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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 360/2000**of 14 February 2000****imposing a definitive anti-dumping duty on imports of dead-burned (sintered) magnesia originating in the People's Republic of China**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, and in particular Articles 9 and 11(2) thereof,

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

Whereas:

A. PROCEDURE**1. Measures in force**

- (1) In December 1993, definitive anti-dumping measures were imposed by Council Regulation (EC) No 3386/93 ⁽²⁾ in the form of a variable duty associated to a minimum import price of ECU 120/tonne on imports of dead-burned (sintered) magnesia (hereinafter DBM) originating in the People's Republic of China. The underlying investigation period covered the period from 1 July 1990 to 30 June 1991.

2. Request for a review

- (2) Following the publication of a notice of impending expiry of the anti-dumping measures in force on imports of DBM originating in the People's Republic of China ⁽³⁾, the Commission, in June 1998, received a request to review these measures pursuant to Article 11(2) of Council Regulation (EC) No 384/96 (hereinafter referred to as the 'Basic Regulation').
- (3) The request was lodged by Eurometaux, acting on behalf of Community producers (hereinafter referred to as the 'applicant producers') whose collective output of the product concerned constitutes 62 % of the Community production of DBM.

- (4) The request was based on the grounds that the expiry of the measures would be likely to result in the recurrence of dumping and injury to the Community industry. Having determined, after consultation of the Advisory Committee, that sufficient evidence existed for the initiation of a review, the Commission initiated an investigation ⁽⁴⁾ pursuant to Article 11(2) of the Basic Regulation.

3. Investigation

- (5) The Commission officially advised the applicant Community producers, the exporters and exporting producers in the People's Republic of China (hereinafter 'Chinese exporters'), the importers as well as their representative associations known to be concerned, and the representatives of the government of the exporting country, of the initiation of the review. The Commission sent questionnaires to all these parties and to those who made themselves known within the time limit set in the notice of initiation. In addition, three known producers in Turkey, which was chosen as an analogue country, were advised of the initiation of the review and sent questionnaires. The Commission also gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.
- (6) All the applicant Community producers replied to the questionnaire. Neither the Chinese exporters and exporting producers nor the importers replied to the questionnaire. However, one importer made its views known in writing and another provided certain information. Two users replied to the questionnaire and another one provided certain information.
- (7) The Commission sought and verified all information it deemed necessary for the purpose of a determination of the likely continuation or recurrence of dumping and injury and of the Community interest. Verification visits were carried out at the premises of the following companies:

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 905/98 (OJ L 128, 30.4.1998, p. 18).

⁽²⁾ OJ L 306, 11.12.1993, p. 16.

⁽³⁾ OJ C 177, 10.6.1998, p. 5.

⁽⁴⁾ OJ C 385, 11.12.1998, p. 7.

(a) applicant Community producers:

- Grecian Magnesite SA, Athens, Greece,
- Magnesitas Navarras, Pamplona, Spain;

(b) producer in the analogue country:

- Kümas AS, Kütahya, Turkey;

(c) users in the Community:

- Sambre et Dyle, Belgium,
- Bet-Ker Oy, Finland.

- (8) The investigation of continuation or recurrence of dumping covered the period from 1 January 1998 to 31 December 1998 (hereinafter referred to as 'IP'). The examination of continuation or recurrence of injury covered the period from 1 January 1994 up to the end of the IP (hereinafter referred to as 'IIP').

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

1. Product under consideration

- (9) The product under consideration is natural dead-burned magnesite (DBM) which is processed from magnesite, that is naturally occurring magnesium carbonate. In order to produce DBM, magnesium carbonate has to be mined, crushed, sorted and then burned in a kiln at temperatures of 1 500 to 2 000 °C. The result is DBM with a MgO (magnesium oxide) content ranging from 80 to 98 %. The main impurities in DBM are SiO₂, Fe₂O₃, Al₂O₃, CaO and B₂O₃ (silicon oxide, iron oxide, aluminium oxide, calcium oxide and boron oxide respectively). DBM is mainly used in the refractory industry to make formed and unformed refractories. There are no significant differences in the basic chemical and physical characteristics, the interchangeability and the uses of the product under consideration. Therefore, as in the previous investigation, all grades of DBM should be considered to form one single product for the purpose of this investigation.

2. Like product

- (10) It has been claimed by a user of the product under consideration that DBM from the People's Republic of China was not a like product by comparison to DBM produced and sold in the Community. This user alleged differences in certain characteristics, such as the quality. In this respect the investigation has shown that magnesite is extracted and processed into DBM in similar ways; furthermore this latter is used to make the same range of refractory products. While the methods of extraction, the MgO content of the deposit and the production process may vary, these differences do not have a significant bearing on the end product and are not such as to justify the claim that DBM originating in the People's Republic of China and the Community produced DBM are different in terms of chemical and physical characteristics. This is confirmed by the fact that both the

Community producers and the Chinese exporters have a number of customers in common.

- (11) Therefore, DBM exported to the Community from the People's Republic of China, DBM produced and sold by the complaining Community industry in the Community and the DBM produced and sold in the domestic market in Turkey are considered to be like products within the meaning of Article 1(4) of the Basic Regulation.

C. LIKELIHOOD OF CONTINUATION OF DUMPING

1. Preliminary remarks

- (12) In accordance with Article 11(2) of the Basic Regulation, the purpose of this type of review with regard to the dumping aspects is to determine whether or not, the expiry of measures would lead to a continuation or recurrence of dumping.

2. Analogue country

- (13) In establishing normal value, account was taken of the fact that for this investigation the normal value for imports from the People's Republic of China had to be based on data from a market economy third country. In this respect, Turkey was envisaged in the notice of initiation of this review as an appropriate market economy third country. An unrelated importer submitted that Turkey was inappropriate on the ground that the access to raw materials in Turkey was more difficult than in the People's Republic of China: mines of magnesite in Turkey do not enjoy the same natural advantages as in the People's Republic of China so that under these conditions the extracting and processing costs were higher than in Chinese mines. The same importer, moreover, claimed that the Turkish domestic market was too small to be representative for the Chinese market. However, this importer did not suggest any alternative market economy third country.

- (14) The Commission examined whether Turkey, which was already used as market economy third country in the previous investigation, was still a reasonable choice. In particular it was found that at least three Turkish companies produced and sold DBM in Turkey in significant quantities in competition with each other and with exporters from other countries. The question of access to raw materials being easier in the People's Republic of China than in Turkey was addressed in the original investigation and no new evidence was submitted to change the conclusion that Turkey was an appropriate market economy third country. In so far as such differences were shown to exist, these could be taken into account by making the necessary adjustments in accordance with Article 2(10) of the Basic Regulation (see recital 19). In the light of the above, a request for cooperation was addressed to the three known Turkish producers of which one accepted to cooperate.

3. Normal value

- (15) In order to establish normal value it was first determined for the only cooperating Turkish producer whether the total volume of domestic sales of the product under consideration was representative in accordance with Article 2(2) of the basic Regulation, i.e. whether these sales represented more than 5 % of the sales volume of the product concerned exported by the People's Republic of China to the Community. The domestic sales in question were found to be representative.

It was then established whether sufficient domestic sales of the product under consideration had been made in the ordinary course of trade in accordance with Article 2(4) of the Basic Regulation. As the volume of profitable transactions was lower than 80 %, but not lower than 10 % of sales, normal value was established on the basis of the weighted average prices actually paid for the profitable sales of the product under consideration.

4. Export price

- (16) Given the lack of cooperation from the Chinese exporters, the export price had to be based on facts available in accordance with Article 18 of the Basic Regulation. Eurostat figures were chosen as the appropriate basis for establishing the export price. The Eurostat average price levels were confirmed by reference to information obtained from the one cooperating importer.

5. Comparison

- (17) The weighted average normal value was compared to the weighted average export price of DBM, in accordance with Article 2(11) of the Basic Regulation, both at fob port producing country level.
- (18) For the purpose of ensuring a fair comparison between normal value and export price, account was taken for differences in factors affecting price comparability in accordance with Article 2(10) of the Basic Regulation. In this respect, adjustments were made for inland and ocean freight, insurance, handling, loading and ancillary costs and credit costs.
- (19) In the previous investigation it was accepted that access to raw materials was easier in the People's Republic of China than in Turkey. With no information submitted indicating any change in this respect an allowance has been granted in order to take into account the difference in extraction rates between the two countries. It has been decided to apply the same adjustment to the normal value as was applied in the previous investigation, i.e. a reduction of the normal value corresponding to 20 % of the extraction cost found for the cooperating Turkish producer.

- (20) Furthermore, as in the previous investigations it was considered that the purity of the People's Republic of China raw material is higher than the Turkish raw material and therefore an adjustment was made to take account of such difference.

6. Dumping margin

- (21) The comparison of normal value and export price showed the existence of dumping, the dumping margin being equal to the amount by which normal value, so established, exceeded the price for export to the Community. The dumping margin found, as a percentage of the cif Community-frontier import price, was very substantial, in the order of 50 %.
- (22) On the grounds that dumping has taken place at very significant levels throughout the IP, it is considered very likely that dumping, at the very least at similar levels, will continue if the measures are removed.

D. LIKELIHOOD OF RECURRENCE OF DUMPING

- (23) Given the existence of high import volumes with very high levels of dumping, it is not considered necessary to examine whether dumping would recur should measures be removed.

E. DEFINITION OF THE COMMUNITY INDUSTRY

- (24) During the IP there were four producers of DBM in the Community. The investigation established that the two applicant Community producers represented 62 % of the Community production of DBM and, therefore, constitute the Community industry within the meaning of Article 4(1) and Article 5(4) of the Basic Regulation.
- (25) It should be noted that two out of the four Community producers representing the Community industry in the previous investigation ceased their activity in 1991, i.e. in the course of the previous investigation. The two producers were Magnomin SA, Thessaloniki, Greece, and Financial Mining, Industrial & Shipping Corporation (Fimisco), Athens, Greece. Fimisco was liquidated in 1992 and its assets were sold in 1996 to a refractory producer, Viomagn, Greece. Although Viomagn was not among the applicants of the present investigation, it is supporting it. As regards Magnomin, it has definitively ceased operations since its mining licence expired in 1997.
- (26) As concerns the non-cooperating (but non-opposing) producer Veitsch-Radex, Austria, the investigation has shown that it is a completely downstream integrated producer, using its output of DBM exclusively for internal consumption.

F. ANALYSIS OF THE SITUATION IN THE COMMUNITY MARKET

1. Consumption in the Community market

- (27) The apparent Community consumption of DBM was established on the basis of:
- the sales volumes of the Community producers in the Community,
 - the imports into the Community of DBM from the People's Republic of China,
 - the imports into the Community of DBM from all other third countries.
- (28) On this basis, during the IIP, consumption decreased by 2 %, from around 497 000 tonnes in 1994 to around 486 000 tonnes in the IP. In particular, after a peak in 1995 (+ 20 % as compared to 1994), demand continuously decreased reaching its lowest level in 1997. The market recovered to a considerable extent during the IP, where consumption increased by 13 % compared to 1997.

2. Imports from the country concerned

a) *Import volume and market share of the imports concerned in the IIP*

- (29) The import volume of DBM originating in the People's Republic of China during the IIP did not follow the trend of the consumption. Between 1994 and the IP, Chinese imports increased by around 10 %, from around 238 000 tonnes to around 261 000 tonnes, while Community consumption decreased by 2 %. Moreover, between 1997 and the IP, the imports concerned increased by 30 %, whilst consumption increased only by 13 %. It is to be noted that the volume imported during the IP (260 967 tonnes) is significantly higher than the corresponding level of the imports found during the IP in the previous investigation (176 000 tonnes).
- (30) The market share of imports Originating in the People's Republic of China increased from 48 % in 1994 to 54 % in the IP. It is worth noting that during the IP in the previous investigation, the Chinese market share was established at a level corresponding to index 85 as compared to a level of 100 in 1994.

b) *Price evolution and price behaviour of the imports of the product concerned*

i) *Price evolution of the imports concerned*

- (31) In view of the absence of any cooperation from Chinese exporters, the price evolution of the imports from the People's Republic of China during the IIP has been established according to Eurostat data, on the basis of the average cif import prices. These prices increased by around 10 % during the IIP. In particular, between 1994 and 1995, i.e. immediately after the imposition of the

definitive anti-dumping measures, prices of DBM originating in the People's Republic of China in the Community increased by about 16 %. However, since 1996 these prices started to decrease, slightly but constantly, each year. Prices during the IIP were always above the minimum price. It should be noted that the average cif import price during the investigation period of the previous investigation was around 90 ECU/tonne.

- (32) The price evolution of the imports originating in the People's Republic of China should be seen in the light of two main elements found during the investigation. Firstly, Eurostat data do not seem to be necessarily accurate. Indeed, import prices verified during the investigation on the basis of real transactions were always lower than the Eurostat figures. However, given that the imports thus verified could not be considered representative in terms of volume and value, Eurostat figures have been used to establish the price trend of Chinese imports.
- (33) Secondly, the product mix exported by the Chinese exporters into the Community changed during the IIP as compared to the previous investigation. On the basis of data provided by the interested parties who cooperated or provided the Commission services with information, it was found that, after the imposition of the measures, the product concerned sold in the Community by the Chinese exporters always contained 90 % or more of MgO. By comparison, during the investigation period of the previous investigation, imports of DBM originating in the People's Republic of China with an MgO content lower than 90 % represented more than 50 % of total imports, i.e. the major part represented DBM of lower quality and was therefore less expensive, the minimum price having accordingly been calculated on this lower price basis. This indicates therefore that the price rise during the IIP can be explained by the fact that the Chinese exporters were selling a larger percentage of higher quality DBM.
- (34) It should also be noted that prices of DBM originating in the People's Republic of China in the Community during the IIP were always lower than the prices of both the Community producers (see recital 35) and other third countries (see recital 59).

ii) *Price behaviour of exporters*

- (35) In order to examine the Chinese exporters' price behaviour in relation to the one of the Community industry during the IP, and given the lack of cooperation of the Chinese exporters, the Commission services used two methods. Firstly, on the basis of Eurostat, the cif export price was compared to the applicant Community producers' weighted average price, adjusted to ex-works level, regardless of any specific MgO content. On this basis, the prices of DBM originating in the People's Republic of China were found to be lower than those of the Community industry.

(36) Secondly, and in view of the change in the product mix mentioned above (recital 33), it appeared more meaningful, in order to have a realistic picture of the market behaviour of the Chinese exporters, to compare the cif export price with the applicant Community producers' price of DBM with an MgO content equal to or higher than 90 %. On the basis of this approach, the sales prices of the Chinese exporters were indeed significantly lower than those of the Community industry.

(37) The development of prices of the DBM should also be considered in the light of the following. On the basis of information provided by one unrelated importer representing 13 % and 11 % of the total imports from the People's Republic of China into the Community in 1995 and 1996, respectively, the price increase found for around half of the volumes imported by comparison to the original investigation period, appeared to be artificial, as shown by the following. This importer purchased DBM from Chinese exporters at a price lower than the minimum price of ECU 120/tonne. For the great majority of these imports, customs clearance was then undertaken by the clients of the unrelated importer (i.e. actual users of the product) on the basis of the resale price paid to the latter. In this resale price the unrelated importer included a certain margin in order to cover its expenses incurred in the Community and to earn a profit. By this operation, the gap between the purchase price paid to the Chinese exporter and the minimum price was filled. This operation entailed that the final price declared to the customs authorities by the client of the importer was higher than the minimum price, but the mechanism used to arrive at this final price also reveals that Chinese DBM could be sold in the Community at a price lower than ECU 120/tonne. In this respect it should also be taken into account that the original minimum price was determined at the level of the importers/traders purchase prices and not at the level of the final users purchase prices. The commercial practice described above seems, therefore, to affect the actual effectiveness of the measures. This commercial practice could also explain why Eurostat data showed figures higher than the actual prices verified during the investigation.

3. Economic situation of the Community industry

a) Production

(38) The Community industry's production of DBM decreased by around 33 % between 1994 and the IP. It should be noted that the decrease of the production was particularly strong between 1995 and 1996, coinciding with the contraction of the consumption of DBM in the Community market.

(39) The investigation established that the Community industry was forced, during the IIP, to change its product mix and to focus its production more on the lower grades of DBM. Nevertheless, it continued to produce a

significant quantity (around 20 %) of DBM with an MgO content equal to or higher than 90 %.

b) Production capacity

(40) During the IIP, the production capacity of the Community industry remained stable.

c) Capacity utilisation

(41) Capacity utilisation decreased by 34 % between 1994 and the IP.

d) Sales volume

(42) The total sales volume of the Community industry decreased by around 36 % between 1994 and the IP. It should be pointed out that, whilst in 1995, after the imposition of the measures, the Community industry was able to benefit from the increasing demand (expanding its sales volume by around 3 %), in the IP, in spite of an increasing consumption of 13 % (see recital 28), it failed to follow this trend and its sales volume decreased by around 23 %.

e) Market share

(43) The Community industry's share on the Community market decreased by 37 % during the IIP. In this respect it should be noted that, while market shares held by the Community industry in the previous investigation fell from 30 % in 1988 to 15 % in the investigation period of the previous investigation, the negative trend slowed down after the imposition of the presently reviewed anti-dumping measures.

f) Price development

(44) The investigation has shown that the applicant Community producers' average selling ex-works price of DBM rose by 23 % over the whole IIP. However, despite this increase, the Community industry was prevented from raising its prices to a profitable level, as described below (recital 46), and was only able to operate at a loss.

(45) The price development has to be analysed in the light of the above mentioned change in the product mix, which occurred during the IIP (see recital 39). Indeed, the Community industry progressively concentrated its production and sales on DBM of lower grades, which are cheaper to produce and thus can be sold at lower prices, to the detriment of the higher grades, which could be more profitable, but with which the Community industry could not compete against the Chinese price pressure. Even though overall prices have been rising, it was therefore not possible for the Community industry to reach a satisfactory price level.

g) *Profitability*

- (46) The profitability of the Community industry, expressed as a percentage of net sales, although improving in absolute terms from (– 100) in 1994 to (– 28) in the IP, on indexed basis, remained negative during almost the whole IIP.

h) *Employment*

- (47) Employment in the Community industry decreased by 31 % during the IIP.

i) *Investments*

- (48) The applicant Community producers increased their rate of investment by around 78 % during the IIP. Although these figures are not exclusively related to the product concerned, since it was not possible to allocate the investments to DBM only, it was found that the investments were mostly destined to further rationalise the production process of DBM.

j) *Conclusion*

- (49) After the imposition of the anti-dumping measures in 1993, and during the whole IIP, the situation of the Community industry improved as regards some of the economic indicators examined. In particular, its average sales price increased and its losses were reduced. Continued efforts to rationalise the production process and new investments were made, showing an industry that is still viable and determined to remain in operation.
- (50) However, the other economic indicators did not develop as favourably during the IIP. Indeed, the Community industry was not able to increase production, capacity utilisation, sales volumes, market shares and employment to a satisfactory level.
- (51) It is therefore concluded that the Community industry is still in a difficult situation.

4. Impact of the imports concerned

- (52) The development of the market after the imposition of the measures reveals that the minimum price established in the previous investigation was not such as to discourage the Chinese exporters to sell in the Community market. Indeed, market shares of Chinese exporters increased during the IIP and their presence in the Community market became, as a whole, stronger than during the investigation period of the previous investigation. In addition, it should be noted that the Community industry has lost market share to almost the same extent as the People's Republic of China has gained it.

- (53) In line with the measures imposed, Chinese export prices increased during the current IIP and the price situation of the Community industry appeared to develop also more positively. However, as explained in detail above, not too much emphasis should be placed on this price increase. This development of prices should, however, also be seen in the light of, firstly, the shift from low grades to the more costly higher grades of MgO undertaken by the Chinese exporters (see recital 33). Secondly, it should be borne in mind that this change in product mix pushed the Community industry to progressively reduce sales volumes and production of the higher grades of DBM. As explained in recital 36, the price pressure of the imports concerned came to bear in particular on the higher grades of DBM, against which the Community industry was not able to compete (see also recital 45).

- (54) In addition, it seems appropriate to mention the impact of the Chinese license system introduced in 1994, which most likely contributed to the increase of the Chinese prices world-wide (see recitals 73, 74 and 75 for details).

- (55) The investigation has further shown that anti-dumping duties have been paid during the IP on at least 7 % of total Chinese imports of the product concerned, meaning that these exports were made at prices below the minimum price.

5. Import volumes and import prices from other third countriesa) *Import volume and market share*

- (56) The import volume of DBM from other third countries decreased in the IIP from about 178 500 tonnes in 1994 to around 166 500 tonnes in the IP. This is equivalent to a decrease of about 7 %.
- (57) Market shares of the imports from other third countries decreased by two percentage points between 1994 and the IP. This decrease is even more marked between 1995 and the IP, even though there was a preceding increase between 1994 and 1995, exceeding the trend of the Community consumption (if the imports would follow the Community consumption the market shares would remain stable).
- (58) The above shows that, during the IIP, the Chinese exporters were able to consolidate their position in the Community to the detriment not only of the Community industry (see recital 42), but also of other third countries.

b) *Sales prices of imports from third countries*

- (59) According to Eurostat, the average sales price of imports from other third countries decreased by 9 % in the IIP. However, the unit price was on average always higher than for both imports originating in the People's Republic of China and sales of the Community industry.

- (60) On the basis of the above, it is considered that imports of the product concerned from other third countries did not have any significant impact on the economic situation of the Community industry.

6. Conclusion

- (61) In spite of the measures in force, due to the continued price pressure exerted by the Chinese exporters, the Community industry remained in a difficult economic situation. This price pressure prevented the Community industry from recovering from the effects of the previous and ongoing dumping practices. In this respect it should be noted that already two out of the four Community producers representing the Community industry in the previous investigation ceased their activity during the previous proceeding, entailing a significant loss of employment. Nevertheless, the investigation established that, as shown by their investments, the remaining Community industry is still viable and not ready to abandon this segment of production.

G. LIKELIHOOD OF RECURRENCE OF INJURY

1. Analysis of the situation of the People's Republic of China

- (62) In order to assess the likely effect of the expiry of the measures in force, and taking into account that the Community industry is still in a difficult economic situation, the following elements were considered:

a) Reserves, production capacity, capacity utilisation and stocks

- (63) In the absence of cooperation from the Chinese exporters, the analysis was based on information provided in the complaint as well as information obtained from specialised magazines and market research studies.
- (64) As concerns reserves of magnesite, according to the above-mentioned sources, the People's Republic of China has the largest reserve found for an individual country, accounting for 17,3 % of the world-wide reserves.
- (65) According to the same sources, production capacity of magnesia in the People's Republic of China during the last years was at approximately 2 500 000 tonnes/year, out of which 1 700 000 tonnes of DBM. This means that the People's Republic of China accounts for 28 % of the world-wide production capacity of DBM.
- (66) As concerns capacity utilisation and stocks, no reliable information could be obtained in view of the non cooperation of any Chinese interested parties.
- (67) Based on specialised publications and magazines available and given the sheer size of the raw material reserves and production capacity, it has been concluded that considerable potential exists for Chinese exporters to raise their production and export volumes to the Community in the future.

b) Chinese exports to third countries

- (68) The Commission services also analysed, on the basis of the United States Department of Commerce's trade statistics, exports of DBM originating in the People's Republic of China to the United States of America, one of the most important export markets for the People's Republic of China. These imports accounted for 77 % of the world-wide imports of DBM into the United States of America in 1998.
- (69) The total volume of exports originating in the People's Republic of China to the United States of America went up from around 263 000 tonnes in 1994 to around 292 000 tonnes in 1998, an increase of 11 %, and were at a peak of more than 320 000 tonnes in 1995. As to their prices, cif sales prices increased from a level of ECU 88/tonne in 1994 to ECU 117/tonne in the IP, i.e. an increase of 33 %.
- (70) The investigation has shown an analogy in the Chinese behaviour in the United States of America and in the Community. In both markets, Chinese prices were in general among the lowest by comparison to imports from all other third countries, and this during the whole of the IIP.

- (71) The abovementioned price of ECU 117/tonne in the IP is 23 % lower than the Chinese price charged in the Community during the same period and 2,5 % below the minimum price established by the preceding measures for the Community.

- (72) From the above, it can be concluded that, in the absence of measures, Chinese prices could potentially fall at least to levels comparable to the prices for imports into the United States of America.

c) The Chinese licence system

- (73) In April 1994, the MOFTEC (Ministry of Foreign Trade and Economic Cooperation) and the CCCMMC (China Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters) introduced an export licence system for all exports of certain minerals, which is equivalent to an export quota and tax system. All different sorts of magnesia, including DBM, have been covered by this licence system. In 1997, 18 Chinese companies received a licence to export magnesia up to a maximum volume of 2 Mio tonnes within the yearly licence and tonnage bidding round. The licence fee amounted to USD 30/tonne (ECU 26,5/tonne) in 1997 and increased to USD 40/tonne (ECU 36,6/tonne) in 1998. This implies that, if the minimum price of ECU 120/tonne is met, the actual export price of DBM to the Community without licence fee would be at ECU 83,4/tonne. According to Eurometaux, the Liaoning Province, where most of the producers are situated, in 1995 introduced a local export tax which in 1997 amounted to USD 15,7/tonne (ECU 14,4/tonne). Consequently, the actual sales price in the Community, when deducting the local tax as well, would be as low as ECU 69,4/tonne.

Eurometaux claims that the Chinese licence system for magnesite and thus DBM could be abolished soon and has argued that exports of DBM originating in the People's Republic of China would, as a consequence of the abolition, increase in volume and considerably decrease in price, should the anti-dumping measures not be continued.

- (74) In this respect it should be noted that the analysis of the licence system carried out, given the significant amount of licence fees, underlines the potential of the Chinese exporters to sell DBM in the Community at very low prices.
- (75) Furthermore, in view of the fact that the system described above is run autonomously by the government of the exporting country, it is considered that its existence or abolition cannot have any influence on the decision of the Community institutions whether or not injurious dumping would recur in the absence of measures.

2. Conclusion on the recurrence of injury

- (76) In view of the above, namely of the following factors:
- despite the measures in force, the Community industry is still in a difficult economic situation;
 - Chinese imports still hold an exceptionally strong position on the Community market and are made at dumped and low prices;
 - the prices which Chinese exporters might charge in the absence of anti-dumping measures are potentially very low if one considers, on the one hand, the prices exclusive of the fees resulting from the Chinese license system, and, on the other hand, the Chinese behaviour in the United States market, where prices were always lower than in the Community;
 - the large raw material reserves and the large Chinese capacities to exploit the raw material give an indication that the Chinese exporters have the potential to raise their production and/or export volumes;
 - even though a minimum price was in force, in several cases transactions were made below the minimum price, thus giving an indication that Chinese exporters are fully capable of lowering their prices;

On this basis it is concluded that, should the measures be repealed, there is a likelihood of recurrence of injury.

H. COMMUNITY INTEREST

1. Introduction

- (77) According to Article 21 of the Basic Regulation, it was examined whether a prolongation of the existing anti-dumping measures would be against the interest of the Community as a whole. The determination of the Community interest was based on an appreciation of all

the various interests involved, i.e. those of the Community industry, the importers and traders as well as the users of the product concerned.

- (78) In order to assess the likely impact of a continuation or non-continuation of the measures, the Commission requested information from all interested parties mentioned above. The Commission sent questionnaires to twelve importers and seventy-eight users of the product under consideration. No importers replied to the questionnaires, even though two of them provided some information. As to the users, two of them replied to the questionnaires and the data were verified.
- (79) It should be recalled that, in the previous investigation, the adoption of measures was considered not to be against the interest of the Community. Furthermore, it should be noted that the present investigation is a review, thus analysing a situation in which anti-dumping measures are already in place. Consequently, the timing and nature of the present investigation allows the assessment of any undue negative impact the current anti-dumping measures may have had in the past on the parties concerned.
- (80) On this basis it was examined, whether, despite the conclusions on continuation and recurrence of injurious dumping compelling reasons exist which would lead to the conclusion that it is not in the Community interest to maintain measures in this particular case.

2. Interests of the Community industry

- (81) It is considered that without maintaining the anti-dumping measures established in the previous investigation, the injurious dumping is likely to recur and the situation of the Community industry, already fragile, will further deteriorate.
- (82) As shown above, the Community industry has been affected by the low priced imports of DBM originating in the People's Republic of China during the IIP. It is therefore considered that the objective of the anti-dumping measures under review, that is to re-establish fair competition in the Community market between the Community industry and the Chinese producers, has not been fully met.
- (83) Although the Community industry has been making considerable efforts to improve its productivity in recent years, in an attempt to lower its costs of production and to enhance its competitiveness, it has not been able to increase its profit to a reasonable level during the IIP and, moreover, employment strongly declined. Furthermore, two Community producers in Greece who took part in the previous investigation ceased their activity.

(84) However, the investigation likewise established that the Community industry is viable, this being confirmed in particular by its consistent rate of investment during the IIP. Furthermore, the efforts undertaken in order to rationalise the production process show that the Community industry is determined not to abandon this segment of production.

(85) Given the above, it appears necessary to prolong the existing measures in order to ward off the adverse effects of dumped imports which could endanger the existence of the Community industry and consequently a number of jobs. It has also to be considered that if the Community industry disappears, there will also be a negative impact on the downstream industry, since the latter will see its choice of suppliers significantly reduced.

3. Interests of importers

(86) None of the unrelated importers replied to the questionnaire sent by the Commission. The lack of cooperation is in itself an indication that this sector did not suffer any substantial negative effect on its economic situation as a result of the measures. This is confirmed by the fact that the importers continued to trade the product concerned, even raising the volume imported during the IIP.

(87) It is therefore concluded that the economic situation of the importers of the product concerned has not been negatively influenced by the imposition of the anti-dumping measures currently in force. It is therefore also unlikely that a continuation of the measures would lead to a deterioration of their economic situation in the future.

4. Interests of users

(88) The users of the product under consideration, i.e. the downstream industry, are the refractories' producers. Only two out of the seventy-eight users to which the questionnaire was sent by the Commission replied. In the same way as for the importers, the low level of cooperation is in itself an indication that this sector did not suffer any substantial negative effect on its economic situation as a result of the measures. Although the representativity of the two cooperating companies for the downstream industry is limited, since one purchased only around 2 % of the total DBM imported from the People's Republic of China within the IIP, and the other one purchased, beginning in 1997, less than 1 %, the impact of the measures in force on their situation was evaluated.

(89) In this respect, the investigation established that the users continued, and in one case even started, to import DBM originating from the People's Republic of China in spite of the measures in force. These measures therefore did not constitute a deterrent for the producers of refrac-

tories leading them to change their sources of supply. While DBM constitutes a significant part of the cost of refractories, the increase of the Chinese import price was apparently not so high as to constitute any inconvenience.

(90) It is worth noting that the DBM import price of the user located in Finland almost doubled after Finland joined the European Community. Nevertheless, it continued to purchase DBM originating in the People's Republic of China. Two conclusions can be drawn from this:

- (a) the measures have been effective as to a price rise of the imports originating in the People's Republic of China;
- (b) the resulting price, compared to the price charged in the rest of the Community, continued to be competitive.

(91) On the basis of the above, it can be ruled out that the anti-dumping measures had any negative significant influence on the cost situation and on the profitability of the users of the product under consideration.

(92) As shown above (recitals 29 and 30), the result of the anti-dumping measures in force has not been to close the Community market to imports, but rather to combat the unfair trade practices and to remedy to some extent the distorting effects of dumped imports. Indeed, as mentioned above, imports from the People's Republic of China increased by 10 %, during the IIP.

Since the measures have been in place for a certain period and would be maintained at the same level, it can be concluded that this would not imply any deterioration of the situation of the users.

5. Conclusion on Community interest

(93) On the one hand, a continuation of the anti-dumping measures in force is likely to result in a stable price for DBM in the Community market. Leaving the Community industry without any protection against the effects of dumped imports would not only weaken its position, but could even lead to its disappearance. On the other hand, in the past, the existing measures appear not to have had any significant negative effects on the economic situation of users and importers. Any price increase, if at all, for users resulting from the imposition of anti-dumping measures, on the basis of the information collected during the current investigation, does not appear to be disproportionate when compared to the benefit to the Community industry achieved by the removal of the trade distortion caused by the dumped imports.

- (94) Therefore, it is concluded that there are no compelling reasons against the prolongation of the existing anti-dumping measures.

I. ANTI-DUMPING MEASURES

- (95) All parties concerned were informed of the essential facts and considerations on the basis of which the maintenance of the existing measures is based. They were granted a period within which to make representations subsequent to disclosures. No comments were received.
- (96) It follows from the above that, as provided for by Article 11(2) of the Basic Regulation, the variable anti-dumping duties in combination with a minimum price of ECU 120/tonne on imports of DBM originating in the People's Republic of China imposed by Regulation (EC) No 3386/93 should be maintained,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of dead-burned magnesia falling within CN code 2519 90 30 originating in the People's Republic of China.
2. The amount of the duty shall be the difference between EUR 120 per tonne and the net, free-at-Community-frontier price before customs clearance, if the latter price is lower.
3. Unless otherwise specified, the provisions in force concerning duties and other customs practices shall apply.

Article 2

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, 14 February 2000.

For the Council

The President

J. GAMA

COMMISSION REGULATION (EC) No 361/2000
of 17 February 2000
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) 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.

- (2) 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 18 February 2000.

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

Done at Brussels, 17 February 2000.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 17 February 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	204	47,2
	624	202,1
	999	124,7
0707 00 05	052	116,4
	068	137,9
	628	159,4
	999	137,9
0709 10 00	220	206,1
	999	206,1
0709 90 70	052	124,0
	204	49,3
	628	156,0
	999	109,8
0805 10 10, 0805 10 30, 0805 10 50	052	47,1
	204	39,1
	212	41,0
	220	23,6
	624	59,8
	999	42,1
0805 20 10	052	53,6
	204	67,9
	999	60,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	60,8
	204	54,0
	464	120,7
	600	57,2
	624	61,7
	999	70,9
0805 30 10	052	56,3
	600	56,2
	999	56,3
0808 10 20, 0808 10 50, 0808 10 90	060	46,7
	400	86,5
	404	84,6
	528	106,8
	720	113,1
	728	82,9
	999	86,8
	388	104,2
0808 20 50	400	108,9
	528	89,0
	720	65,0
	999	91,8

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2543/1999 (OJ L 307, 2.12.1999, p. 46). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 362/2000**of 17 February 2000****amending Regulation (EC) No 1667/98 increasing to 645 788 tonnes the quantity of barley held by the Swedish intervention agency for which a standing invitation to tender for export has been opened**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 39/1999 ⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies.
- (2) Commission Regulation (EC) No 1667/98 ⁽⁵⁾, as last amended by Regulation (EC) No 295/2000 ⁽⁶⁾, opened a standing invitation to tender for the export of 634 125 tonnes of barley held by the Swedish intervention agency. Sweden informed the Commission of the intention of its intervention agency to increase by 11 663 tonnes the quantity for which a standing invitation to tender for export has been opened. The total quantity of barley held by the Swedish intervention agency for which a standing invitation to tender for export has been opened should be increased to 645 788 tonnes.
- (3) This increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in

store. Annex I to Regulation (EC) No 1667/98 must therefore be amended.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1667/98 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 645 788 tonnes of barley to be exported to all third countries with the exception of the United States of America, Canada and Mexico.
2. The regions in which the 645 788 tonnes of barley are stored are stated in Annex I to this Regulation.'
2. Annex I is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 17 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 5, 9.1.1999, p. 64.

⁽⁵⁾ OJ L 211, 29.7.1998, p. 17.

⁽⁶⁾ OJ L 34, 9.2.2000, p. 8.

ANNEX

ANNEX I

(tonnes)

Place of storage	Quantity
Ättersta	7 584
Boarp	2 480
Brännarp	2 624
Broddbo 1	5 997
Broddbo 2	6 076
Djurön	112 474
Ervalla	934
Falun	878
Fammarp	19 046
Funbo-Lövsta	6 579
Gamleby	2 835
Gårdsjö	2 565
Gävle	10 847
Gimo	23 901
Gistad	3 761
Gullspång	2 391
Halmstad (Engströms)	4 659
Hästholmen	5 089
Helsingborg	73 933
Hova	12 981
Kalmar	15 738
Karlshamn	87 536
Katrineholm	2 068
Köping	38 714
Laholm	2 737
Mariestad	1 956
Mjölby	1 804
Moraby	1 637
Motala	2 807
Norrtälje	10 014
Ormesta	17 988
Österbybruk	10 878
Otterbäcken	4 075
Rimforsa	21 449
Rök	4 994
Signestorp	4 517
Simonstorp	5 022
Skivarp	17 301
Söråker	13 053
Stallarholmen	2 062
Stavreviken	1 479
Stockholm (Kvarnholmen)	29 957
Tjustorp	19 849
Värnamo	5 742
Velanda	10 780
Vimmerby	3 997

COMMISSION REGULATION (EC) No 363/2000**of 17 February 2000****fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as amended by Regulation (EC) No 2072/98 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽⁵⁾, as last amended by Regulation (EC) No 238/2000 ⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. Whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term

contracts. Whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC ⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Article 4(5)(b) of Regulation (EC) No 1222/94 provides that, in the absence of the proof referred to in Article 4(5)(a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 ⁽⁸⁾, as last amended by Regulation (EC) No 87/1999 ⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 18 February 2000.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 265, 30.9.1998, p. 4.

⁽⁵⁾ OJ L 136, 31.5.1994, p. 5.

⁽⁶⁾ OJ L 24, 29.1.2000, p. 45.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 9, 15.1.1999, p. 8.

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

Done at Brussels, 17 February 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

**to the Commission Regulation of 17 February 2000 fixing the rates of the refunds applicable to certain cereals
and rice products exported in the form of goods not covered by Annex I to the Treaty**

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases	0,310 0,478	0,310 0,478
1001 90 99	Common wheat and meslin: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases: – – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ – – in other cases	1,648 1,213 2,536	1,648 1,213 2,536
1002 00 00	Rye	4,106	4,106
1003 00 90	Barley	2,658	2,658
1004 00 00	Oats	4,597	4,597
1005 90 00	Maize (corn) used in the form of: – starch: – – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ – – in other cases – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ : – – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ – – in other cases – other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ – in other cases	1,853 3,506 1,610 3,263 3,506 1,853 3,506	1,853 3,506 1,610 3,263 3,506 1,853 3,506
ex 1006 30	Wholly-milled rice: – round grain – medium grain – long grain	13,561 13,561 13,561	13,561 13,561 13,561
1006 40 00	Broken rice	3,152	3,152
1007 00 90	Sorghum	2,658	2,658

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ L 136, 31.5.1994, p. 5).

⁽²⁾ The goods concerned are listed in Annex I of amended Regulation (EEC) No 1722/93 (OJ L 159, 1.7.1993, p. 112).

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

COMMISSION REGULATION (EC) No 364/2000
of 17 February 2000
fixing the export refunds on pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94 ⁽²⁾, and in particular the second paragraph of Article 13 (3) thereof,

Whereas

- (1) Article 13 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1(1) of that Regulation and prices for these products within the Community may be covered by an export refund.
- (2) It follows from applying these rules and criteria to the present situation on the market in pigmeat that the refund should be fixed as set out below;
- (3) In the case of products falling within CN code 0210 19 81, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within these codes and of the foreseeable trend of production costs on the world market. It is important that the Community should continue to take part in international trade in the case of certain typical Italian products falling within CN code 0210 19 81.
- (4) Because of the conditions of competition in certain third countries, which are traditionally importers of products falling within CN codes 1601 00 and 1602, the refund

for these products should be fixed so as to take this situation into account. Steps should be taken to ensure that the refund is granted only for the net weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations.

- (5) Article 13 of Regulation (EEC) No 2759/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1(1) of Regulation (EEC) No 2759/75 according to destination.
- (6) The refunds should be fixed taking account of the amendments to the refund nomenclature established by Commission Regulation (EEC) No 3846/87 ⁽³⁾, as last amended by Regulation (EC) No 2765/1999 ⁽⁴⁾.
- (7) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Pigmeat,

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which the export refund specified in Article 13 of Regulation (EEC) No 2759/75 is granted and the amount of the refund shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 February 2000.

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

Done at Brussels, 17 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 1.
⁽²⁾ OJ L 349, 31.12.1994, p. 105.

⁽³⁾ OJ L 366, 24.12.1987, p. 1.
⁽⁴⁾ OJ L 338, 30.12.1999, p. 1.

ANNEX

to the Commission Regulation of 17 February 2000 fixing the export refunds on pigmeat

(EUR/100 kg net weight)			(EUR/100 kg net weight)		
Product code	Destination of refund ⁽¹⁾	Amount of refund	Product code	Destination of refund ⁽¹⁾	Amount of refund
0203 11 10 9000	01	15,00	0203 29 11 9100	01	15,00
	02	40,00		02	40,00
0203 12 11 9100	01	15,00	0203 29 13 9100	01	15,00
	02	40,00		02	40,00
0203 12 19 9100	01	15,00	0203 29 15 9100	01	10,00
	02	40,00		02	25,00
0203 19 11 9100	01	15,00	0203 29 55 9110	01	15,00
	02	40,00		02	40,00
0203 19 13 9100	01	15,00	0210 11 31 9110	04	90,00
	02	40,00		04	90,00
0203 19 15 9100	01	10,00	0210 12 19 9100	04	20,00
	02	25,00		04	95,00
0203 19 55 9110	01	15,00	0210 19 81 9300	04	76,00
	02	40,00		04	28,00
0203 19 55 9310	01	10,00	1601 00 91 9000	04	50,00
	02	25,00		03	25,00
0203 21 10 9000	01	15,00	1601 00 99 9110	04	40,00
	02	40,00		03	62,00
0203 22 11 9100	01	15,00	1602 41 10 9210	04	34,00
	02	40,00		03	50,00
0203 22 19 9100	01	15,00	1602 42 10 9210	04	25,00
	02	40,00		03	45,00

⁽¹⁾ The destinations are as follows:

01 Poland, Czech Republic, Slovak Republic, Hungary, Romania, Bulgaria, Slovenia, Latvia, Lithuania, Estonia

02 All destinations except those of 01

03 Russia

04 All destinations

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

COMMISSION REGULATION (EC) No 365/2000**of 17 February 2000****fixing the export refunds on products processed from cereals and rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 2072/98 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

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

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

(3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽⁵⁾, as amended by Regulation (EC) No 2993/95 ⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

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

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

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) The refund must be fixed once a month; whereas it may be altered in the intervening period.

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

(9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

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

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 265, 30.9.1998, p. 4.

⁽⁵⁾ OJ L 147, 30.6.1995, p. 55.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 25.

Article 2

This Regulation shall enter into force on 18 February 2000.

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

Done at Brussels, 17 February 2000.

For the Commission
 Franz FISCHLER
 Member of the Commission

ANNEX

to the Commission Regulation of 17 February 2000 fixing the export refunds on products processed from cereals and rice

(EUR/tonne)		(EUR/tonne)	
Product code	Refund	Product code	Refund
1102 20 10 9200 ⁽¹⁾	51,39	1104 23 10 9100	55,07
1102 20 10 9400 ⁽¹⁾	44,05	1104 23 10 9300	42,22
1102 20 90 9200 ⁽¹⁾	44,05	1104 29 11 9000	27,08
1102 90 10 9100	41,75	1104 29 51 9000	26,55
1102 90 10 9900	28,39	1104 29 55 9000	26,55
1102 90 30 9100	86,65	1104 30 10 9000	6,64
1103 12 00 9100	86,65	1104 30 90 9000	9,18
1103 13 10 9100 ⁽¹⁾	66,08	1107 10 11 9000	47,26
1103 13 10 9300 ⁽¹⁾	51,39	1107 10 91 9000	49,54
1103 13 10 9500 ⁽¹⁾	44,05	1108 11 00 9200	53,10
1103 13 90 9100 ⁽¹⁾	44,05	1108 11 00 9300	53,10
1103 19 10 9000	42,99	1108 12 00 9200	58,74
1103 19 30 9100	43,14	1108 12 00 9300	58,74
1103 21 00 9000	27,08	1108 13 00 9200	58,74
1103 29 20 9000	28,39	1108 13 00 9300	58,74
1104 11 90 9100	41,75	1108 19 10 9200	50,16
1104 12 90 9100	96,28	1108 19 10 9300	50,16
1104 12 90 9300	77,02	1109 00 00 9100	0,00
1104 19 10 9000	27,08	1702 30 51 9000 ⁽²⁾	71,42
1104 19 50 9110	58,74	1702 30 59 9000 ⁽²⁾	54,67
1104 19 50 9130	47,72	1702 30 91 9000	71,42
1104 21 10 9100	41,75	1702 30 99 9000	54,67
1104 21 30 9100	41,75	1702 40 90 9000	54,67
1104 21 50 9100	55,66	1702 90 50 9100	71,42
1104 21 50 9300	44,53	1702 90 50 9900	54,67
1104 22 20 9100	77,02	1702 90 75 9000	74,83
1104 22 30 9100	81,84	1702 90 79 9000	51,94
		2106 90 55 9000	54,67

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

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), amended.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

COMMISSION REGULATION (EC) No 366/2000
of 17 February 2000
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A

refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) However, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported.
- (6) The refund must be fixed once a month; whereas it may be altered in the intervening period.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 18 February 2000.

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

Done at Brussels, 17 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 17 February 2000 fixing the export refunds on cereal-based compound feedingsuffs

Product code benefiting from export refund ⁽¹⁾:

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

(EUR/t)

Cereal products ⁽²⁾	Amount of refund ⁽²⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	36,71
Cereal products ⁽²⁾ excluding maize and maize products	27,19

⁽¹⁾ The product codes are defined in Sector 5 of the Annex to Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

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

Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and headings Nos 1101, 1102, 1103 and 1104 (unprocessed and not reconstituted excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product. No refund is paid for cereals where the origin of the starch cannot be clearly established by analysis.

COMMISSION REGULATION (EC) No 367/2000**of 17 February 2000****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1253/1999⁽²⁾, and in particular Article 13 (2) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month; whereas it may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 18 February 2000.

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

Done at Brussels, 17 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

ANNEX

**to the Commission Regulation of 17 February 2000 fixing the export refunds on cereals and on wheat or rye
flour, groats and meal**

(EUR/t)			(EUR/t)		
Product code	Destination ⁽¹⁾	Amount of refund	Product code	Destination ⁽¹⁾	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	01	0	1101 00 15 9100	01	40,50
1001 90 91 9000	—	—	1101 00 15 9130	01	37,75
1001 90 99 9000	03	19,50	1101 00 15 9150	01	34,75
	02	0	1101 00 15 9170	01	32,25
1002 00 00 9000	03	56,00	1101 00 15 9180	01	30,00
	02	0	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	17,50	1102 10 00 9500	01	87,00
	02	0	1102 10 00 9700	01	68,50
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	01	7,50 ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9400	01	6,75 ⁽²⁾
1005 90 00 9000	03	26,00	1103 11 10 9900	—	—
	02	0	1103 11 90 9200	01	7,50 ⁽²⁾
1007 00 90 9000	—	—	1103 11 90 9800	—	—
1008 20 00 9000	—	—			

⁽¹⁾ The destinations are identified as follows:

- 01 all third countries,
- 02 other third countries,
- 03 Switzerland, Liechtenstein.

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

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30.7.1992, p. 20).

COMMISSION REGULATION (EC) No 368/2000
of 17 February 2000
fixing the maximum export refund on barley in connection with the invitation to tender issued in
Regulation (EC) No 1701/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1253/1999⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund and/or the tax for the export of barley to all third countries was opened pursuant to Commission Regulation (EC) No 1701/1999⁽⁵⁾, as amended by Regulation (EC) No 2322/1999⁽⁶⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 11 to 17 February 2000, pursuant to the invitation to tender issued in Regulation (EC) No 1701/1999, the maximum refund on exportation of barley shall be EUR 27,50/t.

Article 2

This Regulation shall enter into force on 18 February 2000.

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

Done at Brussels, 17 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 201, 31.7.1999, p. 27.

⁽⁶⁾ OJ L 280, 30.10.1999, p. 77.

COMMISSION REGULATION (EC) No 369/2000**of 17 February 2000****fixing the maximum export refund on rye in connection with the invitation to tender issued in Regulation (EC) No 1758/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund and/or the tax for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1758/1999 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria

referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 11 to 17 February 2000, pursuant to the invitation to tender issued in Regulation (EC) No 1758/1999, the maximum refund on exportation of rye shall be EUR 65,99/t.

Article 2

This Regulation shall enter into force on 18 February 2000.

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

Done at Brussels, 17 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 210, 10.8.1999, p. 3.

COMMISSION REGULATION (EC) No 370/2000**of 17 February 2000****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1707/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1253/1999⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund and/or the tax for the export of common wheat to all third countries was opened pursuant to Commission Regulation (EC) No 1707/1999⁽⁵⁾, as amended by Regulation (EC) No 2011/1999⁽⁶⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 11 to 17 February 2000, pursuant to the invitation to tender issued in Regulation (EC) No 1707/1999, the maximum refund on exportation of common wheat shall be EUR 29,48/t.

Article 2

This Regulation shall enter into force on 18 February 2000.

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

Done at Brussels, 17 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 201, 31.7.1999, p. 55.

⁽⁶⁾ OJ L 248, 21.9.1999, p. 23.

COMMISSION REGULATION (EC) No 371/2000
of 17 February 2000
concerning tenders notified in response to the invitation to tender for the export of oats issued in
Regulation (EC) No 1897/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾,

Having regard to Commission Regulation (EC) No 1897/1999 of 2 September 1999 on a special intervention measure for cereals in Finland and Sweden ⁽⁵⁾, as last amended by Regulation (EC) No 2482/1999 ⁽⁶⁾, and in particular Article 8 thereof,

Whereas:

- (1) an invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 1897/1999;

(2) Article 8 of Regulation (EC) No 1897/1999 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to make no award.

(3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 11 to 17 February 2000 in response to the invitation to tender for the refund for the export of oats issued in Regulation (EC) No 1897/1999.

Article 2

This Regulation shall enter into force on 18 February 2000.

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

Done at Brussels, 17 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 233, 3.9.1999, p. 10.

⁽⁶⁾ OJ L 303, 26.11.1999, p. 3.

COMMISSION REGULATION (EC) No 372/2000**of 17 February 2000****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 2010/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund and/or the tax for the export of common wheat to certain ACP States was opened pursuant to Commission Regulation (EC) No 2010/1999 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria

referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 11 to 17 February 2000, pursuant to the invitation to tender issued in Regulation (EC) No 2010/1999, the maximum refund on exportation of common wheat shall be EUR 32,45/t.

Article 2

This Regulation shall enter into force on 18 February 2000.

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

Done at Brussels, 17 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 248, 21.9.1999, p. 19.

COMMISSION REGULATION (EC) No 373/2000**of 17 February 2000****fixing the maximum reduction in the duty on sorghum imported in connection with the invitation to tender issued in Regulation (EC) No 2774/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 12(1) thereof,

Whereas:

(1) An invitation to tender for the maximum reduction in the duty on sorghum imported into Spain was opened pursuant to Commission Regulation (EC) No 2774/1999 ⁽³⁾.

(2) Pursuant to Article 5 of Commission Regulation (EC) No 1839/95 ⁽⁴⁾, as amended by Regulation (EC) No 1963/95 ⁽⁵⁾, the Commission, acting under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, may decide to fix a maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. Whereas a contract is awarded to

any tenderer whose tender is equal to or less than the maximum reduction in the duty.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 11 to 17 February 2000, pursuant to the invitation to tender issued in Regulation (EC) No 2774/1999, the maximum reduction in the duty on sorghum imported shall be EUR/t 51,88 and be valid for a total maximum quantity of 1 000 t.

Article 2

This Regulation shall enter into force on 18 February 2000.

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

Done at Brussels, 17 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 334, 28.12.1999, p. 5.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 189, 10.7.1995, p. 22.

COMMISSION REGULATION (EC) No 374/2000
of 17 February 2000
concerning tenders notified in response to the invitation to tender for the import of maize issued
in Regulation (EC) No 2776/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1253/1999⁽²⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal was opened pursuant to Commission Regulation (EC) No 2776/1999⁽³⁾.
- (2) Article 5 of Commission Regulation (EC) No 1839/95⁽⁴⁾, as amended by Regulation (EC) No 1963/95⁽⁵⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

(3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 11 to 17 February 2000 in response to the invitation to tender for the reduction in the duty on imported maize issued in Regulation (EC) No 2776/1999.

Article 2

This Regulation shall enter into force on 18 February 2000.

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

Done at Brussels, 17 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 334, 28.12.1999, p. 8.

⁽⁴⁾ OJ L 177, 28.7.1995, p. 4.

⁽⁵⁾ OJ L 189, 10.8.1995, p. 22.

COMMISSION REGULATION (EC) No 375/2000
of 17 February 2000
on the issue of system B export licences in the fruit and vegetables sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 298/2000 ⁽²⁾, and in particular Article 5(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 67/2000 ⁽³⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for tomatoes and walnuts in shell will shortly be exceeded. This

overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for tomatoes and walnuts in shell exported after 17 February 2000 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for tomatoes and walnuts in shell submitted pursuant to Article 1 of Regulation (EC) No 67/2000, export declarations for which are accepted after 17 February 2000 and before 17 March 2000, are hereby rejected.

Article 2

This Regulation shall enter into force on 18 February 2000.

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

Done at Brussels, 17 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 34, 9.2.2000, p. 16.

⁽³⁾ OJ L 9, 13.1.2000, p. 11.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 February 2000

accepting undertakings offered in connection with the anti-dumping proceeding concerning imports of certain seamless pipes and tubes of iron or non-alloy steel originating in Croatia and the Ukraine

(notified under document number C(2000) 2712)

(2000/137/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as last amended by Regulation (EC) No 905/98 ⁽²⁾, and in particular Article 8(1) thereof,

After consulting the Advisory Committee,

Whereas:

- (1) By Regulation (EC) No 1802/99 ⁽³⁾, the Commission imposed provisional anti-dumping duties on imports into the Community of certain seamless pipes and tubes of iron or non-alloy steel originating in Croatia and Ukraine.
- (2) Following the adoption of the provisional anti-dumping measures, the Commission continued the investigation of dumping, injury and Community interest. The definitive findings and conclusions of the investigation are set out in Council Regulation (EC) No 348/2000 ⁽⁴⁾ imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes originating in Croatia and Ukraine.
- (3) The investigation confirmed the provisional findings of injurious dumping relating to imports originating in Croatia and Ukraine.

- (4) Subsequent to the adoption of provisional anti-dumping measures, the exporting producer in Croatia and the exporting producers in the Ukraine in conjunction with the Ukrainian authorities, have offered price undertakings pursuant to Article 8(1) of the basic Regulation.
- (5) According to these undertakings, the exporting producers in question have offered to sell to their independent customers, up to a certain quantity of the product concerned for export to the Community at revised prices. In addition, they have offered to ensure that their prices per product group fall into line with the price structure in use in the Community.
- (6) To ensure that the quantity of imports at revised prices does not exceed the quantity offered by each undertaking, the exemption should be conditional on the presentation to the Community customs of a valid original production certificate issued in conformity with the specifications set out in the Council Regulation imposing definitive anti-dumping measures.
- (7) As regards Ukraine, the undertaking offered by the Ukrainian exporting producers is a joint one, reflecting Ukraine's status as a non-market economy country, and is underpinned by guarantees given by the Ukrainian authorities to ensure adequate monitoring, particularly with regard to the anti-dumping duty-free threshold.
- (8) Having carefully examined the above mentioned proposals, the Commission is satisfied that the elimination of the injurious effects of dumping will be achieved, in case of acceptance, by two means: first, by means of a price undertaking up to an annual volume threshold, and then by means of an *ad valorem* duty for the remainder.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 128, 30.4.1998, p. 18.

⁽³⁾ OJ L 218, 18.8.1999, p. 3.

⁽⁴⁾ OJ L 45, 17.2.2000, p. 1.

- (9) In addition, since the exporting producers and the Ukrainian authorities have undertaken to submit detailed and regular sales information to the Commission and not to enter into direct or indirect compensatory agreements with their customers in the Community, it has been concluded that the observance of the undertaking can be effectively monitored by the Commission.
- (11) In the event of a breach, or withdrawal of the undertaking, or if there reasons to believe that the undertaking has been breached, a provisional or definitive anti-dumping duty may be imposed pursuant to Article 8(9) and (10) of the basic Regulation,

HAS ADOPTED THIS DECISION:

Article 1

- (10) In view of the above, the undertakings offered by the exporting producer in Croatia and by the exporting producers in Ukraine are considered acceptable and the investigation can, therefore, be terminated with respect to the exporting producers concerned.
- The undertakings offered by the producers mentioned below, in the framework of the anti-dumping proceeding concerning imports of certain seamless pipes and tubes, of iron or non-alloy steel, originating in Croatia and Ukraine are hereby accepted.

Country	Manufacturer	Taric additional code
Croatia	Zeljezara Sisak d.d., Sisak	A064
Ukraine	Dnepropetrovsk Tube Works, Dnepropetrovsk	A065
	Nikopol Pivdennotrubny Works, Nikopol	A066
	Nizhnedneprovsky Tube Rolling Plant, Dnepropetrovsk	A067

Article 2

The investigation in connection with the anti-dumping proceeding referred to in Article 1 is hereby terminated with regard to the parties named in that Article.

Done at Brussels, 17 February 2000.

For the Commission

Pascal LAMY

Member of the Commission

COMMISSION DECISION
of 16 February 2000
amending Decision 87/257/EEC on the list of establishments in the United States of America
approved for the purpose of importing fresh meat into the Community

(notified under document number C(2000) 380)

(Text with EEA relevance)

(2000/138/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries ⁽¹⁾, as last amended by Directive 97/79/EC ⁽²⁾, and in particular Articles 4(1) and 18(1) thereof,

Whereas:

- (1) A list of establishments in the United States of America, approved for the purpose of importing fresh meat into the Community, was drawn up initially by Commission Decision 87/257/EEC ⁽³⁾, as last amended by the Decision 1999/301/EC ⁽⁴⁾; that list may be amended at any time, notably in the light of the results of Community inspections carried out in the United States of America.
- (2) The United States of America has provided guarantees that establishment 244 W, IBP, Waterloo, Iowa, is now capable of carrying out trichina examination of pigmeat in accordance with Council Directive 77/96/EEC ⁽⁵⁾, as last amended by Commission Directive 94/54/EC ⁽⁶⁾.

- (3) The list of establishments must be updated/consolidated accordingly.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 87/257/EEC is hereby replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 February 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 302, 31.12.1972, p. 28.

⁽²⁾ OJ L 24, 30.1.1998, p. 31.

⁽³⁾ OJ L 121, 9.5.1987, p. 46.

⁽⁴⁾ OJ L 117, 5.5.1999, p. 52.

⁽⁵⁾ OJ L 26, 31.1.1977, p. 67.

⁽⁶⁾ OJ L 315, 8.12.1994, p. 18.

ANNEX

List of establishments in the United States of America approved for the purpose of importing fresh meat into the Community

Approval Number	Establishment/address	Category (*)							SR
		SL	CP	CS	B	S/G	P	SP	
3 W	Swift & Company, Worthington, MN	×	×				×		10(a), T
53	American Freezer Services, Norfolk, NE			×					1
I-113	US Cold Storage, Philadelphia, PA			×					1
I-149	C W Storage, Albany, NY			×					1
I-182	Garden State Cold Storage Inc., Mullica Hill, NJ			×					1, TF
I-183	Blue Grass Inspection Service, Philadelphia, PA			×					1
I-195	Rosenberger's Cold Storage Inc., Hatfield, PA			×					1
244 P	Transcontinental Cold Storage, Perry, IA			×					1, TF
244 W	IBP, Waterloo, IA	×	×				×		5, 16, TF, T
245 L	IBP, Lexington, NE	×	×		×				14
I-305	Georgia Ports Authority, Savannah, GA			×					1
320M	Premium Standard Foods, Milan, MO	×	×				×		T
I-335	Service Cold Storage, Miami, FL			×					1
382G	Smithfield Packing Co., Norfolk, VA			×					1
410	Green Bay Dressed Beef Inc., Green Bay, WI	×			×				10
E-713	Central Nebraska Packing Inc., North Platte, NE	×	×					×	15
889 A	J.F. O'Neill Packing Co., Omaha, NE	×	×		×				14
1620	Quality Pork Processors Inc., Austin, MN	×					×		7, 13
E-2018	Dallas Crow Inc., Kaufman, TX	×	×					×	15
2508	The Bruss Company, Chicago, IL		×		×		×		
3056	Termicol Inc., Wallula, WA			×					1
3131	Minnesota Freezer Warehouse Company, Worthington, MN			×					1, TF
3136	Cloverleaf Cold Storage of Fairmont, Fairmont, MN			×					1, TF
3149	Milliard Refrigerated Services, Des Moines, IA			×					1, TF
3157	Des Moines Cold Storage Co. Inc., Des Moines, IA			×					1, TF
3158	Freezer Services Inc., Amarillo, TX			×					1
3161	Monument Distribution Warehouse Inc., Indianapolis, IN			×					1

Approval Number	Establishment/address	Category (*)							SR
		SL	CP	CS	B	S/G	P	SP	
3170	Logansport Refrig Services, Logansport, IN			×					1
3190	American Freezer Services Inc., Fremont, NE			×					1
3198	Milliard Refrigerated Services, Denison, IA			×					1
3215	Napoleon Warehouse Inc., Napoleon, OH			×					1
3216	Freezer Services Inc. of Texas, Garden City, KS			×					1
3229	Iowa Beef Processors Inc., Emporia, KS			×					1
3241	AMC Warehouses, Grand Prairie, TX			×					1
3245	United Refrigerated Services, Marshall, MO			×					1
3261	Rosenberger's Cold Storage Inc., Hatfield, PA			×					1
3283	Industrial Cold Storage, 2625 West 5th St., Jacksonville, FL			×					1
3338	Millard Refrigerated Services, Iowa City, IA			×					1
3363	Millard Refrigerated Services, Friona, TX			×					1
3396	Americold, Bettendorf, IA			×					1
3397	Alford Refrigerated Warehouse, Richardson, TX			×					1
3398	Millard Refrigerated Services, Grand Island, NE			×					1
3407	Bell Cold Storage, St Paul, MN			×					1
3431	Texas Cold Storage, Fort Worth, TX			×					1
3447	Mohawk Cold Storage Division, Wauwatosa, WI			×					1
3475	Atlas Cold Storage, Green Bay, WI			×					1
3505	Dakota Cold Storage, Huron, SD			×					1
3535	Ashland Cold Storage Co., Chicago, IL			×					1
3552	Cloverleaf Cold Storage Co. (No 2), Sioux City, IA			×					1
3554	Cloverleaf Cold Storage Co., Sioux City, IA			×					1
3555	Cloverleaf Cold Storage Co. (No 5), Sioux City, IA			×					1, TF
3573	Albert Lea Freezer Warehouse Co., Albert Lea, MN			×					1, TF
3610	Millard Refrigerated Services, Dodge City, KS			×					1
3688	Newport St Paul Cold Storage, Newport, MN			×					1
3707	United States Cold Storage Inc., Omaha, NE			×					1
3738	Artesian Ice and Cold Storage Co., St Joseph, MO			×					1, TF

Approval Number	Establishment/address	Category (*)							SR
		SL	CP	CS	B	S/G	P	SP	
3748	Cloverleaf Cold Storage Co., Sioux City, IA			×					1
3854	Merchants Refrigerating Co., Vinita Park, MO			×					1
3860	Central Storage and Warehouse Inc., Eau Claire, WI			×					1
3871	York Cold Storage Co., York, NE			×					1
3910	United States Cold Storage, East Peoria, IL			×					1
3942	Wilkerson Cold Storage, Lubbock, TX			×					1
4104	Goldberg & Solovy Foods, 5925 Alcor, CA 90058		×		×				
4816	Frontier Game Company, Whiteface, TX	×	×		×				
E-7041	Beltex Corporation, Fort Worth, TX	×	×					×	15, 18
7271	Custom Meat Corp., Dallas, TX		×		×	×	×		
8904	Bell Cold Storage, St Paul, MN			×					1
8984	Provimi Veal Corp., Seymour, WI	×	×		×				3
9400	Taylor Packing Inc., Wyalusing, PA	×	×		×				9
13182	Millard Refrigerated Services, Omaha, NE			×					1, TF
13225	Quality Refrigerated Services, Omaha, NE			×					1
13331	Millard Processing Services, Omaha, NE (West)			×					1, TF
13531	Beef America Operating Co., York, NE		×		×	×	×		
E-15849	Cavel International, De Kalb, IL	×	×					×	15
17054	RCS/Smithfield Inc., Smithfield, VA			×					1
17068	US Coldstorage, Cumberton, NC			×					1
17354	CSW Central Storage & Warehouse Co. Inc., Madison, WI			×					1
17461	Millard Refrigerated Services, Greeley, CO			×					1
17624	Wiscold Inc. Rochelle, Rochelle, IL			×					1, TF
17756	Millard Refrigerated Services, Sioux City, IA			×					1, TF
17993	Richmond Cold Storage, 5501 Corrugated Road, Sandston, VA			×					1, TF
18163	Quality Refrigerated Services, Spencer, IA			×					1, TF
18265	Alford Refrigerated Warehouses, Houston, TX			×					1
18294	Marshall Cold Store, Marshalltown, IA			×					TF, 1

Approval Number	Establishment/address	Category (*)							SR
		SL	CP	CS	B	S/G	P	SP	
18435	Carolina Cold Storage, Tar Heel, NC			×					TF, 1
18674	Millard Refrigerated Services, Edwardsville, KS			×					1, TF
18793	Cloverleaf Cold Storage, Austin, MN			×					TF, 1
18859	North American Bison Cooperative, New Rockford, ND	×	×		×				
18930	Jacintoport Corp., 16203 Peninsula Blvd, Houston, TX			×					1
18986	Alford Refrigerated Warehouse, Laporte, TX			×					1, TF
19086	Gress Refrigerated Services, Scranton, PA			×					1
19087	Inter Cities Cold Storage, Inc., Pittston, PA			×					1
19246	Cloverleaf Cold Storage, Sioux City, IO			×					1, TF
19288	United States Cold Storage, PO Box 242, Milford, DE			×					1
19470	Nordic Warehouse Inc., 403 Commerce Ct., Goldsboro, NC			×					1, TF
19593	Ball Packing Inc., Idaho Falls, ID			×					1
19690	T&T Freezers, 2192 NV Blvd, Vineland, NJ			×					1
19797	Burris Refrigerated Svcs, Gilbert Rd, Benson, NC			×					1, TF
19870	United States Cold Storage, PO Box 627, Warsaw, NC			×					1
20012	Lakeway International Food Group LLC, Omaha, NE		×		×				
20190	Interstate Warehousing, Newport News, VA			×					1
20374	Quality Refrigerated Services, Omaha, NE			×					1

(*)

SL: Slaughterhouse	B: Bovine meat	SP: Meat from solipeds
CP: Cutting premises	S/G: Sheep meat/goat meat	SR: Special remarks
CS: Coldstore	P: Pig meat	

- 1 = Only storage of meat already finally packaged in approved slaughtering or cutting establishments.
- 2 = Offal only.
- 3 = Also for sliced bovine livers.
- 4 = Only sliced bovine livers.
- 5 = Tongues, hearts and carcase meat only.
- 6 = Tongues, hearts and kidneys only.
- 7 = Tongues, hearts, kidneys and livers only.
- 8 = Tongues, hearts, kidneys, livers and brains only.
- 9 = Tongues, hearts, stomachs and carcase meat only.
- 10 = Tongues, hearts, kidneys, livers and stomachs only.
- 10(a) = Tongues, hearts, kidneys, livers, stomachs and carcase meat only.
- 11 = Carcase meat, tongues, hearts, kidneys, livers and brains only.
- 12 = Hearts and stomachs only.
- 13 = Only packaged offal which has undergone the freezing treatment provided for in Article 3 of Directive 77/96/EEC.
- 14 = Offal excluded.
- 15 = Livers and kidneys excluded.
- 16 = Only carcase meat and packaged offal which has undergone the freezing treatment provided for in Article 3 of Directive 77/96/EEC.
- 17 = Tongues, hearts, kidneys, livers, brains and tails.
- 18 = Bison included.
- TF = The establishments with the indication 'TF' are authorised, within the meaning of Article 4 of Directive 77/96/EEC, to perform the freezing treatment provided for in Article 3 of the same Directive.
- T = This establishment is authorised, within the meaning of Article 4 of Directive 77/96/EEC, to perform the examination for detection of trichinae provided for in Article 2 of the abovementioned Directive.