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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (ECSC, EC, EURATOM) No 1785/97**of 11 September 1997****laying down the weightings applicable from 1 January 1997 to the remuneration of officials of the European Communities serving in third countries**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of the Communities laid down by Regulation (Euratom, ECSC, EEC) No 259/68⁽¹⁾, as last amended by Regulation (EC, Euratom, ECSC) No 2485/96⁽²⁾, and in particular the first paragraph of Article 13 of Annex X,

Having regard to the proposal from the Commission,

Whereas account should be taken of changes in the cost of living in countries outside the Community and weightings applicable to the remuneration payable in the currency of the country of employment to officials serving in third countries should be determined with effect from 1 January 1997;

Whereas, under Annex X of the Staff Regulations, the Council sets the weightings every six months; whereas it will accordingly have to set new weightings for the coming half-years;

Whereas the weightings to apply with effect from 1 January 1997 in respect of which payment has been made on the basis of a previous regulation could lead to retrospective adjustments to remuneration (positive or negative);

Whereas provision should be made for back-payments in the event of an increase in remunerations as a result of these weightings;

Whereas provision should be made for the recovery of sums overpaid in the event of a reduction in remunerations as a result of these weightings for the period

between 1 January 1997 and the date of the Council decision setting the weightings to apply with effect from 1 January 1997;

Whereas, however, in order to mirror the weightings applicable within the European Community to remuneration and pensions of officials and other servants of the European Communities, provision should be made for any such recovery to apply solely to a period of no more than six months preceding the decision and for its effects to be spread over a period of no more than 12 months following the date of that decision,

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 January 1997, the weightings applicable to the remuneration payable in the currency of the country of employment to officials of the European Communities serving in third countries shall be as shown in the Annex.

The exchange rates for the calculation of such remuneration shall be those used for implementation of the general budget of the European Communities for the month preceding the date referred to in the first paragraph.

Article 2

In accordance with the first paragraph of Article 13 of Annex X of the Staff Regulations, the Council shall set weightings every six months. It shall accordingly set new weightings with effect from 1 July 1997.

The institutions shall make back payments in the event of an increase in remuneration as a result of these weightings.

⁽¹⁾ OJ L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ L 338, 28. 12. 1996, p. 1.

For the period between 1 January 1997 and the date of the Council decision setting the weightings applicable with effect from 1 January 1997, the institutions shall make retrospective downward adjustments to remuneration in the event of a reduction as a result of these weightings.

Retrospective adjustments involving the recovery of sums overpaid shall, however, concern only a period of no more

than six months preceding the decision and this recovery shall be spread over no more than 12 months from the date of that decision.

Article 3

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

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

Done at Brussels, 11 September 1997.

For the Council

The President

J. POOS

ANNEX

Place of employment	Economic parities January 1997	Exchange rates December 1996 (¹)	Weightings January 1997 (²)
Albania	2,3192863	3,2558442	71,23
Algeria (³)	0	1,7889728	0,00
Angola	4265,003877	6 427,974545	66,35
Antigua and Barbuda	0,0834901	0,085492	97,66
Argentina	0,0304451	0,0316596	96,16
Australia	0,0332473	0,039061	85,12
Bangladesh	0,7908583	1,3443028	58,83
Barbados	0,0597046	0,0633272	94,28
Belize	0,045913	0,0633272	72,50
Benin	11,8863007	16,4646997	72,19
Bolivia (³)	0	0	0,00
Bosnia-Herzegovina (³)	0	0	0,00
Botswana	0,0640308	0,1134469	56,44
Brazil	0,0262961	0,0329565	79,79
Bulgaria	6,2319255	11,3954919	54,69
Burkina Faso	13,1813583	16,4646997	80,06
Burundi	8,5945616	10,1102012	85,01
Cameroon	15,5001618	16,4646997	94,14
Canada	0,0300111	0,0427296	70,23
Central African Republic	18,722342	16,4646997	113,71
Chad	13,1141837	16,4646997	79,65
Chile	11,7779301	13,2876239	88,64
China	0,2091365	0,2628397	79,57
Colombia	24,057362	31,5159155	76,33
Comoros	10,7490888	12,3485756	87,05
Congo	16,1632836	16,4646997	98,17
Costa Rica	4,7653034	6,8903741	69,16
Cyprus	0,0124231	0,0147078	84,47
Czech Republic	0,5803269	0,8564577	67,76
Djibouti	6,3220573	5,6271453	112,35
Dominican Republic	0,3175031	0,407498	77,92
Egypt	0,063916	0,108183	59,08
Equatorial Guinea	13,1961769	16,4646997	80,15
Eritrea (³)	0	0	0,00
Estonia (³)	0	0	0,00
Ethiopia	0,073167	0,2029591	36,05
Fiji	0,0319565	0,0431388	74,08
Former Yugoslavia (³)	0	0,1601281	0,00
Gabon	20,1378724	16,4646997	122,31
Gambia	0,2522673	0,2866808	88,00
Georgia	0,02634	0,0316626	83,19
Ghana	19,911254	54,3360139	36,64
Grenada	0,0793954	0,085492	92,87
Guatemala (³)	0	0	0,00
Guinea	32,8233804	32,215457	101,89
Guinea-Bissau	551,258248	1 034,575514	53,28
Guyana	2,7521543	4,4648837	61,64
Haiti (³)	0	0,4799346	0,00
Hong Kong	0,2543561	0,2469746	102,99
Hungary	3,1113304	5,1075132	60,92

Place of employment	Economic parities January 1997	Exchange rates December 1996 (¹)	Weightings January 1997 (²)
India	0,4570552	1,1305056	40,43
Indonesia	55,0454879	75,3409177	73,06
Israel	0,111945	0,1029686	108,72
Ivory Coast	15,4128348	16,4646997	93,61
Jamaica	0,6467954	1,1073952	58,41
Japan (Naka)	4,370148	3,5963461	121,52
Japan (Tokyo)	5,3162356	3,5963461	147,82
Jordan	0,0142689	0,0223489	63,85
Kazakhstan	0,0341119	0,0316626	107,74
Kenya	1,1758019	1,7592935	66,83
Latvia (³)	0	0	0,00
Lebanon	47,7024153	49,3534695	96,65
Left Bank — Gaza Strip (³)	0	0	0,00
Lesotho	0,0737039	0,1446529	50,95
Liberia (³)	0	0,0316626	0,00
Lithuania (³)	0	0	0,00
Madagascar	71,6809326	135,8880283	52,75
Malawi	0,1945112	0,4852249	40,09
Mali	14,2153328	16,4646997	86,34
Malta	0,0090965	0,0113483	80,16
Mauritania	3,4098935	4,5238634	75,38
Mauritius	0,4573221	0,641725	71,26
Mexico	0,126994	0,2492026	50,96
Morocco	0,196073	0,2725835	71,93
Mozambique	202,596902	366,703337	55,25
Namibia	0,0832326	0,1446529	57,54
Netherlands Antilles	0,0463569	0,0563603	82,25
New Caledonia	3,6690028	2,9935638	122,56
Nicaragua (³)	0	0	0,00
Niger	13,2140181	16,4646997	80,26
Nigeria	1,0730223	2,5203518	42,57
Norway	0,2586955	0,2028644	127,52
Pakistan	0,6944841	1,2928415	53,72
Papua New Guinea	0,0377423	0,0432975	87,17
Peru	0,0658509	0,0814399	80,86
Philippines	0,5065196	0,8445946	59,97
Poland	711,7163964	890,0756564	79,96
Republic of Cape Verde	2,1350245	2,6670934	80,05
Romania	66,9816635	113,7009665	58,91
Russia	0,0384548	0,0316626	121,45
Rwanda (³)	0	9,8931539	0,00
São Tomé and Príncipe (³)	0	0	0,00
Senegal	12,3103703	16,4646997	74,77
Sierra Leone	22,9650415	29,9374308	76,71
Slovakia	0,5870501	0,9881423	59,41
Slovenia	3,8980423	4,3996656	88,60
Solomon Islands	0,1005322	0,1143066	87,95
Somalia (³)	0	82,9600133	0,00
South Africa (Pretoria)	0,0883349	0,1446529	61,07
South Africa (Cape Town)	0,0940993	0,1446529	65,05
South Korea	25,7227432	26,3928845	97,46
Sri Lanka (³)	0	0	0,00
Sudan	1,3696375	4,6227811	29,63
Suriname	7,2175629	12,6968004	56,85

Place of employment	Economic parities January 1997	Exchange rates December 1996 (¹)	Weightings January 1997 (²)
Swaziland	0,0637808	0,1446529	44,09
Switzerland	0,0489115	0,0410189	119,24
Syria	0,9336631	1,3773346	67,79
Tanzania	8,5749382	19,0927142	44,91
Thailand	0,5779954	0,8159269	70,84
The Democratic Republic of the Congo (³)	0	3 144,654088	0,00
Togo	13,0027615	16,4646997	78,97
Tonga	0,033517	0,0380098	88,18
Trinidad and Tobago	0,1031176	0,1946624	52,97
Tunisia	0,0200931	0,0308804	65,07
Turkey	2 099,524757	3 216,985684	65,26
Uganda	22,0773661	33,7040782	65,50
Ukraine	0,0345641	0,0316626	109,16
United States of America (New York)	0,0299229	0,0316626	94,51
United States of America (San Diego)	0,025212	0,0316626	79,63
United States of America (Washington)	0,0261931	0,0316626	82,73
Uruguay	0,2407301	0,2713483	88,72
Vanuatu	3,9064112	3,5802513	109,11
Venezuela	8,5564162	14,8856041	57,48
Vietnam	131,0788147	349,6259003	37,49
Western Samoa	0,0587856	0,0762253	77,12
Zambia	25,4342493	41,1353353	61,83
Zimbabwe	0,1567778	0,3398817	46,13

(¹) Bfrs 1 = local currency.

Georgia, Kazakhstan, Russia, Ukraine = US \$.

(²) Brussels = 100 %.

(³) Not available.

COUNCIL REGULATION (EC) No 1786/97

of 15 September 1997

amending Regulation (EC) No 821/94 imposing a definitive anti-dumping duty on imports of silicon carbide originating, *inter alia*, in the Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, and in particular Article 11 (3) thereof,

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

Whereas:

I. PREVIOUS PROCEDURE

- (1) By Regulation (EC) No 821/94⁽²⁾, the Council imposed, *inter alia*, a definitive anti-dumping duty of 23,3 % on imports of silicon carbide, falling within CN code 2849 20 00, originating in the Ukraine.

II. REVIEW

- (2) The Commission subsequently received an application from the Ukrainian producer Zaporozhsky Abrazivny Combinat (hereinafter referred to as 'ZAC'), formerly called Concern Zaporozhabrasive, for a review of the measures currently in force.

The application alleged that, because of the new political situation in the Ukraine which has led to the privatization of the applicant and because its export prices, now determined autonomously, are substantially higher than those established originally, dumping has disappeared.

The evidence of changed circumstances contained in the application was considered sufficient to justify the opening of a review investigation.

- (3) By a notice published in the *Official Journal of the European Communities*⁽³⁾, the Commission, after consulting the Advisory Committee and in accordance with Article 11 (3) of Regulation (EC)

No 384/96 (hereinafter referred to as the 'Basic Regulation'), initiated a review of the anti-dumping measures in force and commenced an investigation. Since no request concerning changed circumstances with regard to injury to the Community industry was submitted, the review was limited to the question of dumping.

- (4) The Commission officially advised ZAC and the representatives of the exporting country. Furthermore, it gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing. The representatives of the Community industry made their views known in writing. ZAC requested and was granted a hearing.
- (5) The Commission sent questionnaires to the parties known to be concerned and received detailed information from ZAC, from one independent importer located in the Community and from one related importer in the Community.
- (6) The Commission sought and verified all information it deemed necessary for the purposes of a determination and carried out investigations at the premises of the following producer located in Brazil, which, as explained in recital 12 below, is the market economy third country chosen in the present review for the establishment of normal value for the Ukraine:
- Casil SA — Carureto de Silicio — São Paulo.
- (7) The investigation of dumping covered the period from 1 April 1995 to 31 March 1996 (hereinafter referred to as 'the investigation period').

III. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

(i) Product under consideration

- (8) The product under consideration is the same as that described in the Regulation subject to review.

The product is silicon carbide falling within CN code 2849 20 00.

- (9) The production process of silicon carbide is such that output automatically comprises a variety of qualities of silicon carbide. These qualities can be segregated into two main grades: crystalline and metallurgical. The crystalline grade is normally

⁽¹⁾ OJ L 56, 6. 3. 1996, p. 1. Regulation as amended by Regulation (EC) No 2331/96 (OJ L 317, 6. 12. 1996, p. 1).

⁽²⁾ OJ L 94, 13. 4. 1994, p. 21.

⁽³⁾ OJ C 135, 7. 5. 1996, p. 4.

used, depending on the quality, in the manufacture of abrasive tools, grinding wheels, high quality refractory products, ceramics, plastic materials, etc., while the metallurgical grade is normally used in foundry and blast furnace operations as a silicon carrier.

Given that both main grades result from the same production process (one cannot be produced without the other), that they have the same basic physical characteristics and that the metallurgical grade can technically be replaced by the crystalline grade, both grades of silicon carbide and their different qualities should be considered as forming one product for the purpose of this proceeding. The various grades of silicon carbide do not entail any significant differences in basic physical characteristics, general application or use.

(ii) Like product

- (10) The investigation showed that the silicon carbide produced in Brazil and sold on the Brazilian market is identical in its particular characteristics to the silicon carbide exported to the Community by ZAC and the silicon carbide produced by the Community industry. It should therefore be considered as a like product within the meaning of Article 1 (4) of the Basic Regulation.

IV. DUMPING

(a) Normal value

(i) Analogue country

- (11) Since the Ukraine is considered to be a non-market economy country, normal value had to be determined on the basis of information obtained in a market economy third country (the so-called analogue country), in accordance with Article 2 (7) of the Basic Regulation. For this purpose the applicant suggested that the United States of America be used as the analogue country, as in the original investigation, and contact was made with the two United States producers that had cooperated in the said investigation. The two producers concerned, however, informed the Commission that they were not willing to cooperate with the investigation.

Consequently the Commission had to seek the cooperation of producers in another appropriate analogue country.

- (12) After careful examination of the silicon carbide market worldwide, the Commission concluded that Brazil would be an appropriate choice of analogue country for the following reasons:
- the size of its domestic market makes Brazil a representative country for the establishment of normal value for the Ukraine and there are, to a

large extent, similarities between the production process and access to raw materials in Brazil and the Ukraine,

- domestic prices in Brazil are governed by normal market forces given the level of demand in the market and the number of producers in competition,
- in terms of the range of qualities of silicon carbide and basic physical characteristics, the product manufactured in Brazil can be considered identical to the product exported from the Ukraine.

The Commission services received cooperation from one Brazilian producer of the like product.

(ii) Normal value

- (13) As explained in recital 6, the Commission sought and verified from one producer in the analogue country all the information they deemed necessary for the determination of normal value.

For the purpose of this investigation, the product was classified by grade, i.e. crystalline and metallurgical.

- (14) As far as this determination is concerned, the investigation established that the total domestic sales of the cooperating Brazilian producer were representative of ZAC's export sales in accordance with Article 2 (2) of the Basic Regulation. Domestic sales per grade were also representative.
- (15) In accordance with Article 2 (4) of the Basic Regulation the Commission had to determine whether domestic sales per grade (crystalline and metallurgical) were made in the ordinary course of trade by looking at the proportion of profitable sales. The investigation showed that more than 20 % of sales in volume were made below the average cost and were thus excluded in order to establish normal value. As the remaining profitable transactions accounted for a sufficient proportion of the domestic sales volume, normal value for each grade was determined on the basis of the weighted average domestic price of the profitable sales.

(b) Export price

- (16) ZAC's exports of the product concerned to the Community accounted for almost all exports from the Ukraine to the Community.

In accordance with Article 2 (8) of the Basic Regulation, where exports were made to unrelated importers in the Community, the export prices for the Ukrainian exporter were established on the basis of the prices actually paid or payable by unrelated importers.

Almost the totality of exports was made to a related importer in the Community. The export prices were therefore established, in accordance with Article 2 (9) of the Basic Regulation, on the basis of resale prices to the first independent buyer adjusted to take account of all costs incurred between importation and resale, including custom duties and a 5 % profit on turnover, which was considered reasonable in the circumstances of this case. In this respect it should be noted that this profit margin was achieved by the importer before it became related to the exporter in question.

- (17) A large number of export sales by the Ukrainian producer were invoiced to an unrelated trader outside the Community but were alleged to have as final destination the Community. These sales had to be excluded from the scope of this investigation because no evidence was given that these sales were export sales to the Community, and the examination of Eurostat data confirms this.

(c) Comparison

- (18) In accordance with Articles 2 (10) and 2 (11) of the Basic Regulation, the weighted average normal value by grade was compared with the weighted average export price by grade. For the purpose of a fair comparison between normal value and export price, account was taken of differences affecting price comparability, namely transport costs, packaging, discounts and credit terms. The comparison was made at an ex-works level.

ZAC claimed, pursuant to Article 2 (10) (d) of the Basic Regulation, that normal value should be adjusted to take into account a difference in level of trade, since all of its export sales were made to distributors while the Brazilian domestic sales were predominantly made to end-users. Further investigation into this claim showed that price comparability had indeed been affected by consistent and distinct differences in prices for the different levels of trade in the Brazilian domestic market. The Commission therefore considered this claim warranted, and an appropriate allowance was granted.

(d) Dumping margin

- (19) The comparison showed the existence of dumping. The dumping margin expressed as a percentage of the cif Community frontier value of the imports was found to be 24 %.

V. AMENDMENT OF THE MEASURES BEING REVIEWED

- (20) No request for a review of the findings on injury was made and there is no reason to believe that the level of injury found in the original investigation has decreased. Since the injury margin established in the original investigation was higher than the dumping margin in the present investigation, the amended duty should be based on the dumping margin found. Regulation (EC) No 821/94 should therefore be amended accordingly.
- (21) ZAC was informed of the facts and considerations on the basis of which it was intended to propose the amendment of Regulation (EC) No 821/94 and was given every opportunity to comment. The Commission also officially advised the complainants mentioned in the initial investigation.
- (22) After this disclosure ZAC offered a quantitative undertaking. The proposed undertaking however, consisted of a duty-free quota set at a level equivalent to a market share significantly higher than that held by the exporter concerned in the years prior to this investigation. The acceptance of such an undertaking would thus mean that the injury caused by ZAC's exports to the Community would not be eliminated. In these circumstances, the Commission considered that the undertaking offered by ZAC was not acceptable. The exporter has been informed accordingly.
- (23) Given the above, the Council concludes that Regulation (EC) No 821/94 should be amended in respect of the Ukraine.
- (24) This review does not affect the date on which Regulation No 821/94 will expire, pursuant to Article 11 (2) of the Basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (2) of Regulation (EC) No 821/94 is hereby amended as follows:

the figure in the Rate of duty column of '23,3 %' relating to Ukraine shall be replaced by '24 %'.

Article 2

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

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

Done at Brussels, 15 September 1997.

For the Council

The President

J. POOS

COMMISSION REGULATION (EC) No 1787/97

of 16 September 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 Commission 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 17 September 1997.

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

Done at Brussels, 16 September 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 16 September 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
ex 0707 00 25	060	78,7
	999	78,7
0709 90 79	052	65,2
	999	65,2
0805 30 30	388	70,6
	524	60,9
	528	54,3
	999	61,9
0806 10 40	052	80,3
	064	42,1
	400	180,5
	999	101,0
0808 10 92, 0808 10 94, 0808 10 98	388	45,1
	400	78,7
	512	50,7
	528	52,5
	804	92,8
	999	64,0
0808 20 57	052	87,5
	064	86,4
	388	37,1
	999	70,3
0809 30 41, 0809 30 49	052	117,1
	066	43,4
	400	136,7
	999	99,1
0809 40 30	052	57,3
	064	50,5
	066	58,7
	068	49,6
	400	106,2
	624	133,8
	999	76,0

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

COMMISSION REGULATION (EC) No 1788/97**of 16 September 1997****amending representative prices and additional duties for the import of certain products in the sugar sector**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as last amended by Regulation (EC) No 1143/97 ⁽⁴⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1222/97 ⁽⁵⁾, as last amended by Regulation (EC) No 1783/97 ⁽⁶⁾;

Whereas it follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 September 1997.

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

Done at Brussels, 16 September 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ L 165, 24. 6. 1997, p. 11.

⁽⁵⁾ OJ L 173, 1. 7. 1997, p. 3.

⁽⁶⁾ OJ L 252, 16. 9. 1997, p. 28.

ANNEX

to the Commission Regulation of 16 September 1997 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	24,66	3,97
1701 11 90 ⁽¹⁾	24,66	9,20
1701 12 10 ⁽¹⁾	24,66	3,78
1701 12 90 ⁽¹⁾	24,66	8,77
1701 91 00 ⁽²⁾	27,85	11,31
1701 99 10 ⁽²⁾	27,85	6,79
1701 99 90 ⁽²⁾	27,85	6,79
1702 90 99 ⁽³⁾	0,28	0,37

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ L 89, 10. 4. 1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ L 94, 21. 4. 1972, p. 1).

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 1789/97
of 16 September 1997
amending the import duties in the cereals sector

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

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, as amended by Regulation (EC) No 641/97⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 1693/97⁽⁵⁾, as amended by Regulation (EC) No 1784/97⁽⁶⁾;

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

average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1693/97,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to amended Regulation (EC) No 1693/97 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 17 September 1997.

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

Done at Brussels, 16 September 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 98, 15. 4. 1997, p. 2.

⁽⁵⁾ OJ L 239, 30. 8. 1997, p. 11.

⁽⁶⁾ OJ L 252, 16. 9. 1997, p. 30.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	26,23	16,23
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	26,23	16,23
	medium quality	47,72	37,72
	low quality	54,62	44,62
1002 00 00	Rye	67,99	57,99
1003 00 10	Barley, seed	67,99	57,99
1003 00 90	Barley, other ⁽³⁾	67,99	57,99
1005 10 90	Maize seed other than hybrid	86,64	76,64
1005 90 00	Maize other than seed ⁽³⁾	86,64	76,64
1007 00 90	Grain sorghum other than hybrids for sowing	79,93	69,93

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

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

— ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

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

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

ANNEX II

Factors for calculating duties

(for 15 September 1997)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	130,70	123,47	121,33	96,57	215,32 ⁽¹⁾	104,49 ⁽¹⁾
Gulf premium (ECU/tonne)	—	10,36	5,59	9,92	—	—
Great lake premium (ECU/tonne)	16,11	—	—	—	—	—

⁽¹⁾ Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 13,20 per tonne; Great Lakes — Rotterdam: ECU 21,70 per tonne.
3. Subsidy within the meaning of the third paragraph of Article 4 (2) of Regulation (EC) No 1249/96: ECU 0,00 per tonne (HRW2)
: ECU 0,00 per tonne (SRW2).
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II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 September 1997

concerning certain protective measures with regard to certain fishery products
originating in China and amending Commission Decision 97/368/EC

(Text with EEA relevance)

(97/620/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 96/43/EC⁽²⁾, and in particular Article 19,

Whereas, upon importation of cooked crawfish tailmeat originating in a processing establishment in China, the presence of *Vibrio cholerae* has been detected;

Whereas the presence of *Vibrio cholerae* on food is a result of bad hygienic practices before and/or after processing of food and it 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 and 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 exist;

Whereas Commission Decision 97/368/EC concerning certain protective measures with regard to certain fishery products originating in China⁽³⁾, as amended by Decision

97/587/EC⁽⁴⁾, provides for a ban of importation of fresh fishery products originating in China and for a requirement that frozen or processed fishery products originating in China must be systematically submitted to a microbiological examination;

Whereas Decision 97/368/EC should be reviewed before 30 September 1997 and on the ground of the current findings it should be necessary to extend the measures provided in this Decision until 28 February 1998;

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

Member States shall ban the imports of fish products, in all forms, originating in the following establishment in China: Yangcheng Fengbao Aquatic Food Co. Ltd. (Plant Code No 3200/02226).

⁽¹⁾ OJ L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ L 162, 1. 7. 1996, p. 1.

⁽³⁾ OJ L 156, 13. 6. 1997, p. 57.

⁽⁴⁾ OJ L 238, 29. 8. 1997, p. 45.

Article 3

In Article 6 of Decision 97/368/EC the date of 30 September 1997 shall be replaced by 28 February 1998.

Article 4

The Member States shall amend the measures they apply in respect of imports from China to bring them into line with this Decision. They shall immediately inform the Commission thereof.

Article 5

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

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 16 September 1997.

For the Commission

Franz FISCHLER

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1674/97 of 27 August 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

(Official Journal of the European Communities L 237 of 28 August 1997)

Page 8, Annex, third column 'Standard import value', opposite CN code 0809 40 30, third country code 999:

for: '66,8',

read: '68,8'.
