particular, with a view to detect the presence of *salmonellae* and *vibrio* spp.*Article 4*

Member States shall not authorize the importation into their territory or the consignment to another Member State of the products referred to in Article 1 unless the results of the checks referred to in Article 3 are favourable.

Article 5

All expenditure incurred by the application of this Decision shall be chargeable to the consigner, the consignee or their agent.

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.⁽²⁾ OJ No L 162, 1. 7. 1996, p. 1.

Article 6

This Decision will be reviewed before 30 September 1997 on the basis of information received from Member States concerning the results of the tests referred to in Article 3 and on the basis of the results of a Community inspection on the spot.

Article 7

This Decision is addressed to the Member States

Done at Brussels, 11 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code

(Official Journal of the European Communities No L 253 of 11 October 1993)

In Article 253 (2)

for: 'recapulative',

read: 'recapitulative'.

In Article 577 (2) (a)

for: 'the delivery of compensating products to persons in third countries who are eligible for relief pursuant to ...',

read: 'the delivery of compensating products to persons who are eligible for relief pursuant to ...'.

In Article 793 (7)

for: 'The customs office of exit may ask the exporter to provide evidence ...',

read: 'The customs office of export may ask the exporter to provide evidence ...'.

In Annex 26 in the description opposite Code 1.170.2:

for: 'Beans (*Phaseolus* spp., *vulgaris* var. *Compressus Savi*)',

read: 'Beans (*Phaseolus* ssp. *vulgaris* var. *Compressus Savi*)'.

Corrigendum to Commission Regulation (EC) No 1053/97 of 10 June 1997 establishing unit values for the determination of the customs value of certain perishable goods

(Official Journal of the European Communities No L 154 of 12 June 1997)

On page 8 in Article 2:

for: 'This Regulation shall enter into force on 12 June 1997.',

read: 'This Regulation shall enter into force on 13 June 1997.'

Corrigendum to Commission Decision 97/333/EC of 23 April 1997 on the clearance of the accounts presented by the Member States in respect of the expenditure for 1993 on the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF)

(Official Journal of the European Communities No L 139 of 30 May 1997)

On page 37 in the Annex under the heading 'FRANCE', the entry against '1. (f) Expenditure disallowed':

for: '378 547 021,71',

read: '— 378 547 021,71'.
