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## Legislation

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## I

*(Acts whose publication is obligatory)*

# COUNCIL REGULATION (EC) No 2398/97

of 28 November 1997

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

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<sup>(1)</sup>, and in particular Articles 9 (4) and 10 (2) thereof,

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

Whereas:

## A. PROCEDURE

- (1) By Regulation (EC) No 1069/97<sup>(2)</sup> (hereinafter referred to as 'the provisional Regulation') the Commission imposed a provisional anti-dumping duty on imports into the Community 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) Following the imposition of the provisional anti-dumping duty, certain interested parties submitted comments in writing. Those parties, who so requested, were granted an opportunity to be heard by the Commission. Parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping duties and the definitive collection, at the level of these duties, of

amounts secured by way of provisional duties. They were also granted a period within which to make representations subsequent to this disclosure.

- (3) The oral and written comments submitted by the interested parties were analysed and, where deemed appropriate, taken into account for the definitive findings.

## B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

### 1. Requests for exclusion from the proceeding

- (4) Following the disclosure of provisional findings, the Commission received various requests for exclusion of certain product types from the proceeding:
  - certain parties repeated their request for exclusion of 'seersucker', a type of bed linen produced with the use of chemicals, claiming there to be no more production of such items in the Community,
  - some parties repeated the request for exclusion of bleached bed linen which is intended for institutional use (i.e. hospitals, hotels etc.). Moreover, one party argued for the exclusion of institutional dyed bed linen. In support of their requests, they claimed that the user institutions require a special quality of the product in question, namely products made from fabric of a particularly heavy weaving construction, which they claimed were not produced in the Community,
  - a request was also received to exclude items made from fabric woven on looms operated purely by hand or foot ('handloom').

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 156, 13. 6. 1997, p. 11.

- (5) On 'seersucker', since no new arguments were advanced in support of the request following the imposition of provisional measures, and despite the absence of production of identical products by the Community industry, the request could not be accepted. It was therefore concluded that this product type is subject to the proceeding as it shares sufficient physical characteristics and uses with other types of bed linen to make them competitive with each other.

- (6) On the request to exclude certain types of bed linen intended for institutional use, and in particular to exclude products of a weaving construction above a certain weight threshold, it was found that bed linen of a heavier construction was produced in the Community (notably but not exclusively a specific type known as flannel). In addition, no clear dividing line could be established between bed linen produced and sold in the Community for institutional and private use and the imported types: all shared sufficient physical characteristics, functions and uses to be considered like products.

The request to exclude bed linen for institutional use from the scope of the proceeding could not therefore be accepted and the findings of the investigation and the conclusions of the Commission as set out in recital 13 of the provisional Regulation are confirmed.

- (7) As regards the request to exclude handloom products, while the use of different production methods is not in itself a reason relevant to the definition of the like product, it was found that handloom items had physical characteristics different from those of other bed linen, notably through a less regular and looser weave. This difference led to a different consumer perception of handloom products which was reinforced by the fact that handloom products are often sold through particular sales channels such as charity shops which are not available to Community producers.

Consequently it was concluded that handloom products should be excluded from the scope of the proceeding and, therefore, these products should be exempted from the payment of the duties if accompanied by a certificate of handloom origin (see Annex II to this Regulation) issued by the appropriate authorities of the exporting country.

## 2. Like product

- (8) Following the disclosure of provisional findings, certain parties repeated the claim, already made at

the provisional stage, that there were such differences between all imported bed linen and all Community-produced bed linen that they could not be considered a like product within the meaning of Article 1 (4) of Council Regulation (EC) No 384/96 (hereinafter referred to as the 'basic Regulation'). The Commission considered these claims but found that for the reasons already set out in recital 14 of the provisional Regulation they could not be accepted.

## 3. Conclusion

- (9) It follows from the conclusions set out in recital 10 of the provisional Regulation as modified above with regard to handloom products that the product under consideration is bed linen of cotton fibres, pure or mixed with man-made fibres or flax, bleached, dyed or printed. It includes but is not limited to bed sheets, duvet covers and pillow cases.

Bed linen of pure man-made fibres and bed linen where flax is the dominant fibre is not covered by this proceeding. Bed linen made from handloom woven fabric is also not covered by this proceeding.

Based on the above exclusion and clarifications of the product scope, bed linen covered by the present proceeding falls within CN codes ex 6302 21 00, ex 6302 22 90, ex 6302 31 10, ex 6302 31 90 and ex 6302 32 90.

Subject to the above, and in the absence of any further arguments, the conclusions as set out in recitals 10 and 14 of the provisional Regulation concerning the product definition and the like product are hereby confirmed.

## C. EXPORTING PRODUCERS IN THE COUNTRIES CONCERNED

### 1. Requests for status of cooperating parties

- (10) It was only after the selection of the samples of exporters and, in many cases, following the disclosure of the preliminary findings of the investigation to cooperating parties, that several exporting producers in the countries concerned made themselves known and requested the status of cooperating parties.

- (11) Given that all these exporting producers either did not make themselves known or did not provide the information deemed necessary for the investigation within the time limits set in the notice of initiation (<sup>(1)</sup>), it is considered that the cooperating status requested should not be granted because to do otherwise would constitute a discrimination against other parties who had decided to cooperate since the outset of the investigation.

## 2. New exporters

- (12) Following the adoption of provisional measures, a number of exporters in the countries concerned made themselves known, often at a very advanced stage of the investigation, and requested new exporter status. Some of them showed to the satisfaction of the Commission that they did not export the product concerned to the Community during the investigation period, that they started to export to the Community after this period or that they have entered into an irrevocable contractual obligation to export a significant quantity to the Community, and that they were not related to any of the exporting producers in the respective exporting countries which are subject to the anti-dumping measures on the product concerned. Consequently, those exporting producers were considered to be new exporters and should be granted the same treatment, in terms of definitive measures, as the cooperating exporting producers not included in the sample, i.e. an anti-dumping duty calculated in accordance with Article 9 (6) of the basic Regulation.
- (13) The same treatment should be granted to any new exporting producer which following the adoption of definitive measures shows to the satisfaction of the Commission that it fulfils the abovementioned criteria.

## D. DUMPING

### 1. Normal value

#### (a) *Methodology for the construction of normal value*

- (14) Three Egyptian exporting producers argued that if domestic sales were considered unrepresentative for assessing profit, they should be considered equally

unrepresentative for assessing selling, general and administrative (SG&A) expenses.

In this respect, it should be noted that the fact that some or all of the domestic sales of the like product appear to be loss-making does not in itself render the related SG&A expenses inappropriate to construct normal value if such sales were made in sufficient quantities when compared to the sales volume of the product under consideration sold for export to the Community.

#### (b) *Cost of production*

- (15) As already explained in recital 36 of the provisional Regulation, two Pakistani exporting producers 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 constructing normal value. Following the imposition of provisional measures these companies repeated their claim and resubmitted their quantification of the idle costs concerned.

In this respect, it should be noted that according to an extract of the International Accounting Standard No 2 (IAS-2), which one of the companies concerned quoted, although the amount of fixed overheads allocated to each unit of production is not to be increased as a consequence of low production or idle plant, unallocated overheads are in any event recognised as an expense in the period in which they are incurred. In other words, all costs incurred within a certain period should be fully absorbed within the same period by the total cost of production (manufacturing cost and SG&A expenses) irrespective of whether 'idle capacity' costs are classified as fixed overheads included in the manufacturing cost or as part of the SG&A expenses. Therefore, these claims could not be accepted since the total cost of production incorporated in the constructed normal value includes both manufacturing cost and SG&A expenses.

- (16) One Pakistani exporting producer claimed that the cost of initial material (grey cloth) it had reported in the cost of manufacturing included certain SG&A expenses. Therefore, when constructing its normal value, the SG&A expenses reported should have been deducted from the cost of production in order to avoid a double counting of SG&A expenses. The Commission, after reviewing the data of the company, accepted the claim and modified the dumping calculations accordingly.

(<sup>(1)</sup>) OJ C 266, 13. 9. 1996, p. 2.

(c) *Selling, general and administrative expenses (SG&A)*

- (17) One Egyptian exporting producer contested the inclusion of allegedly exceptional high financing expenses in the construction of its normal value. It argued that these high financing expenses were incurred by two state-owned companies on their loss making domestic sales of the like product and, therefore, should not be used for calculating constructed normal value for a private-owned company, but that a 'reasonable' amount of SG&A expenses should be established for this purpose instead. It was further argued that this 'reasonable' amount could be based on the SG&A expenses of the third state-owned company investigated which had profitable domestic sales of the like product.

In that respect, it has to be mentioned that, where all companies are operating in free market conditions, the consistent practice of the Community institutions has been to include all costs incurred to produce and sell the product concerned on the domestic market, including financing expenses, in the construction of normal value irrespective of whether these costs are incurred by state or private-owned companies.

In addition, it is consistent practice when constructing normal value for companies without domestic sales to use the weighted average SG&A expenses of all investigated companies with domestic sales of the like product, as provided in Article 2 (6) (a) of the basic Regulation. Therefore, for the company in question the methodology used and explained in recital 32 of the provisional Regulation is confirmed.

(d) *Domestic profit margin*

- (18) All Indian exporting producers contested the use of the actual profit margin realized by one Indian company on its representative profitable domestic sales in the construction of normal value for other Indian companies. They argued that this profit margin is exceptionally high because, to a great extent, it relates to domestic sales of branded products and that since export sales always concerned non-branded products, such domestic sales do not permit a proper comparison within the terms of Article 2 (3) of the basic Regulation. Four of these exporting producers also argued that this profit is not calculated by reference to the weighted average profits of other exporters or producers as provided for in Article 2 (6) (a) of the basic Regulation, but corresponds to only one exporting

producer. It was further claimed in this respect that, in order to ensure that the amount for profits used is reasonable, the profits realised on sales of products of the same general category in India should in any event not be exceeded.

It should be noted that the profit margin used in constructing normal value corresponds to the weighted average profit realized on domestic sales of profitable types of branded and non-branded products by the Indian company concerned and that, had this claim been accepted, this would have been to the disadvantage of the producers, the profit margin used being lower than the profit margin realized by the same company solely on its domestic sales of non-branded products.

With regard to the use of the profit margin of only one company, it should be recalled that the investigation has been restricted to a sample of exporting producers in accordance with Article 17 of the basic Regulation and that the vast majority of the cooperating Indian companies are export oriented companies with no domestic sales of the like product. The Commission selected for the sample five Indian exporting producers two of which had declared at the time of the selection that they had made domestic sales of the like product. However, as indicated in recital 23 of the provisional Regulation, the investigation revealed that only one had representative domestic sales of the like product during the investigation period. Moreover, the reference in Article 2 (6) (a) of the basic Regulation to a weighted average amount for profits determined for other exporters or producers, does not exclude that such amount can be determined by reference to a weighted average of transactions and/or product types of a single exporter or producer. Consequently, it is not considered justified to establish the amount for profits in accordance with Article 2 (6) (b) or 2 (6) (c) of the basic Regulation, as claimed by the Indian companies concerned.

- (19) One Indian exporting producer argued that its domestic profitability should have been assessed only on the basis of those types of the product concerned sold both domestically and on the Community market.

It should be noted however, that Article 2 (2) of the basic Regulation provides that the sales of the like product intended for domestic consumption shall normally be used to determine normal value if such sales volume constitutes 5 % or more of the sales volume to the Community of the product

under consideration. Therefore, all domestic sales of the like product intended for domestic consumption were, where appropriate, used to establish the domestic profit margin, whether or not particular product types were also exported to the Community.

It follows from the above that the methodology and the findings as set out in recitals 23 to 36 of the provisional Regulation are hereby confirmed.

## 2. Export price

- (20) One Pakistani exporting producer which sold part of its exports to a related importer based in the Community, argued that the export price for the transactions made through the related importer should not be constructed because all prices charged to the related importer were at 'arm's length' and they are in line with prices charged to unrelated customers in the Community. Therefore it was argued that the actual export price charged to the related importer should be considered as reliable and that it should be used in the dumping calculations.

It is the consistent practice of the Community institutions, where it appears that the export price is unreliable because of an association or a compensatory arrangement between the exporter and the importer, to construct it in accordance with Article 2 (9) of the basic Regulation. In this particular case the investigation revealed that all subsequent resales by the related importer to independent buyers were made at a loss. This was considered to be an indication that the prices charged by the exporter to its related importer are unreliable. Therefore, the methodology used to determine the export price as explained in recitals 37 and 38 of the provisional Regulation is confirmed.

## 3. Comparison

- (21) One Indian exporting producer contested the Commission's refusal to grant an adjustment for level of trade.

Article 2 (10) (d) of the basic Regulation requires that it has to be shown that the export price is at a different level of trade from the normal value and that the difference has affected price comparability, which is demonstrated by consistent and distinct differences in functions and prices of the seller for the different levels of trade in the domestic market of the exporting country. Therefore, in the absence of any substantiated evidence to this effect, the

claim was rejected as already explained in recital 40 of the provisional Regulation.

- (22) The same Indian company also contested the Commission's refusal to grant adjustments to normal value for certain selling expenses.

The request was provisionally rejected because the adjustments requested exceeded the expenses incorporated in the constructed normal value.

The company's renewed request showed the same shortcomings and could not, therefore, be accepted either.

However, it was finally decided to grant an adjustment limited to those expenses (e.g. commissions and freight) which could be identified in the allocation of SG&A expenses as submitted by the company in its response to the Commission's questionnaire and which were verified during the investigation and incorporated in the constructed normal value.

- (23) This Indian company further challenged the Commission's refusal to grant an adjustment to normal value for credit costs.

As explained in recital 44 of the provisional Regulation, this claim had to be rejected given that the delivery of all goods sold in the domestic market by the company concerned took place only after payment. Thus, since the seller did not pass on to the buyer the use or the possession of the goods in question until the time of payment, it cannot be argued that there was any credit granted by the seller.

- (24) One Pakistani exporting producer also challenged the Commission's refusal to grant an adjustment to normal value for credit costs. In order to support its argument, it was requested to submit additional information following the imposition of provisional measures.

Since the information submitted did not contradict but satisfactorily supplemented the data previously verified by the Commission at the premises of the company concerned, the claim for an adjustment concerning credit costs was accepted and the calculations were revised accordingly.

- (25) All Pakistani exporting producers contested the Commission's calculation of the adjustment for import charges and duties borne by the like product and in particular by certain materials physically incorporated therein, when intended for consumption in Pakistan and refunded on export of the product under consideration pursuant to the

Pakistani legislation. They argued that the amount of the adjustment should be expressed as a percentage of the cost of production and that the same percentage should then be deducted from the normal value.

The argument neglects the fact that such a percentage calculated by reference to the cost of production should be applied on the appropriate basis and that the normal value, being the equivalent of a domestic price, cannot be considered as such. Therefore, the argument was not accepted.

- (26) One Pakistani company argued that the amount of the adjustment for import charges and duties borne by the like product, was underestimated in the Commission's dumping calculations for certain types of product.

The Commission reviewed the calculations and accepted the claim where appropriate.

- (27) The Pakistani authorities were of the opinion that the duty drawback adjustment granted to the cooperating exporting producers was not sufficient. They concede that the relevant Pakistani legislation mentions only a limited number of imported materials (certain dyes and chemicals) which are eligible for refund if the finished product is exported and that the Commission has granted an adjustment in this respect. However, they argue that, upon proof of export performance, Pakistani exporters also receive a refund for a number of other indirect taxes and duties borne by sales of the like product in the domestic market and that this refund should also give entitlement to an adjustment.

In this respect, it should be noted that any adjustment pursuant to Article 2 (10) of the basic Regulation requires that it is demonstrated that there is a difference in factors which affect price comparability. As part of such demonstration pursuant to Article 2 (10) (b), it has to be shown that the cost concerned, in this case import charges or indirect taxes, has actually been incurred by the exporting producer for the product concerned when intended for consumption in the exporting country and not collected or refunded in respect of the product exported to the Community. Neither the Pakistani exporting producers nor the Pakistani authorities could demonstrate a link between any other indirect taxes and duties paid and the amounts refunded. In addition, the Pakistani authorities could not specify the indirect taxes or duties for which the additional refund claimed was allegedly granted. Therefore, the request was not accepted.

It follows that unless otherwise provided above the conclusions drawn in recitals 39 to 45 of the provisional Regulation are hereby confirmed.

#### 4. Dumping margins

##### (a) General methodology

- (28) The representatives of the Indian and the Egyptian cooperating exporting producers, which were not included in the sample and, therefore, were not investigated, argued that the dumping margins established for investigated state-owned companies should not be taken into account when calculating the dumping margins to be allocated to private-owned companies not investigated.

As already explained above, the Commission cannot treat differently state and privately owned companies where all companies are operating in free market conditions. Therefore, the claim cannot be accepted and the provisions of recitals 46 to 48 of the provisional Regulation are confirmed.

##### (b) Dumping margins for companies in the sample

- (29) The comparison between the normal value and the export price, in accordance with the methodology of the provisional Regulation and after revisions, where appropriate, following the arguments made by interested parties, showed the existence of dumping in respect of all companies investigated. The definitive dumping margins expressed as a percentage of the CIF import price at the Community frontier are as follows:

##### India

|                                           |        |
|-------------------------------------------|--------|
| Anglo French Textiles                     | 24,7 % |
| The Bombay Dyeing & Manufacturing Co. Ltd | 7,7 %  |
| Nowrosjee Wadia & Sons Ltd                | 7,7 %  |
| Madhu Industries Ltd                      | 17,0 % |
| Madhu International                       | 17,0 % |
| Omkar Exports                             | 14,2 % |
| Prakash Cotton Mills Ltd                  | 2,6 %  |

##### Egypt

|                                               |        |
|-----------------------------------------------|--------|
| Damietta Spinning & Weaving Co.               | 13,5 % |
| El Nasr Wool and Selected Textiles Co. (STIA) | 13,5 % |
| Orient Linen & Cotton Co.                     | 13,5 % |
| Stephanie Textile                             | 8,7 %  |

## Pakistan

|                                   |                             |
|-----------------------------------|-----------------------------|
| Al-Abid Silk Mills Ltd            | 6,7 %                       |
| Al Abid Export (Pvt) Ltd          | 6,7 %                       |
| Al-Karam Textile Mills Ltd        | 1,3 % ( <i>de minimis</i> ) |
| Fateh Textile Mills Ltd           | 6,3 %                       |
| Gul Ahmed Textile Mills Ltd       | 0,1 % ( <i>de minimis</i> ) |
| Excel Textile Mills Ltd           | 0,1 % ( <i>de minimis</i> ) |
| Mohammad Farooq Textile Mills Ltd | 1,8 % ( <i>de minimis</i> ) |

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

- (30) Cooperating companies not selected in the sample (see recitals 17 and 21 of the provisional Regulation and recitals 12 and 13 of this Regulation) were allocated 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 definitive dumping margins are as follows:

|          |                                    |
|----------|------------------------------------|
| India    | 11,6 %                             |
| Egypt    | 13,5 % (for state-owned companies) |
| Egypt    | 13,0 % (for other companies)       |
| Pakistan | 6,4 %                              |

The companies entitled to the reduced rates are set out in an Annex to this Regulation.

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

- (31) 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 to be allocated to exporting producers which did not make themselves known is lower than that found for a cooperating exporting producer.

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

|       |        |
|-------|--------|
| India | 24,7 % |
|-------|--------|

Egypt 13,5 %

Pakistan 6,7 %.

## E. COMMUNITY INDUSTRY

## 1. Definition of the Community industry

- (32) Exporters from all three exporting countries observed that the complainant Community producers taken to be the Community industry made up just 34 % of total Community production. They claimed that this showed that a majority of bed linen producers in the Community did not support the complaint and should therefore be assumed not to be injured, and that the Community industry was not therefore representative of total Community production.

However, in response to the provisional measures only two non-complainant Community producers, which originally expressed no opinion to the Commission on the complaint, expressed opposition to the duties. The combined production of these two producers was less than one-third of the total production of the complainants. Throughout the proceeding, therefore, the complainants represented considerably more than 50 % of the collective output of those producers expressing either support for or opposition to the complaint.

- (33) Pakistani exporters also claimed that the Commission had not used the correct test in determining whether Community producers which also import bed linen from the countries concerned should be excluded from the Community industry (recitals 52 to 55 of the provisional Regulation). By way of clarification, it is confirmed that the test used in recital 54 was whether bed linen imported from the countries concerned accounted for 10 % of the turnover in bed linen of the companies in question, rather than 10 % of total company turnover. Under this test it was found and is hereby confirmed that none of the sampled companies retained in the list of 35 complainants made sufficient imports of the product concerned by this proceeding from the countries in question to be excluded from the definition of the Community industry.

## 2. Conclusion

- (34) In conclusion, the finding that the 35 complainant companies represent a major proportion of total Community production within the meaning of

Article 5 (4) of the basic Regulation and that they therefore constitute the Community industry within the meaning of Article 4 (1) of the basic Regulation is confirmed.

## F. INJURY

### 1. Cumulative assessment of the effects of the dumped imports

- (35) Pakistani exporters argued that imports from Pakistan should not have been cumulated with those from India and Egypt for the assessment of injury. In support of this they pointed out that imports from Pakistan had grown less fast than those from the other two countries, that according to Eurostat the average price of the imports from Pakistan was higher and had risen while the others had fallen, and that the dumping margins calculated for Pakistan were on average about half those for the other two countries concerned.

These arguments were examined. It was noted that imports from Pakistan, while rising less quickly than those from India and Egypt (in particular because of quota restraints), had nonetheless risen and remained the highest of the three exporting countries. As for the Eurostat data on average prices, it should be remembered that this data groups together a wide variety of different products. It was observed among the sampled Pakistani exporters that their product mix included a greater proportion of higher value products (e.g. satin and other products from finer cotton yarn) than sampled producers in India and Egypt. It was consequently found that the data on average prices was highly influenced by differences and changes in product mix and could not justify differential treatment in the overall analysis of injury.

Finally, the size of dumping margins for a given country, provided they are more than *de minimis*, is not a criterion for the decision as to whether or not to make a cumulative assessment of the effects of the dumped imports.

- (36) The cumulative assessment made in the provisional Regulation is therefore confirmed under the terms of Article 3 (4) of the basic Regulation.

### 2. Prices of the dumped imports

- (37) Exporters and importers claimed that the Commission's analysis of the degree to which the imports concerned undercut the prices of the sampled Community producers, and the consequent calculation

tion of injury margins, were flawed, for various reasons:

- firstly because the criteria for selection of the 'reference products', on which the analysis was based, were claimed not to have been explained,
- secondly, because the reference products accounted, they claimed, in some cases for only a small proportion of Community sales of the sampled exporters in the countries concerned, allegedly indicating a lack of competition between imported and Community products and a lack of reliability of the analysis,
- thirdly, because it was claimed that in making the price comparisons inadequate account had been taken of the differences in sales channels between Community producers and exporters from the countries concerned,
- fourthly, because there were claimed to be quality differences which should be taken into account,
- fifthly, because it was claimed that products imported and Community products falling within the same reference product definition could not be compared, there being other criteria besides size, weaving construction and finish by which the products differed or because the range of constructions considered to be comparable was too wide.

- (38) On the first point, it is confirmed that the reference products were selected, for each market studied, following consultation with the relevant national producers' association and also using information available to the Commission. Furthermore, it is confirmed that the investigation showed that the sizes, weaving constructions and finishes chosen as reference products were indeed among the most prevalent in the markets concerned. Finally, at no time did the exporters or their representatives define other products which in their view would have been more appropriate for an analysis of undercutting.

On the second point, it was noted that the wide variety of bed linen products limited the proportion of each exporter's sales which could accurately be compared with sales by the sampled Community producers. Given the Commission's intention to conduct accurate comparisons (comparing prices only of products matching in size, weaving construction and finish) and the limits to the number of different such products for which accurate price information could be collected in the time available, it is unsurprising that the proportion of each exporter's sales in the Community which could reasonably be compared with the products of the sampled Community producers was in some

exceptional cases as low as 5 %. This was particularly the case of exporters concentrating on simple, high volume products (a market segment from which the Community industry is now largely excluded by import penetration). This invalidated neither the finding that there were significant market segments where the dumped imports competed with Community production nor the method adopted for assessing undercutting, since the quantities overall were in all cases considered sufficiently representative and in several cases exceeded 30 %. In any event, it should be noted that low export prices in one market segment, given the high interchangeability of the product concerned, will also have negative effects on prices in adjacent segments.

On the third point, the exporters substantiated their claim with evidence that the total mark-up from the CIF export price to the ultimate retail price was much greater than the level of trade adjustment made by the Commission. The Commission considered however that this was not relevant information since prices were not being compared at the level of sale to the ultimate consumer but at the level of sale to the first independent customer. The exporters' claim is therefore rejected.

On the fourth point, the claim for adjustment for quality differences was based on average weights per square metre of the Community and imported products. Since however the weight per square metre of fabric is a function of its weaving construction, and since products were compared only when they corresponded in terms of this construction, there was no justification for such an adjustment and the claim is therefore rejected.

On the fifth point, the Commission considered the arguments but could not accept it. This conclusion was reached bearing in mind the large number of reference products allowing a detailed analysis and the fact that remaining differences within each reference product definition were compensated by a price comparison carried out on an average per kilo basis.

- (39) The finding in recital 79 of the provisional Regulation that the imported products undercut the products of the sampled Community producers, and the findings of the level of the undercutting, are therefore confirmed.

### 3. Situation of the Community industry

- (40) Exporters from all the exporting countries claimed that the Commission's analysis of injury was defec-

tive in that it referred to the significant decline in total Community production of bed linen in assessing the situation of the Community industry. They claimed in particular that information concerning companies not included in the definition of the Community industry or which no longer produce bed linen cannot be used to construe a finding of material injury.

These claims were examined carefully. It should however be remarked that the principal basis for the finding of material injury was the reduced profitability and price suppression of the Community industry as observed among the sampled companies.

- (41) In the assessment of injury pursuant to Article 3 of the basic Regulation, the Community institutions have to assess the economic situation of the Community industry. This assessment usually covers the analysis of a time period of four to five years as in the present case ('assessment period'). Such an assessment is commonly based on an analysis of the complaining industry and not necessarily on companies accounting for the totality of Community production on the ground that the situation of a major proportion of the Community production is representative for its totality. Such an assessment, however, also has to take into account the structure and the nature of the industry under consideration. In the present case this industry is characterized by a high number of operators, in many cases small- and medium-sized companies, and by the fact that it is a sector with relatively low barriers to exit. The latter is mainly due to the fact that machinery can be sold or used for other products relatively simply. This has the effect that material injury is likely to manifest itself through the exit of economic operators within the assessment period.

Consequently, to limit the assessment of injury only to companies which are still operational at the end of the assessment period (i.e. at the time of the lodging of the complaint) and thus able actively to support a complaint would mean that any injury caused to companies which have closed down before this point in time would go unconsidered in the analysis. Furthermore, it should be noted that this distortion could even be aggravated as the surviving complaining companies of the Community industry may have benefited, possibly only temporarily, from the disappearance of other companies, causing their positive development to be overestimated.

In the present case, it should be noted that 29 companies of the bed linen industry have closed down or ceased production: that is to say, that a substantial number of companies have ceased operation. Furthermore, given the substantial price undercutting established, the strong increase in the volumes of the imports concerned and their consequent rise in market share, any relatively positive development of the complaining producers must be seen as threatened in the absence of anti-dumping measures.

#### 4. Conclusion

- (42) The finding of material injury, within the meaning of Article 3 (1) of the basic Regulation, is therefore confirmed.

#### G. CAUSAL LINK

- (43) Exporters from all three countries concerned claimed that any material injury could be ascribed to the fall in consumption of 7 % between 1992 and the investigation period. However, as noted in recital 105 of the provisional Regulation, the total fall in sales by all Community producers significantly exceeded the total fall in consumption. As to the exporters' argument that data concerning the totality of Community production was not relevant to the determination of whether the dumped imports caused material injury, this suggestion is rejected on the grounds set out in recitals 40 and 41 of this Regulation. The finding is therefore confirmed that the fall in consumption does not contradict the finding that the dumped imports, taken in isolation, have caused material injury to the Community industry. The findings concerning the causal links between the dumped imports and the material injury suffered by the Community industry as set out in recitals 109 to 111 of the provisional Regulation are therefore confirmed.

#### H. COMMUNITY INTEREST

##### 1. Interests of consumers

- (44) Certain importers claimed that the impact on consumers would be greater than that assessed in the provisional Regulation. In its provisional findings (recital 124 of the provisional Regulation) the Commission had noted that the imports concerned by the proceeding were sold to the ultimate consumer at prices very much higher than

the price at the Community frontier and considered that the duty would therefore represent a smaller proportion of the ultimate price to the consumer than the *ad valorem* percentage levied. Since subsequent costs (e.g. of transport, storage and retailing) would not be increased by the imposition of a duty, the impact on consumers of the proposed measures was evaluated as minor.

- (45) Certain parties challenged these arguments. Some claimed that retailers set prices to the consumer at a set percentage mark-up from their purchase price, so that the price to the consumer would rise by the same percentage as the duty imposed. Some retailers even claimed that the percentage increase in the price to the consumer could be higher than the duty level: they claimed that products were sold in particular price brackets and that if the duty increased the price of a given product above one bracket, it would be priced in the next bracket, an increase which might be as high as 20 %.

The Commission considered that these claims did not constitute a reason to depart from the provisional findings. It was concluded that pressure of competition between retailers should ensure that price increases to consumers would not exceed the cost increase attributable directly to the duty. The view reached by the Commission at the provisional stage that this duty would have only a minor impact on consumers, especially when compared with other factors such as currency fluctuations, is therefore confirmed. It should be noted in this context that this conclusion was not subsequently contested or commented on by any organization representing consumers following the provisional measures.

##### 2. Interests of other users

- (46) Following the imposition of provisional duties, certain parties came forward claiming that the duties imposed would have a severe negative effect on their businesses. These were, in particular, companies involved in the rental of linen to hotels and other institutions. An association representing such users had come forward before provisional measures and had been invited by the Commission to supply relevant information but had not done so.

The parties coming forward after the imposition of provisional duties were similarly asked to provide relevant information such as the proportion of their costs represented by purchases of bed linen but none did so within the time limits specified in the provisional Regulation. Some of them sought exclusion of certain types of bed linen from the

scope of the current proceeding (see recitals 4 and 6 above). In so doing they indicated that the types of bed linen used were those capable of multiple use and frequent industrial washing. The Commission therefore took the view that while these businesses would suffer some impact from the imposition of measures, the original costs of purchasing the bed linen concerned would be minor when compared with the continuing service costs of laundry, collection and delivery. The claims therefore gave no compelling reason why measures should not be imposed.

## I. ANTI-DUMPING MEASURES

### 1. Definitive duties

- (47) Injury margins remain above the level of the dumping margins in all cases. Therefore a definitive anti-dumping duty should be imposed at the level of the dumping margins set out in recitals 29 to 31 above, with the exception of companies with *de minimis* dumping margins for which no duty should be imposed.

### 2. Collection of provisional duties

- (48) The magnitude of the dumping margins found for the exporting producers and the seriousness of injury caused to the Community industry would normally justify the definitive collection of the provisional duties up to the level of the definitive duties.

Some exporters and importers concerned argued however that the provisional Regulation was not imposed within the period specified in the last sentence of Article 7 (1) of the basic Regulation. In the light of the uncertainty which has arisen as to whether, when judged by reference to the provisions of Council Regulation (EEC, Euratom) No 1182/71 of 3 June 1971 determining the rules applicable to periods, dates and time limits<sup>(1)</sup>, the deadline was met, the Council considers that in order to avoid legal uncertainty, the provisional duties should not be definitively collected.

### 3. Certification of handloom items

- (49) In order to benefit from the exemption for handloom products referred to in recital 7, a certificate of handloom origin is required. The certificate should be in the form attached in Annex II and it should be issued by the competent authorities of

the country of origin. The certificate provided for in Article 3 of Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries<sup>(2)</sup> should also be regarded as adequate for the granting of the exemption.

- (50) The Commission will closely monitor handloom bed linen imports from the countries concerned and if the circumstances so require will take all the appropriate measures.

## 4. Future requests for new exporter treatment

- (51) Since sampling has been used in the investigation, a new exporters' review pursuant to Article 11 (4) of the basic Regulation with the objective of determining individual dumping margins cannot be initiated in this proceeding. However, as already explained in recitals 12 and 13, in order to ensure equal treatment between any genuine new exporting producer and the cooperating companies not included in the sample, it is considered that provision should be made for the weighted average duty imposed on the latter companies to be applied to any new exporting producers which would otherwise be entitled to a review pursuant to Article 11 (4) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

### Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of bed linen of cotton fibres, pure or mixed with man-made fibres or flax (flax not being the dominant fibre), bleached, dyed or printed originating in India, Pakistan and Egypt, not covered by the provisions of Article 2 and falling within the following CN codes:

| CN code       | Taric code                     |
|---------------|--------------------------------|
| ex 6302 21 00 | 6302 21 00*81<br>6302 21 00*89 |
| ex 6302 22 90 | 6302 22 90*19                  |
| ex 6302 31 10 | 6302 31 10*90                  |
| ex 6302 31 90 | 6302 31 90*90                  |
| ex 6302 32 90 | 6302 32 90*19                  |

<sup>(1)</sup> OJ L 124, 8. 6. 1971, p. 1.

<sup>(2)</sup> OJ L 275, 8. 11. 1993, p. 1. Regulation as last amended by Regulation (EC) No 824/97 (OJ L 119, 8. 5. 1997, p. 1).

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

| Country  | Rate of duty | Taric additional code |
|----------|--------------|-----------------------|
| Egypt    | 13,5 %       | 8900                  |
| India    | 24,7 %       | 8900                  |
| Pakistan | 6,7 %        | 8900                  |

3. Products manufactured and sold for export by the

exporting producers listed in Annex I, shall be subject to the following anti-dumping duty rates:

| Country  | Rate of duty | Taric additional code |
|----------|--------------|-----------------------|
| Egypt    | 13,0 %       | 8041                  |
| India    | 11,6 %       | 8042                  |
| Pakistan | 6,4 %        | 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                     | 24,7 %       | 8044                  |
|         | The Bombay Dyeing & Manufacturing Co. Ltd | 7,7 %        | 8045                  |
|         | Nowrosjee Wadia & Sons Ltd                | 7,7 %        | 8045                  |
|         | Madhu Industries Ltd                      | 17,0 %       | 8046                  |
|         | Madhu International                       | 17,0 %       | 8046                  |
|         | Omkar Exports                             | 14,2 %       | 8047                  |
|         | Prakash Cotton Mills Ltd                  | 2,6 %        | 8048                  |

| Country | Manufacturer      | Rate of duty | Taric additional code |
|---------|-------------------|--------------|-----------------------|
| Egypt   | Stephanie Textile | 8,7 %        | 8049                  |

| Country  | Manufacturer                      | Rate of duty | Taric additional code |
|----------|-----------------------------------|--------------|-----------------------|
| Pakistan | Al-Abid Silk Mills Ltd            | 6,7 %        | 8050                  |
|          | Al-Abid Export (Pvt) Ltd          | 6,7 %        | 8050                  |
|          | Al-Karam Textile Mills Ltd        | 0,0 %        | 8051                  |
|          | Fateh Textile Mills Ltd           | 6,3 %        | 8052                  |
|          | Mohammad Farooq Textile Mills Ltd | 0,0 %        | 8051                  |
|          | Gul Ahmed Textile Mills Ltd       | 0,0 %        | 8051                  |
|          | Excel Textile Mills Ltd           | 0,0 %        | 8051                  |

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

#### Article 2

1. Products classified under the CN codes mentioned in Article 1 (1) and made of fabrics woven on looms operated exclusively by hand or foot are exempted from the duty imposed in Article 1 (Taric codes 6302 21 00\*21, 6302 21 00\*29, 6302 22 90\*11, 6302 31 10\*10, 6302 31 90\*10, 6302 32 90\*11).

2. The exemption is granted only to products accompanied on their release for free circulation in the Community by either

(i) a certificate from the competent authorities of the country of origin which conforms to the model attached as Annex II; or

(ii) a certificate issued pursuant to Article 3 of Regulation (EEC) No 3030/93.

3. Certificates issued pursuant to paragraph 2 (i) shall only be valid if the countries of origin have informed the Commission of the names and addresses of the governmental authorities situated in their territory which are empowered to issue these certificates, and have sent it specimens of stamps used by those authorities and the names and addresses of the relevant governmental authorities responsible for the control of the certificates. The stamps shall be valid as from the date of receipt by the Commission of the specimens.

4. Certificates issued pursuant to paragraph 2 shall only be valid if presented with options (a) and (c) in box 11 deleted and if they certify that the products concerned fulfil the description in option (b).

5. The appropriate provisions implementing the Community Customs Code, and notably the provisions concerning administrative cooperation contained in

Article 93 *et seq* of 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 (<sup>(1)</sup>), shall apply *mutatis mutandis*.

#### Article 3

Where any new exporting producer from the countries concerned provides sufficient evidence to the Commission that

- it did not export to the Community the products described in Article 1 (1) during the investigation period (1 July 1995 to 30 June 1996),
- it is not related to any of the exporters or producers in the exporting country which are subject to the anti-dumping measures imposed by this Regulation,
- it has actually exported to the Community the products concerned after the investigation period on which the measures are based, or it has entered into an irrevocable contractual obligation to export a significant quantity to the Community,

then the Council, acting by simple majority on a proposal submitted by the Commission after consulting the Advisory Committee, may amend Article 1 (3) by adding that new exporting producer to the list in Annex I.

#### Article 4

Amounts secured by way of the provisional anti-dumping duty imposed by Regulation (EC) No 1069/97 shall be released.

#### Article 5

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, 28 November 1997.

*For the Council*

*The President*

G. WOHLFART

(<sup>(1)</sup>) OJ L 253, 11. 10. 1993, p. 1. Regulation as last amended by Regulation (EC) No 89/97 (OJ L 17, 21. 1. 1997, p. 28).

## ANNEX I

## EGYPT

AMC Arab Metals Co., Cairo  
Dantex Ltd, Cairo  
Egyptex, Cairo  
El Naggat 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)  
Anunay Fab. Pvt. Ltd, Ahmedabad  
B.X. International, Mumbai (Bombay)  
Badridass Gauridatt Pvt. Ltd, Mumbai (Bombay)  
Brijmohan Purusottamdas, Mumbai (Bombay)  
Bünts 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

Milano International (India) Pvt. Ltd, Chennai (Madras)  
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)  
S.D. Enterprises, 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 Organization, 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 Garments (Pvt.) Ltd, 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

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## ANNEX II

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                 |                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------------------------------------------------|
| 1 Exporter (name, full address, country)<br>Exportateur (nom, adresse complète, pays)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>ORIGINAL</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                 | 2 No                                                     |
| 3 Consignee (name, full address, country)<br>Destinataire (nom, adresse complète, pays)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | CERTIFICATE in regard to HANDLOOMS, TEXTILE HANDICRAFTS and TRADITIONAL TEXTILE PRODUCTS, OF THE COTTAGE INDUSTRY, issued in conformity with and under the conditions regulating trade in textile products with the European Community<br><br>CERTIFICAT relatif aux TISSUS TISSÉS SUR MÉTIERS À MAIN, aux PRODUITS TEXTILES FAITS À LA MAIN et aux PRODUITS TEXTILES RELEVANT DU FOLKLORE TRADITIONNEL, DE FABRICATION ARTISANALE, délivré en conformité avec et sous les conditions régissant les échanges de produits textiles avec la Communauté européenne |                                                 |                                                          |
| 6 Place and date of shipment — Means of transport<br>Lieu et date d'embarquement — Moyen de transport                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 4 Country of origin<br>Pays d'origine                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 5 Country of destination<br>Pays de destination |                                                          |
| 8 Marks and numbers — Number and kind of packages — DESCRIPTION OF GOODS<br>Marques et numéros — Nombre et nature des colis — DÉSIGNATION DES MARCHANDISES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 9 Quantity<br>Quantité                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                 | 10 FOB Value <sup>(1)</sup><br>Valeur fob <sup>(1)</sup> |
| <b>11 CERTIFICATION BY THE COMPETENT AUTHORITY — VISA DE L'AUTORITÉ COMPÉTENTE</b><br><p>I, the undersigned, certify that the consignment described above includes only the following textile products of the cottage industry of the country shown in box No 4:</p> <p>a) fabrics woven on looms operated solely by hand or foot (handlooms) <sup>(2)</sup></p> <p>b) garments or other textile articles obtained manually from the fabrics described under a) and sewn solely by hand without the aid of any machine (handicrafts) <sup>(2)</sup></p> <p>c) traditional folklore handicraft textile products made by hand, as defined in the list agreed between the European Community and the country shown in box No 4.</p> <p>Je soussigné certifie que l'envoi décrit ci-dessus contient exclusivement les produits textiles suivants relevant de la fabrication artisanale du pays figurant dans la case 4:</p> <p>a) tissus tissés sur des métiers actionnés à la main ou au pied (<i>handlooms</i>) <sup>(2)</sup></p> <p>b) vêtements ou autres articles textiles obtenus manuellement à partir de tissus décrits sous a) et cousus uniquement à la main sans l'aide d'une machine (<i>handicrafts</i>) <sup>(2)</sup></p> <p>c) produits textiles relevant du folklore traditionnel fabriqués à la main, comme définis dans la liste convenue entre la Communauté européenne et le pays indiqué dans la case 4.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                 |                                                          |
| 12 Competent authority (name, full address, country)<br>Autorité compétente (nom, adresse complète, pays)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | At — À ..... on — le .....<br><br><div style="display: flex; justify-content: space-between;"> <span>.....<br/>(Signature)</span> <span>.....<br/>(Stamp — Cachet)</span> </div>                                                                                                                                                                                                                                                                                                                                                                                |                                                 |                                                          |

<sup>(1)</sup> In the currency of the sale contract. — Dans la monnaie du contrat de vente.  
<sup>(2)</sup> Delete as appropriate. — Biffer la (les) mention(s) inutile(s).



## COUNCIL REGULATION (EC) No 2399/97

of 24 November 1997

concerning the conclusion of the Agreement in the form of an Exchange of Letters amending the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 43 in conjunction with the first sentence of Article 228 (2) and the first subparagraph of Article 228 (3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Whereas the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania was approved by Regulation (EC) No 408/97<sup>(2)</sup>;

Whereas the Community and Mauritania have initialled an Agreement in the form of an Exchange of Letters amending the Cooperation Agreement;

Whereas it is in the Community's interest to approve this Agreement in the form of an Exchange of Letters,

*Article 1*

The Agreement in the form of an Exchange of Letters amending the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania is hereby approved on behalf of the Community.

The text of the Agreement in the form of an exchange of letters is attached to this Regulation.

*Article 2*

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement in the form of an exchange of letters in order to bind the Community.

*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, 24 November 1997.

*For the Council*

*The President*

E. HENNICOT-SCHOEPGES

<sup>(1)</sup> Opinion delivered on 6 November 1997 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 62, 4. 3. 1997, p. 1.

## AGREEMENT

**in the form of an Exchange of Letters concerning the amendment to the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania initialled in Brussels on 20 June 1996**

### *A. Letter from the Community*

Sir,

With reference to the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania, initialled in Brussels on 20 June 1996, I have the honour to inform you that the European Community agrees to the amendments to the following technical provisions of the Agreement, provided that the Islamic Republic of Mauritania is disposed to do likewise:

- datasheet No 5 on cephalopods shall be replaced by the corresponding datasheet attached,
- datasheet No 9 on pelagic fishing shall be replaced by the corresponding datasheet attached,
- pole-and-line tuna vessels and surface longliners may be granted quarterly licences. Fees shall continue to be calculated on the basis of the annual statement of catches per vessel and be subject, in accordance with datasheet No 8, to payment of an advance of ECU 2 000 per year,
- whether or not scientific observers are present on board, owners of pelagic vessels who are in possession of a licence shall contribute ECU 350 per month per vessel to the cost of scientific observation. Clearly, shipowners shall not be liable for the salaries of scientific observers on board their vessels.

I should be much obliged if you would acknowledge receipt of this letter and confirm your agreement with its contents.

Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council  
of the European Union*

*B. Letter from the Government of the Islamic Republic of Mauritania*

Gentlemen,

I am in receipt of your letter of today's date which reads as follows:

'Sir,

With reference to the Agreement on cooperation in the sea fisheries sector between the European Community and the Islamic Republic of Mauritania, initialled in Brussels on 20 June 1996, I have the honour to inform you that the European Community agrees to the amendments to the following technical provisions of the Agreement, provided that the Islamic Republic of Mauritania is disposed to do likewise:

- datasheet No 5 on cephalopods shall be replaced by the corresponding datasheet attached,
- datasheet No 9 on pelagic fishing shall be replaced by the corresponding datasheet attached,
- pole-and-line tuna vessels and surface longliners may be granted quarterly licences. Fees shall continue to be calculated on the basis of the annual statement of catches per vessel and be subject, in accordance with datasheet No 8, to payment of an advance of ECU 2 000 per year,
- whether or not scientific observers are present on board, owners of pelagic vessels who are in possession of a licence shall contribute ECU 350 per month per vessel to the cost of scientific observation. Clearly, shipowners shall not be liable for the salaries of scientific observers on board their vessels.

I should be much obliged if you would acknowledge receipt of this letter and confirm your agreement with its contents.'

I have the honour to confirm that the contents of your letter are acceptable to the Government of the Islamic Republic of Mauritania and that your letter and this one constitute an Agreement in accordance with your proposal.

Please accept, Gentlemen, the assurance of my highest consideration.

*For the Government  
of the Islamic Republic of Mauritania*

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## ANNEX

*Fishing datasheet No 5***FISHING CATEGORY: CEPHALOPODS**

1. **Fishing zone:** Same as laid down by the Mauritanian law applying to its national vessels.

During a period laid down annually by decree of the Minister responsible for sea fishing, fishing is not authorized within the lines between the following points:

|           |           |
|-----------|-----------|
| 20° 46' N | 17° 03' W |
| 19° 50' N | 17° 03' W |
| 19° 21' N | 16° 45' W |

2. **Authorized gear:** bottom trawl.

Doubling of the cod-end is prohibited.

Doubling of the twine forming the cod-end is prohibited.

3. **Minimum authorized mesh size:** 70 mm.

4. **Biological recovery:** Two (2) months: September and October.

The Contracting Parties may decide by common agreement to adjust the above period of biological recovery.

5. **By-catches:** —

6. **Authorized tonnage/fees:**

| Periods                              | From<br>1. 8. 1996<br>to 31. 10. 1996 | From<br>1. 11. 1996<br>to 31. 7. 1997 | From<br>1. 8. 1997<br>to 31. 10. 1997 | From<br>1. 11. 1997<br>to 31. 7. 1998 | From<br>1. 8. 1998<br>to 31. 7. 1999 | From<br>1. 8. 1999<br>to 31. 7. 2000 | From<br>1. 8. 2000<br>to 31. 7. 2001 |
|--------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| Authorized tonnage (GRT) (1)         | 7 500                                 | 8 400                                 | 12 000                                | 11 100                                | 13 500                               | 15 000                               | 15 000                               |
| Number of vessels authorized to fish | 25                                    | 28                                    | 40                                    | 37                                    | 45                                   | 50                                   | 50                                   |
| Fees in ecu/GRT/annum                | 365                                   | 365                                   | 384                                   | 384                                   | 403                                  | 423                                  | 444                                  |

7. **Comments:** (1) The authorized tonnage (GRT) may vary by a maximum of 3 % during the first and second years and by a maximum of 2 % during the last three years.

*Fishing datasheet No 9***FISHING CATEGORY: PELAGIC FREEZER TRAWLERS****1. Fishing zone****1.1. north of latitude 19° 21' N: the line between the following points:**

|             |             |
|-------------|-------------|
| 20° 46,3' N | 17° 03' W   |
| 20° 10,7' N | 17° 24,2' W |
| 19° 50' N   | 17° 12,8' W |
| 19° 43' N   | 16° 58' W   |
| 19° 21' N   | 16° 45' W   |

**1.2. south of latitude 19° 21' N: 12 nautical miles from the low-water mark.****2. Authorized gear: pelagic trawl.****3. Minimum authorized mesh size: 40 mm.****4. Biological recovery: —****5. By-catches: 3 % fish, 0 % cephalopods and 0 % crustaceans.****6. Authorized tonnage/Number of vessels/Fees:**

| Periods                              | From<br>1. 8. 1996<br>to 31. 7. 1997 | From<br>1. 8. 1997<br>to 31. 7. 1998 | From<br>1. 8. 1998<br>to 31. 7. 1999 | From<br>1. 8. 1999<br>to 31. 7. 2000 | From<br>1. 8. 2000<br>to 31. 7. 2001 |
|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| Number of vessels authorized to fish | 22                                   | 22                                   | 22                                   | 22                                   | 22                                   |
| Fees in ecu/GT/month                 | 2                                    | 2                                    | 2                                    | 2                                    | 2                                    |

**7. Comments:**

The vessels fall into three categories:

- Category 1: gross tonnage of less than or equal to 3 000 GT; ceiling: 12 500 T/vessel/annum;
- Category 2: gross tonnage of more than 3 000 GT but less than or equal to 5 000 GT; ceiling: 17 500 T/vessel/annum;
- Category 3: gross tonnage of more than 5 000 GT but less than or equal to 8 000 GT; ceiling: 22 500 T/vessel/annum.

## COMMISSION REGULATION (EC) No 2400/97

of 3 December 1997

## fixing the representative prices and the additional import duties for molasses 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 market in sugar<sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96<sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68<sup>(3)</sup>, and in particular Articles 1 (2) and 3 (1) thereof,

Whereas Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68<sup>(4)</sup>; whereas that price should be fixed for the standard quality defined in Article 1 of the above Regulation;

Whereas the representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; whereas that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality; whereas the standard quality for molasses is defined in Regulation (EEC) No 785/68;

Whereas, when the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States; whereas, under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends;

Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small quantity that is not representative of the market; whereas offer prices which can be regarded as not rep-

resentative of actual market trends must also be disregarded;

Whereas, if information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68;

Whereas a representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price;

Whereas where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95; whereas should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed;

Whereas application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question 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 Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 4 December 1997.

<sup>(1)</sup> OJ L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ L 141, 24. 6. 1995, p. 12.

<sup>(4)</sup> OJ L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 3 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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ANNEX

**fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector**

| CN code                   | Amount of the representative price in ECU per 100 kg net of the product in question | Amount of the additional duty in ECU per 100 kg net of the product in question | Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 <sup>(2)</sup> |
|---------------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1703 10 00 <sup>(1)</sup> | 8,28                                                                                | —                                                                              | 0,00                                                                                                                                                                                        |
| 1703 90 00 <sup>(1)</sup> | 11,35                                                                               | —                                                                              | 0,00                                                                                                                                                                                        |

<sup>(1)</sup> For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

<sup>(2)</sup> This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

## COMMISSION REGULATION (EC) No 2401/97

of 3 December 1997

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

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 1 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96<sup>(2)</sup>, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 1785/81 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 17a of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar<sup>(3)</sup>, as amended by Regulation (EC) No 3290/94<sup>(4)</sup>; whereas, furthermore, this refund should be fixed in accordance with Article 17a (4) of Regulation (EEC) No 1785/81; whereas candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector<sup>(5)</sup>; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(6)</sup>, as last amended by Regulation (EC) No 150/95<sup>(7)</sup>, 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<sup>(8)</sup>, as last amended by Regulation (EC) No 1482/96<sup>(9)</sup>;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund 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 Sugar,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 4 December 1997.

<sup>(1)</sup> OJ L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ L 89, 10. 4. 1968, p. 3.

<sup>(4)</sup> OJ L 349, 31. 12. 1994, p. 105.

<sup>(5)</sup> OJ L 214, 8. 9. 1995, p. 16.

<sup>(6)</sup> OJ L 387, 31. 12. 1992, p. 1.

<sup>(7)</sup> OJ L 22, 31. 1. 1995, p. 1.

<sup>(8)</sup> OJ L 108, 1. 5. 1993, p. 106.

<sup>(9)</sup> OJ L 188, 27. 7. 1996, p. 22.

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

Done at Brussels, 3 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

# ANNEX

to the Commission Regulation of 3 December 1997 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

| Product code    | Amount of refund                |
|-----------------|---------------------------------|
|                 | — ECU/100 kg —                  |
| 1701 11 90 9100 | 36,59 <sup>(1)</sup>            |
| 1701 11 90 9910 | 32,12 <sup>(1)</sup>            |
| 1701 11 90 9950 | <sup>(2)</sup>                  |
| 1701 12 90 9100 | 36,59 <sup>(1)</sup>            |
| 1701 12 90 9910 | 32,12 <sup>(1)</sup>            |
| 1701 12 90 9950 | <sup>(2)</sup>                  |
|                 | — ECU/1 % of sucrose × 100 kg — |
| 1701 91 00 9000 | 0,3978                          |
|                 | — ECU/100 kg —                  |
| 1701 99 10 9100 | 39,78                           |
| 1701 99 10 9910 | 39,20                           |
| 1701 99 10 9950 | 39,20                           |
|                 | — ECU/1 % of sucrose × 100 kg — |
| 1701 99 90 9100 | 0,3978                          |

<sup>(1)</sup> Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 17a (4) of Regulation (EEC) No 1785/81.

<sup>(2)</sup> Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21. 11. 1985, p. 14).

**COMMISSION REGULATION (EC) No 2402/97  
of 3 December 1997**

**fixing the maximum export refund for white sugar for the 18th partial invitation  
to tender issued within the framework of the standing invitation to tender  
provided for in Regulation (EC) No 1408/97**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96 <sup>(2)</sup>, and in particular the second subparagraph of Article 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1408/97 of 22 July 1997 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar <sup>(3)</sup>, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1408/97 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 18th partial invitation to

tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 18th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1408/97 the maximum amount of the export refund is fixed at ECU 42,327 per 100 kilograms.

*Article 2*

This Regulation shall enter into force on 4 December 1997.

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

Done at Brussels, 3 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ L 194, 23. 7. 1997, p. 16.

**COMMISSION REGULATION (EC) No 2403/97**  
**of 3 December 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<sup>(1)</sup>, as last amended by Regulation (EC) No 2375/96<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EC) No 150/95<sup>(4)</sup>, 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 4 December 1997.

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

Done at Brussels, 3 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 337, 24. 12. 1994, p. 66.

<sup>(2)</sup> OJ L 325, 14. 12. 1996, p. 5.

<sup>(3)</sup> OJ L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ L 22, 31. 1. 1995, p. 1.

## ANNEX

to the Commission Regulation of 3 December 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

| CN code                                        | Third country code <sup>(1)</sup> | Standard import value |
|------------------------------------------------|-----------------------------------|-----------------------|
| 0702 00 45                                     | 204                               | 56,0                  |
|                                                | 624                               | 194,0                 |
|                                                | 999                               | 125,0                 |
| 0707 00 40                                     | 052                               | 93,0                  |
|                                                | 999                               | 93,0                  |
| 0709 10 40                                     | 220                               | 198,2                 |
|                                                | 999                               | 198,2                 |
| 0709 90 79                                     | 052                               | 110,3                 |
|                                                | 999                               | 110,3                 |
| 0805 10 61, 0805 10 65, 0805 10 69             | 204                               | 45,7                  |
|                                                | 388                               | 40,0                  |
|                                                | 448                               | 27,9                  |
|                                                | 528                               | 44,3                  |
|                                                | 999                               | 39,5                  |
| 0805 20 31                                     | 052                               | 61,4                  |
|                                                | 204                               | 51,0                  |
|                                                | 999                               | 56,2                  |
| 0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39 | 052                               | 76,0                  |
|                                                | 464                               | 139,1                 |
|                                                | 999                               | 107,6                 |
| 0805 30 40                                     | 052                               | 85,0                  |
|                                                | 528                               | 47,1                  |
|                                                | 600                               | 91,6                  |
|                                                | 999                               | 74,6                  |
| 0808 10 92, 0808 10 94, 0808 10 98             | 052                               | 50,9                  |
|                                                | 060                               | 49,3                  |
|                                                | 064                               | 43,7                  |
|                                                | 400                               | 88,7                  |
|                                                | 404                               | 87,4                  |
|                                                | 800                               | 107,0                 |
|                                                | 999                               | 71,2                  |
| 0808 20 67                                     | 052                               | 114,7                 |
|                                                | 064                               | 87,4                  |
|                                                | 400                               | 101,7                 |
|                                                | 999                               | 101,3                 |

<sup>(1)</sup> 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 2404/97**  
**of 3 December 1997**  
**amending Regulation (EEC) No 1793/93 regarding the operative event for the**  
**agricultural conversion rates used in the hops sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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<sup>(1)</sup>, as last amended by Regulation (EC) No 150/95<sup>(2)</sup>, and in particular Article 6 (2) thereof,

Whereas the aid introduced by Article 12 of Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops<sup>(3)</sup>, as last amended by Regulation (EC) No 1554/97<sup>(4)</sup>, is no longer fixed annually by the Council; whereas the date 1 July should be maintained as the operative event for the agricultural conversion rate to be applied for payment of the aid; whereas Article 1 of Commission Regulation (EEC) No 1793/93<sup>(5)</sup> should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 1 of Regulation (EEC) No 1793/93 is hereby replaced by the following:

*'Article 1*

The agricultural conversion rate to be applied for the purposes of the aid provided for in Article 12 of Regulation (EEC) No 1696/71 shall be the rate in force on 1 July of the year of harvest.'

*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, 3 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 387, 31. 12. 1992, p. 1.

<sup>(2)</sup> OJ L 22, 31. 1. 1995, p. 1.

<sup>(3)</sup> OJ L 175, 4. 8. 1971, p. 1.

<sup>(4)</sup> OJ L 208, 2. 8. 1997, p. 1.

<sup>(5)</sup> OJ L 163, 6. 7. 1993, p. 22.

## COMMISSION REGULATION (EC) No 2405/97

of 3 December 1997

amending Regulation (EC) No 2125/95 opening and providing for the administration of tariff quotas for preserved mushrooms of the genus *Agaricus* spp.

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organization of the markets in processed fruit and vegetable products<sup>(1)</sup>, as amended by Regulation (EC) No 2199/97<sup>(2)</sup>, and in particular Article 15 (1) thereof,

Having regard to Council Regulation (EC) No 3066/95 of 22 December 1995 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations<sup>(3)</sup>, as last amended by Regulation (EC) No 1595/97<sup>(4)</sup>, and in particular Article 8 thereof,

Whereas Article 4 of Commission Regulation (EC) No 2125/95<sup>(5)</sup>, as amended by Regulation (EC) No 2723/95<sup>(6)</sup>, provides for the quotas to be distributed between traditional importers and new importers and defines both categories of importers; whereas experience from several years of applying the scheme shows that the criteria for eligibility should be made more rigorous in order to restrict applications to undertakings which import and export processed fruit and vegetables; whereas there should also be a transitional period before this new provision is applied to traditional importers;

Whereas Annex I to Regulation (EC) No 2125/95 should be amended to adjust the quotas of preserved mushrooms allocated to Bulgaria, Poland and Romania in the light of the new quantities indicated in Annexes VI, II and V, respectively, to Regulation (EC) No 3066/95; whereas, however, these quotas must continue to be administered by calendar year and not by periods from 1 July to 30 June, in order to maintain traditional import schedules, taking into account the fact that for the other third countries the quantities allocated for 1997 have been used up

since 2 January 1997, as indicated in Commission Regulation (EC) No 8/97<sup>(7)</sup>;

Whereas products falling within CN code 0711 90 60, covering certain preserves of mushrooms not of the genus *Agaricus*, have been added to the Polish quota for preserved mushrooms of the genus *Agaricus* in Annex II to Regulation (EC) No 3066/95; whereas Regulation (EC) No 2125/95 should be amended so that these products can also be imported at the preferential tariff rate;

Whereas Decision No 1/97 of the Association Council, association between the European Communities and their Member States, of the one part, and the Republics of Bulgaria<sup>(8)</sup>, Poland<sup>(9)</sup> and Romania<sup>(10)</sup>, of the other part, amends Protocol 4 to the Europe Agreements with Bulgaria<sup>(11)</sup>, Poland<sup>(12)</sup> and Romania<sup>(13)</sup> with effect respectively from 1 January, 1 July and 31 January 1997; whereas the proof of origin of the imported products should be amended accordingly;

Whereas certain lapsed transitional provisions of Regulation (EC) No 2125/95 should be deleted;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

## Article 1

Regulation (EC) No 2125/95 is amended as follows:

1. '*Agaricus* spp.' is deleted from the title;
2. Article 1 is replaced by the following:

## 'Article 1

1. The tariff quotas for preserved mushrooms of the genus *Agaricus* falling within CN codes

<sup>(1)</sup> OJ L 297, 21. 11. 1996, p. 29.

<sup>(2)</sup> OJ L 303, 6. 11. 1997, p. 1.

<sup>(3)</sup> OJ L 328, 30. 12. 1995, p. 31.

<sup>(4)</sup> OJ L 216, 8. 8. 1997, p. 1.

<sup>(5)</sup> OJ L 212, 12. 9. 1995, p. 16.

<sup>(6)</sup> OJ L 283, 25. 11. 1995, p. 12.

<sup>(7)</sup> OJ L 4, 8. 1. 1997, p. 3.

<sup>(8)</sup> OJ L 134, 24. 5. 1997, p. 1.

<sup>(9)</sup> OJ L 221, 11. 8. 1997, p. 1.

<sup>(10)</sup> OJ L 54, 24. 2. 1997, p. 1.

<sup>(11)</sup> OJ L 358, 31. 12. 1994, p. 3.

<sup>(12)</sup> OJ L 348, 31. 12. 1994, p. 2.

<sup>(13)</sup> OJ L 357, 31. 12. 1994, p. 2.

0711 90 40, 2003 10 20 and 2003 10 30, and preserved mushrooms of other genera falling within CN code 0711 90 60 originating in Poland, shown in Annex I shall be opened subject to the conditions laid down in this Regulation.

2. The rate of duty applicable shall be 12 % *ad valorem* in the case of products falling within CN code 0711 90 40 (Serial No 09.4062) and 23 % in the case of products falling within CN codes 2003 10 20 and 2003 10 30 (Serial No 09.4063). However, a single rate of 8,4 % shall apply in the case of the above products originating in Bulgaria (Serial No 09.4725), Poland (Serial No 09.4821) or Romania (Serial No 09.4726), and products falling within CN code 0711 90 60 (Serial No 09.4821) originating in Poland.

3. For imports between 1 July and 31 December 1997, application of the rate of 8,4 % in the case of products falling within CN code 0711 90 60 originating in Poland shall not be subject to the condition referred to in Article 2 (1) below. However, in order for that rate to be applied an application must be submitted before 31 January 1998.;

3. Article 2 (2) is replaced by the following:

'2. In the case of countries other than Bulgaria, Poland and Romania, the quotas shall be allocated among the supplier countries in accordance with Annex I, except for a part thereof which shall constitute a reserve. The allocation may be adjusted on the basis of information regarding the quantities for which licences have been issued as at 30 June.;

4. Article 2 (3) is deleted;

5. Article 4 (1) is replaced by the following:

'1. Both quantities, namely that allocated to China on the one hand and that allocated to all the other countries with the exception of China on the other hand pursuant to Annex I, shall be distributed as follows:

(a) 85 % to traditional importers.

"Traditional importers" means importers who have obtained import licences pursuant to Regulation (EEC) No 3107/94 or this Regulation in each of the previous three calendar years and who have imported the products referred to in Article 1 (1) in at least two of the previous three calendar years. From 1 January 1999 importers must also furnish proof that they have imported and/or exported at least 100 tonnes of processed fruit and vegetable products, as referred to in Article 1 (2) of Council

Regulation (EC) No 2201/96 (\*), during the year preceding their application.

(b) 15 % to new importers.

"New importers" means importers other than those referred to in (a) who are traders, natural or legal persons, individuals or groups that have imported and/or exported at least 50 tonnes of processed fruit and vegetable products, as referred to in Article 1 (2) of Regulation (EC) No 2201/96, in each of the two previous years. Compliance with this condition shall be certified by registration in a trade register held by the Member State or by any other proof accepted by the Member State and by proof of import and/or export. When importers in this category have obtained import licences pursuant to this Regulation in the previous calendar year, they must show proof of having put in free circulation, on their own account, at least 50 % of the quantity allocated to them.

(\*) OJ L 297, 21. 11. 1996, p. 29.;

6. the following paragraph 4 is added to Article 4:

'4. Notwithstanding Article 9 of Regulation (EC) No 3719/88, the rights arising from import licences shall not be transferable.;

7. the following paragraph is added to Article 4:

'5. Box 20 of import licence applications shall contain one of the following, as applicable:

— "Licence applied for pursuant to Article 4 (1) (a) of Regulation (EC) No 2125/95",

or

— "Licence applied for pursuant to Article 4 (1) (b) of Regulation (EC) No 2125/95";

8. Article 5 (1) is replaced by the following:

'1. Licence applications submitted by traditional importers as referred to in Article 4 (1) (a) may not relate, in any six-month period, to a quantity exceeding 60 % of the average annual quantity of imports effected pursuant to Regulation (EC) No 3107/94 or this Regulation during the preceding three calendar years.;

9. Article 10 (3) is replaced by the following:

'3. In accordance with Protocol 4 to the Europe Agreements, products originating in Bulgaria, Poland and Romania shall be released for free circulation in the Community on presentation of an EUR.1 certificate issued by the authorities of those countries or a declaration given by the exporter or an invoice.;

10. Article 11 (2) is replaced by the following:

'2. Licence applications and import licences shall include the country of origin in box 8 and the word "yes" must be marked with a cross.'

11. Annex I is replaced by the Annex to this Regulation.

*Article 2*

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

It shall apply with effect from 1 July 1997 with the exception of Article 1 (5) to (8) and (10), which shall apply from 1 January 1998.

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

Done at Brussels, 3 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX

## ANNEX I

## Allocation referred to in Article 2 (net drained weight)

(tonnes)

| Supplier countries    | From 1 July<br>to 31 December<br>1997 | From 1 January<br>to 31 December<br>1998 | From 1 January<br>to 31 December<br>1999 | From 1 January<br>to 31 December<br>2000 | From 1 January<br>to 31 December<br>of subsequent<br>years |
|-----------------------|---------------------------------------|------------------------------------------|------------------------------------------|------------------------------------------|------------------------------------------------------------|
| Bulgaria              | 770                                   | 1 575                                    | 1 645                                    | 1 715                                    | 1 750                                                      |
| Poland <sup>(1)</sup> | 19 140                                | 39 150                                   | 40 890                                   | 42 630                                   | 43 500                                                     |
| Romania               | 220                                   | 450                                      | 470                                      | 490                                      | 500                                                        |
| China                 | 0                                     | 22 750                                   | 22 750                                   | 22 750                                   | 22 750                                                     |
| Others                | 0                                     | 3 290                                    | 3 290                                    | 3 290                                    | 3 290                                                      |
| Reserve               | 0                                     | 1 000                                    | 1 000                                    | 1 000                                    | 1 000                                                      |
| Total                 | 20 130                                | 68 215                                   | 70 045                                   | 71 875                                   | 72 790                                                     |

<sup>(1)</sup> Including products falling within CN code 0711 90 60.

## COMMISSION REGULATION (EC) No 2406/97

of 3 December 1997

amending Regulation (EC) No 1141/97 laying down detailed rules for the application of Council Regulation (EC) No 820/97 as regards the labelling of beef and beef products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 820/97 of 21 April 1997 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products<sup>(1)</sup>, and in particular Article 18 thereof,

Whereas Commission Regulation (EC) No 1141/97<sup>(2)</sup> lays down detailed rules as regards the labelling of beef and beef products;

Whereas Article 15 of Regulation (EC) No 820/97 provides for certain provisions where the production of beef takes place, in full or in part, in a third country; whereas it is appropriate to provide for detailed implementing rules for the approval procedure for imports of beef from third countries;

Whereas in order to ensure that the labelling arrangements relating to imported beef are of equivalent reliability to those applicable to Community beef, the Commission shall examine notifications received from third countries; whereas complete notifications shall be transmitted to the Member States when the Commission reaches the conclusion that the procedures and/or criteria applied in the third country concerned are equivalent to the standards set out in Regulation (EC) No 820/97;

Whereas in order to guarantee the reliability of the labelling system in third countries the Commission may request additional information and should take the necessary measures in the light of the information received as a result of these requests;

Whereas the Commission may carry out checks in third countries; whereas in order to be able to carry out checks in a third country the Commission would need the prior consent of the third country concerned; whereas if such consent is not forthcoming, the Commission should take the necessary measures;

Whereas it is opportune to prolong the transitional period taking account of several practical problems that have arisen in Member States as well as in third countries;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1141/97 is hereby amended as follows:

(a) the following Article 4a is inserted:

*Article 4a***Approvals granted by third countries**

1. The Commission shall verify that notifications are complete as provided for in Article 15 (2) of Regulation (EC) No 820/97. On receipt of a notification which is incomplete, the Commission shall inform the third country concerned, indicating the information which is required.

Complete notifications shall be transmitted to Member States without delay unless the Commission reaches the conclusion that the procedures and/or criteria applied in the third country concerned are not equivalent to the standards set out in Regulation (EC) No 820/97 in accordance with its power to do so pursuant to the third subparagraph of Article 15 (2) of that Regulation.

2. If, at any time, the Commission considers, on the basis of the notification provided for in Article 15 (2) of Regulation (EC) No 820/97, that it is appropriate to verify that the procedures and/or criteria notified by a third country are currently equivalent to the standards set out in Regulation (EC) No 820/97, the Commission may request the third country to provide any necessary information. In particular, the Commission may request the third country to provide copies of the specifications approved by the designated competent authority. The Commission may further request the third country to authorize representatives of the Commission to carry out checks in the third country.

<sup>(1)</sup> OJ L 117, 7. 5. 1997, p. 1.

<sup>(2)</sup> OJ L 165, 24. 6. 1997, p. 7.

3. If any information or authorization requested pursuant to the preceding paragraph is not received within the time specified by the Commission, the Commission may conclude that the procedures and/or criteria applied in a third country are not equivalent to the standards set out in Regulation (EC) No 820/97.

4. The Commission may at any time change its initial decision as regards the equivalency of the procedures and/or criteria applied in the third country concerned pursuant to the third subparagraph of Article 15 (2) of Regulation (EC) No 820/97.;

(b) the second subparagraph of Article 6 is replaced by the following:

'However, beef labelled in accordance with previous arrangements may be sold until 31 March 1998 without changing the existing labels.'

#### *Article 2*

This Regulation shall enter into force on the seventh 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, 3 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## COMMISSION REGULATION (EC) No 2407/97

of 3 December 1997

on additional quantities of textile products to be made available to Vietnam

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

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 1445/97<sup>(2)</sup>, and in particular Article 8 thereof,

Whereas, following unsatisfied demand within the Community, European industry and certain Member States have requested that additional quantities be made available for Vietnam for categories 5, 21, 28, 68 and 78 for the quota year 1997;

Whereas, for the categories concerned, the flexibility provisions specified in Annex VIII to Regulation (EEC) No 3030/93, as available in 1997 have been fully utilized;

Whereas, as was already the case for 1996, Vietnam is willing to take appropriate measures to take account of the granting of the additional quantities in the management of its exports in 1998;

Whereas negotiations for the renewal of the existing agreement are under way and are expected to be concluded before the end of 1997;

Whereas the quantities in question, in relation to total imports of these products into the European Community, are unlikely to cause market disruption;

Whereas Article 8 of Regulation (EEC) No 3030/93 allows the Commission to open up additional opportunities for imports under particular circumstances;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The following additional quantities shall be made available to Vietnam, for which it can issue export licences during the quota year 1997:

|                |                |
|----------------|----------------|
| — category 5:  | 68 000 pieces  |
| — category 21: | 411 000 pieces |
| — category 28: | 122 000 pieces |
| — category 68: | 16 tonnes      |
| — category 78: | 27 tonnes.     |

*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, 3 December 1997.

*For the Commission*

Leon BRITTAN

*Vice-President*

<sup>(1)</sup> OJ L 275, 8. 11. 1993, p. 1.

<sup>(2)</sup> OJ L 198, 25. 7. 1997, p. 1.

## COMMISSION REGULATION (EC) No 2408/97

of 3 December 1997

amending Regulation (EEC) No 1609/88 as regards the latest date by which butter must have been taken into storage in order to be sold pursuant to Regulations (EEC) No 3143/85 and (EEC) No 570/88

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1587/96 <sup>(2)</sup>, and in particular Article 6 (6) thereof,

Whereas, pursuant to Article 1 of Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the grant of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs <sup>(3)</sup>, as last amended by Regulation (EC) No 531/96 <sup>(4)</sup>, the butter put up for sale must have been taken into storage before a date to be determined;

Whereas, in view of the trends on the butter market and the quantities of stocks available, the date in Article 1 of Commission Regulation (EEC) No 1609/88 <sup>(5)</sup>, as last amended by Regulation (EC) No 2224/97 <sup>(6)</sup>, relating to the butter referred to in Regulation (EEC) No 570/88, should be amended;

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*

In Article 1 of Regulation (EEC) No 1609/88, the first subparagraph is hereby replaced by the following:

'The butter referred to in Article 1 of Regulation (EEC) No 570/88 must have been taken into storage before 1 July 1997.'

*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, 3 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 21.

<sup>(3)</sup> OJ L 55, 1. 3. 1988, p. 31.

<sup>(4)</sup> OJ L 78, 28. 3. 1996, p. 13.

<sup>(5)</sup> OJ L 143, 10. 6. 1988, p. 23.

<sup>(6)</sup> OJ L 305, 8. 11. 1997, p. 25.

**COMMISSION REGULATION (EC) No 2409/97****of 3 December 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96 <sup>(2)</sup>,

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 <sup>(3)</sup>, as last amended by Regulation (EC) No 1143/97 <sup>(4)</sup>, 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 <sup>(5)</sup>, as last amended by Regulation (EC) No 2353/97 <sup>(6)</sup>;

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 4 December 1997.

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

Done at Brussels, 3 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ L 141, 24. 6. 1995, p. 16.

<sup>(4)</sup> OJ L 165, 24. 6. 1997, p. 11.

<sup>(5)</sup> OJ L 173, 1. 7. 1997, p. 3.

<sup>(6)</sup> OJ L 326, 28. 11. 1997, p. 25.

## ANNEX

to the Commission Regulation of 3 December 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 <sup>(1)</sup> | 26,55                                                               | 3,32                                                          |
| 1701 11 90 <sup>(1)</sup> | 26,55                                                               | 8,26                                                          |
| 1701 12 10 <sup>(1)</sup> | 26,55                                                               | 3,19                                                          |
| 1701 12 90 <sup>(1)</sup> | 26,55                                                               | 7,83                                                          |
| 1701 91 00 <sup>(2)</sup> | 26,25                                                               | 12,11                                                         |
| 1701 99 10 <sup>(2)</sup> | 26,25                                                               | 7,59                                                          |
| 1701 99 90 <sup>(2)</sup> | 26,25                                                               | 7,59                                                          |
| 1702 90 99 <sup>(3)</sup> | 0,26                                                                | 0,39                                                          |

<sup>(1)</sup> 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).

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

<sup>(3)</sup> By 1 % sucrose content.

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 25 November 1997

authorizing Member States to permit temporarily the marketing of forest reproductive material not satisfying the requirements of Council Directives 66/404/EEC and 71/161/EEC

(97/809/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/404/EEC of 14 June 1966 on the marketing of forest reproductive material<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 15 thereof,

Having regard to Council Directive 71/161/EEC of 30 March 1971 on external quality standards for forest reproductive material marketed within the Community<sup>(2)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 15 thereof,

Having regard to the requests submitted by certain Member States,

Whereas production of reproductive material of the species set out in the Annexes is at present insufficient in all Member States, with the result that their requirements for reproductive material conforming to the provisions of Directives 66/404/EEC and 71/161/EEC cannot be met;

Whereas third countries are not in a position to supply sufficient reproductive material of the relevant species which can afford the same guarantees as Community

reproductive material and which conforms to the provisions of the abovementioned Directives;

Whereas the Member States should therefore be authorized to permit, for a limited period, the marketing of reproductive material of the relevant species which satisfies less stringent requirements to cover the shortage of reproductive material satisfying the requirements of Directive 66/404/EEC and 71/161/EEC;

Whereas, for genetic reasons, the reproductive material must be collected at places of origin within the natural range of the relevant species and the strictest possible guarantees should be given to ensure the identity of the material;

Whereas, furthermore, reproductive material should be marketed only if it is accompanied by a document bearing certain details of the reproductive material in question;

Whereas each of the Member States should furthermore be authorized to permit the marketing in its territory of seeds and plants which satisfy less stringent requirements in respect of provenance, as laid down in Directive 66/404/EEC, or seed which satisfies less stringent requirements in respect of specific purity as laid down in Directive 71/161/EEC, if the marketing of such material has been authorized in the other Member States under this Decision;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

<sup>(1)</sup> OJ 125, 11. 7. 1966, p. 2326/66.

<sup>(2)</sup> OJ L 87, 17. 4. 1971, p. 14.

HAS ADOPTED THIS DECISION:

*Article 1*

1. Member States are authorized to permit the marketing in their territory of seed which does not satisfy the requirements in respect of provenance in Directive 66/404/EEC on the terms set out in Annex I hereto and on condition that the proof specified in Article 2 is furnished with regard to the place of provenance of the seed and the altitude at which it was collected.

2. Member States are authorized to permit the marketing in their territory of plants produced in the Community from the abovementioned seed.

*Article 2*

1. The proof referred to in Article 1 (1) and 3 shall be deemed to be furnished where the reproductive material is of the category 'source identified reproductive material' as defined in the Organization for Economic Cooperation and Development (OECD) scheme for the control of forest reproductive material moving in international trade, or of another category defined in that scheme.

2. Where the OECD scheme referred to in paragraph 1 is not used at the place of provenance of the reproductive material, other official evidence shall be admissible.

3. Where official evidence cannot be provided, Member States may accept other non-official evidence.

*Article 3*

Member States are authorized on the terms set out in Annex II hereto, to permit the marketing in their territory of seed which neither satisfies the requirements in respect of provenance in Directive 66/404/EEC nor the requirements relating to specific purity in Annex I to Directive 71/161/EEC, on condition that:

— the proof specified in Article 2 is furnished with regard to the place of provenance of the seed and the altitude at which it was collected, and

— the document required pursuant to Article 9 of Directive 66/404/EEC bears the wording:  
'Seed not satisfying the standards in respect of specific purity'.

*Article 4*

The Member States other than the applicant Member States are also authorized to permit, on the terms set out in Annexes I and II respectively and for the purposes intended by the applicant Member States, the marketing in their territory of the seeds and plants authorized to be marketed pursuant to this Decision.

*Article 5*

The authorizations provided for in Articles 1 (1), 3 and 4 in so far as they concern the first placing of forest reproductive material on the market of the Community, shall expire on 30 November 1998. Such authorizations, in so far as they concern subsequent placing on the market of the Community, shall expire on 31 December 1999.

*Article 6*

With regard to the first placing on the market of forest reproductive material, as referred to in Article 5, Member States shall immediately notify the Commission and the other Member States of the quantities of such material satisfying less stringent requirements which have been approved for marketing in their territory pursuant to this Decision.

*Article 7*

This Decision is addressed to the Member States.

Done at Brussels, 25 November 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

*LEGEND**1. Member States*

|     |                               |
|-----|-------------------------------|
| A   | = Republic of Austria         |
| B   | = Kingdom of Belgium          |
| D   | = Federal Republic of Germany |
| DK  | = Kingdom of Denmark          |
| E   | = Kingdom of Spain            |
| EL  | = Hellenic Republic           |
| F   | = French Republic             |
| I   | = Italian Republic            |
| IRL | = Ireland                     |
| L   | = Grand Duchy of Luxembourg   |
| NL  | = Kingdom of the Netherlands  |
| P   | = Republic of Portugal        |
| UK  | = United Kingdom              |

*2. Countries or regions of provenance*

|                   |                            |
|-------------------|----------------------------|
| CA                | = Canada                   |
| CH                | = Switzerland              |
| CZ                | = Czech Republic           |
| EC                | = European Community       |
| HR                | = Croatia                  |
| HU                | = Hungary                  |
| LV                | = Latvia                   |
| NO                | = Norway                   |
| PL                | = Poland                   |
| RO                | = Romania                  |
| SI                | = Slovenia                 |
| SK                | = Slovak Republic          |
| Sudètes           | = Sudeten                  |
| TR                | = Turkey                   |
| USA               | = United States of America |
| Vallée de la Save | = Sava valley              |

*3. Other abbreviations*

|           |                            |
|-----------|----------------------------|
| max. alt. | = maximum altitude         |
| OEP       | = or equivalent provenance |

ANEXO I — BILAG I — ANHANG I — ΠΑΡΑΡΤΗΜΑ I — ANNEX I — ANNEXE I — ALLEGATO I — BIJLAGE I —  
ANEXO I — LIITE I — BILAGA I

| Estado miembro<br>Medlemsstat<br>Mitgliedstaat<br>Κράτος μέλος<br>Member State<br>État membre<br>Stato membro<br>Lidstaat<br>Estado-membro<br>Jäsenmaa<br>Medlemsstat | Fagus sylvatica L. |                                                                                                                                               | Larix decidua Mill. |                                                                                                                                               | Picea abies Karst. |                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                       | kg                 | Procedencia<br>Oprindelse<br>Herkunft<br>Προέλευση<br>Provenance<br>Provenance<br>Provenienza<br>Herkomst<br>Proveniência<br>Alue<br>Härkomst | kg                  | Procedencia<br>Oprindelse<br>Herkunft<br>Προέλευση<br>Provenance<br>Provenance<br>Provenienza<br>Herkomst<br>Proveniência<br>Alue<br>Härkomst | kg                 | Procedencia<br>Oprindelse<br>Herkunft<br>Προέλευση<br>Provenance<br>Provenance<br>Provenienza<br>Herkomst<br>Proveniência<br>Alue<br>Härkomst |
| A                                                                                                                                                                     | 1 400              | SI, HU, CZ, RO, HR, SK                                                                                                                        | 220                 | CZ, PL, HU, SI, HR, SK                                                                                                                        | —                  | —                                                                                                                                             |
| B                                                                                                                                                                     | 3 000              | PL, RO (max. alt. 900 m)                                                                                                                      | 20                  | PL (max. alt. 900 m),<br>CZ (Sudètes)                                                                                                         | 20                 | PL (Istebna max. alt. 900 m)                                                                                                                  |
| D                                                                                                                                                                     | —                  | —                                                                                                                                             | 50                  | EC (D/OEP), CZ                                                                                                                                | 50                 | EC (D/OEP), CZ, SK, RO, PL,<br>HU                                                                                                             |
| DK                                                                                                                                                                    | 14 800             | CH, CZ, SI, RO, PL                                                                                                                            | —                   | —                                                                                                                                             | —                  | —                                                                                                                                             |
| E                                                                                                                                                                     | 1 670              | EC (E/OEP)                                                                                                                                    | 30                  | EC (E/OEP), SK                                                                                                                                | 55                 | EC (E/OEP)                                                                                                                                    |
| F                                                                                                                                                                     | —                  | —                                                                                                                                             | —                   | —                                                                                                                                             | —                  | —                                                                                                                                             |
| UK                                                                                                                                                                    | 35 000             | EC (UK/OEP)                                                                                                                                   | 200                 | EC (UK/OEP), PL, CZ                                                                                                                           | 150                | EC (UK/OEP), RO, CZ                                                                                                                           |
| I                                                                                                                                                                     | 2 000              | EC (I/OEP)                                                                                                                                    | —                   | —                                                                                                                                             | —                  | —                                                                                                                                             |
| IRL                                                                                                                                                                   | 250                | RO                                                                                                                                            | —                   | —                                                                                                                                             | 300                | CZ, PL, RO                                                                                                                                    |
| L                                                                                                                                                                     | —                  | —                                                                                                                                             | —                   | —                                                                                                                                             | —                  | —                                                                                                                                             |
| NL                                                                                                                                                                    | 10 000             | RO, CZ, SK                                                                                                                                    | 50                  | CZ, SK                                                                                                                                        | 50                 | CZ                                                                                                                                            |
| P                                                                                                                                                                     | 5                  | EC (P/OEP)                                                                                                                                    | —                   | —                                                                                                                                             | 4                  | EC (P/OEP)                                                                                                                                    |

| Estado miembro<br>Medlemsstat<br>Mitgliedstaat<br>Κράτος μέλος<br>Member State<br>État membre<br>Stato membro<br>Lidstaat<br>Estado-membro<br>Jäsenmaa<br>Medlemsstat | Pinus nigra Arn. |                                                                                                                                               | Pinus sylvestris L. |                                                                                                                                               | Quercus borealis Michx. |                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                       | kg               | Procedencia<br>Oprindelse<br>Herkunft<br>Προέλευση<br>Provenance<br>Provenance<br>Provenienza<br>Herkomst<br>Proveniência<br>Alue<br>Härkomst | kg                  | Procedencia<br>Oprindelse<br>Herkunft<br>Προέλευση<br>Provenance<br>Provenance<br>Provenienza<br>Herkomst<br>Proveniência<br>Alue<br>Härkomst | kg                      | Procedencia<br>Oprindelse<br>Herkunft<br>Προέλευση<br>Provenance<br>Provenance<br>Provenienza<br>Herkomst<br>Proveniência<br>Alue<br>Härkomst |
| A                                                                                                                                                                     | 520              | SI, HU, HR                                                                                                                                    | 110                 | HU, SI, PL, CZ                                                                                                                                | 4 500                   | SI, HU, PL, RO, CZ, SK, HR                                                                                                                    |
| B                                                                                                                                                                     | —                | —                                                                                                                                             | —                   | —                                                                                                                                             | 5 000                   | HR (vallée de la Save), PL, SK,<br>CZ, SI (vallée de la Save)                                                                                 |
| D                                                                                                                                                                     | 200              | EC (D/OEP), SI                                                                                                                                | 50                  | EC (D/OEP), PL                                                                                                                                | —                       | —                                                                                                                                             |
| DK                                                                                                                                                                    | 100              | SI, TR                                                                                                                                        | 70                  | LV, NO                                                                                                                                        | 5 000                   | PL                                                                                                                                            |

| Estado miembro<br>Medlemsstat<br>Mitgliedstaat<br>Κράτος μέλος<br>Member State<br>État membre<br>Stato membro<br>Lidstaat<br>Estado-membro<br>Jäsenmaa<br>Medlemsstat | Pinus nigra Arn. |                                                                                                                                               | Pinus sylvestris L. |                                                                                                                                               | Quercus borealis Michx. |                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                       | kg               | Procedencia<br>Oprindelse<br>Herkunft<br>Προέλευση<br>Provenance<br>Provenance<br>Provenienza<br>Herkomst<br>Proveniência<br>Alue<br>Härkomst | kg                  | Procedencia<br>Oprindelse<br>Herkunft<br>Προέλευση<br>Provenance<br>Provenance<br>Provenienza<br>Herkomst<br>Proveniência<br>Alue<br>Härkomst | kg                      | Procedencia<br>Oprindelse<br>Herkunft<br>Προέλευση<br>Provenance<br>Provenance<br>Provenienza<br>Herkomst<br>Proveniência<br>Alue<br>Härkomst |
| E                                                                                                                                                                     | 790              | EC (E/OEP)                                                                                                                                    | 1 290               | EC (E/OEP)                                                                                                                                    | 8 550                   | EC (E/OEP)                                                                                                                                    |
| F                                                                                                                                                                     | —                | —                                                                                                                                             | —                   | —                                                                                                                                             | —                       | —                                                                                                                                             |
| UK                                                                                                                                                                    | —                | —                                                                                                                                             | 225                 | EC (UK/OEP)                                                                                                                                   | 500                     | EC (UK/OEP), LA, US                                                                                                                           |
| I                                                                                                                                                                     | —                | —                                                                                                                                             | —                   | —                                                                                                                                             | —                       | —                                                                                                                                             |
| IRL                                                                                                                                                                   | —                | —                                                                                                                                             | —                   | —                                                                                                                                             | —                       | —                                                                                                                                             |
| L                                                                                                                                                                     | —                | —                                                                                                                                             | —                   | —                                                                                                                                             | —                       | —                                                                                                                                             |
| NL                                                                                                                                                                    | 60               | HR, SI                                                                                                                                        | —                   | —                                                                                                                                             | 10 000                  | RO, PL                                                                                                                                        |
| P                                                                                                                                                                     | 60               | EC (P/OEP)                                                                                                                                    | —                   | —                                                                                                                                             | 4 800                   | EC (P/OEP)                                                                                                                                    |

| Estado miembro<br>Medlemsstat<br>Mitgliedstaat<br>Κράτος μέλος<br>Member State<br>État membre<br>Stato membro<br>Lidstaat<br>Estado-membro<br>Jäsenmaa<br>Medlemsstat | Quercus pedunculata Ehrh. |                                                                                                                                               | Quercus sessiliflora Sal. |                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                       | kg                        | Procedencia<br>Oprindelse<br>Herkunft<br>Προέλευση<br>Provenance<br>Provenance<br>Provenienza<br>Herkomst<br>Proveniência<br>Alue<br>Härkomst | kg                        | Procedencia<br>Oprindelse<br>Herkunft<br>Προέλευση<br>Provenance<br>Provenance<br>Provenienza<br>Herkomst<br>Proveniência<br>Alue<br>Härkomst |
| A                                                                                                                                                                     | 12 000                    | SI, HU, PL, RO, CZ, SK, HR                                                                                                                    | 5 500                     | SI, HU, PL, RO, CZ, SK, HR                                                                                                                    |
| B                                                                                                                                                                     | 3 000                     | PL, SK, CZ, HR (vallée de la Save), SI (vallée de la Save)                                                                                    | 3 000                     | PL, CZ, SK, HR (vallée de la Save), SI (vallée de la Save)                                                                                    |
| D                                                                                                                                                                     | —                         | —                                                                                                                                             | —                         | —                                                                                                                                             |
| DK                                                                                                                                                                    | 19 000                    | NO, PL                                                                                                                                        | 120 000                   | NO, PL                                                                                                                                        |
| E                                                                                                                                                                     | 9 870                     | EC (E/OEP)                                                                                                                                    | 6 000                     | EC (E/OEP)                                                                                                                                    |
| F                                                                                                                                                                     | —                         | —                                                                                                                                             | —                         | —                                                                                                                                             |
| UK                                                                                                                                                                    | 35 000                    | EC (UK/OEP)                                                                                                                                   | 40 000                    | EC (UK/OEP), NO                                                                                                                               |
| I                                                                                                                                                                     | 3 000                     | EC (I/OEP)                                                                                                                                    | 3 000                     | EC (I/OEP)                                                                                                                                    |
| IRL                                                                                                                                                                   | —                         | —                                                                                                                                             | —                         | —                                                                                                                                             |
| L                                                                                                                                                                     | —                         | —                                                                                                                                             | —                         | —                                                                                                                                             |
| NL                                                                                                                                                                    | 50 000                    | RO, PL                                                                                                                                        | 25 000                    | PL, CZ, SK                                                                                                                                    |
| P                                                                                                                                                                     | 1 000                     | EC (P/OEP)                                                                                                                                    | —                         | —                                                                                                                                             |

*ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II —  
ALLEGATO II — BIJLAGE II — ANEXO II — LIITE II — BILAGA II*

| Especies<br>Arter<br>Arten<br>Είδη<br>Species<br>Espèces<br>Specie<br>Soorten<br>Espécies<br>Lajit<br>Arter | Estado miembro<br>Medlemsstat<br>Mitgliedstaat<br>Κράτος μέλος<br>Member State<br>État membre<br>Stato membro<br>Lidstaat<br>Estado-membro<br>Jäsenmaa<br>Medlemsstat | kg               |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <b>Quercus pedunculata Ehrh.</b>                                                                            | D<br>UK                                                                                                                                                               | 40 000<br>15 000 |
| <b>Quercus sessiliflora Sal.</b>                                                                            | D<br>UK                                                                                                                                                               | 65 000<br>15 000 |