Notice of initiation of an examination procedure concerning an obstacle to trade, within the meaning of Council Regulation (EC) No 3286/94, consisting of trade practices maintained by the United States of America in relation to the imports of prepared mustard

(2001/C 215/02)

On 7 June 2001, the Commission received a complaint, pursuant to Article 4 of Council Regulation (EC) No 3286/94 (1) (hereinafter the Regulation).

1. Complainant

The complaint is lodged by the Fédération des industries condimentaires de France (FICF), created in 1958 and the registered office of which is located in Paris (France). FICF takes in all the French condiment producers. It is intended in particular to ensure the representation, protection and defence of professional rights and interests of its members as well as the study of any question concerning their profession.

FICF is an association acting on behalf of Community enterprises in the sense of Articles 2(6) and 4(1) of the Regulation.

2. Product

The product in question is 'prepared mustard', covered by the codes of the Combined Nomenclature (CN) 2103 30 90.

The examination which the Commission is initiating may also cover other products which appear to be affected in a similar way to prepared mustard and in particular those in respect of which interested parties that make themselves known within the time limits mentioned below (see section 8), provide evidence that the alleged practices are applicable.

3. Subject

The complaint concerns a trade barrier allegedly caused by the United States, which adversely affects the Community exports of the products in question to the US market. More specifically, the contested measure is the suspension of trade concessions applied by the US following to the 'Hormones case' in the World Trade Organisation (WTO). Regarding prepared mustard the US measure only applies to exports originating in certain Community Member States (the United Kingdom is excluded).

4. Allegation of obstacles to trade

The complainant claims that, by maintaining the above-captioned trade measures only against several Member States rather than the whole of the Community, the United States violates Articles 3 and 22 of the WTO Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) and Article I and II of the GATT 1994.

FICF considers that the practice of requesting measures against all Member States and enforcing them just on some undermines the predictability of the Dispute Settlement Mechanism (DSM) and, by consequence of the multilateral trade system as a whole.

The FICF's complaint raises serious issues concerning the conformity of the suspension of trade concessions applied by the United States with the authorisation granted by the Dispute Settlement Body (DSB) and concerning the status of the Community as a Member of the WTO.

While these issues require further and deeper analysis to be undertaken during the investigation, it is clear that the complainant establishes a sufficient prima facie case that the contested measures are inconsistent with the obligations of the United States under the WTO Agreement, in particular with Articles I and II of the GATT and the DSU, and that they constitute an obstacle to trade within the meaning of Article 2(1) of the Regulation.

5. Allegation of adverse trade effects

The complainant contends that it is suffering, and is threatened with further, adverse trade effects within the meaning of Article 2(4) of the Regulation.

The complainant asserts that the measure at issue forces its associates to sell their products in the United States at considerable higher prices than before the measures were imposed, thus affecting the trade flows. These adverse trade effects have a material impact on a specific region of the Community, namely Burgandy region in France, where most of the exported mustard is produced.

Under such circumstances, there appears to be prima facie evidence of adverse trade effects as defined in Article 2(4) of the Regulation.

6. Community interest

There is a Community interest in tackling the US practices which can represent a systemic threat to the role of the Community in the WTO and severely affect the cohesion and solidarity of the EC, since any exclusion of a Member State from suspension of trade concessions inevitably implies an increased burden for the others.

Therefore, it is considered to be in the Community's interest to initiate an examination procedure.

7. Procedure

Having decided, after consultation of the Advisory Committee established by the Regulation, that there is sufficient evidence to justify initiating an examination procedure for the purpose of considering the legal and factual issues involved, and that this is in the interest of the Community, the Commission has commenced an examination in accordance with Article 8 of the Regulation.

Interested parties may make themselves known and make known their views in writing, in particular by addressing the specific issues raised by the complaint, and by providing supporting evidence.

Furthermore, the Commission will hear parties who so request in writing when making themselves known, provided that they are a party primarily concerned by the result of the procedure.

This notice is published in accordance with Article 8(1)(a) of the Regulation.

8. Time limit

Any information relating to the matter and any requests for hearings should be sent in writing to:

European Commission
Directorate General for Trade
Mr Petros Sourmelis, DG Trade D/3
CHAR 9/78
Rue de la Loi/Wetstraat 200
B-1049 Brussels
Fax (32-2) 299 32 64.

Any such information or request for a hearing should reach the Commission not later than 30 days following the publication of this notice.

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Publication of decisions by Member States to grant or revoke operating licenses pursuant to Article 13(4) of Council Regulation (EEC) No 2407/92 (1) on licensing of air carriers (2)

(2001/C 215/03)

(Text with EEA relevance)

GREECE

Operating licences granted

Category B: Operating licences including the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92

<table>
<thead>
<tr>
<th>Name of air carrier</th>
<th>Address of air carrier</th>
<th>Permitted to carry</th>
<th>Decision effective since</th>
</tr>
</thead>
<tbody>
<tr>
<td>Veravia (previously: Cal Aviation AE)</td>
<td>Pergamon 23 Glifada GR-16675 Athens</td>
<td>Passengers, mail, cargo</td>
<td>9.2.2001</td>
</tr>
</tbody>
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Operating licences revoked

Category B: Operating licences including the restriction of Article 5(7)(a) of Regulation (EEC) No 2407/92

<table>
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<th>Name of air carrier</th>
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(2) Communicated to the European Commission before 30.4.2001.