

Official Journal

of the European Communities

ISSN 0378-6978

L 55

Volume 43

29 February 2000

English edition

Legislation

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Price: EUR 19,50

⁽¹⁾ Text with EEA relevance

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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 448/2000
of 28 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 29 February 2000.

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

Done at Brussels, 28 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 28 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	51,3
	624	219,5
	999	135,4
0707 00 05	052	116,8
	068	75,8
	628	159,4
	999	117,3
0709 10 00	220	203,6
	999	203,6
0709 90 70	052	116,7
	204	37,7
	628	127,8
	999	94,1
0805 10 10, 0805 10 30, 0805 10 50	052	45,8
	204	36,6
	212	38,7
	624	56,4
	999	44,4
0805 20 10	052	50,8
	204	66,7
	999	58,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	46,4
	204	49,5
	220	74,4
	600	74,4
	624	63,5
	999	61,6
0805 30 10	052	51,2
	600	83,2
	999	67,2
0808 10 20, 0808 10 50, 0808 10 90	039	114,7
	060	49,0
	388	149,3
	400	90,0
	404	85,6
	528	101,7
	720	116,9
	999	101,0
0808 20 50	388	97,6
	400	108,4
	512	94,8
	528	90,8
	720	64,3
	999	91,2

⁽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 449/2000

of 28 February 2000

imposing a provisional anti-dumping duty on imports of malleable cast iron tube or pipe fittings originating in Brazil, the Czech Republic, Japan, the People's Republic of China, the Republic of Korea and Thailand and accepting an undertaking offered by an exporting producer in the Czech Republic

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 7 thereof,

After consulting the Advisory Committee,

Whereas:

1. PROCEDURE

1.1. Initiation

- (1) On 29 May 1999, the Commission announced by a notice (hereinafter referred to as 'Notice of Initiation') published in the *Official Journal of the European Communities* ⁽³⁾ the initiation of an anti-dumping proceeding with regard to imports into the Community of malleable cast iron tube or pipe fittings originating in Brazil, Croatia, the Czech Republic, the Federal Republic of Yugoslavia (hereinafter referred to as 'Yugoslavia'), Japan, the People's Republic of China (hereinafter referred to as 'China'), the Republic of Korea (hereinafter referred to as 'Korea') and Thailand.
- (2) The proceeding was initiated as a result of a complaint lodged in April 1999 by the Defence Committee of Malleable Cast Iron Tube or Pipe Fittings Industry of the European Union (hereinafter referred to as 'complainant') on behalf of producers representing 100 % of the Community production of malleable cast iron tube or pipe fittings. The complaint contained evidence of dumping of the said product and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.
- (3) The Commission officially advised the exporting producers and importers/traders known to be concerned as well as their associations, the representatives of the exporting countries concerned and the complainant, about the initiation of the proceeding. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the Notice of Initiation.
- (4) A number of exporting producers in the countries concerned, as well as Community producers, Community users and importers/traders made their

views known in writing. All parties who so requested within the above time limit and indicated that there were particular reasons why they should be heard were granted the opportunity to be heard.

- (5) The Commission sent questionnaires to parties known to be concerned and to all the other companies which made themselves known within the deadlines set out in the Notice of Initiation. Replies were received from six Community producers, 11 exporting producers in the countries concerned, as well as from their related importers in the Community. The Commission also received replies from 17 unrelated importers/traders in the Community as well as from two users.

Verification visits were carried out at the premises of the following companies:

(a) *Community producers*

- Georg Fischer GmbH, Austria
- R. Woeste Co GmbH & Co. KG, Germany
- Ferriere a Fonderie Di Dongo S.P.A., Italy
- Raccordi Pozzi Spoleto SpA, Italy
- Accesorios de Tuberia, SA, Spain
- Crane Fluid System, United Kingdom

(b) *Unrelated importers in the Community*

- SIRE SA, France
- Sofreco, France
- Hage Fittings GmbH & Co KG, Germany
- Hermann Schmidt, Germany
- Intersantherm, Warenhandels-gesellschaft mbH, Germany
- 'Invest' Import und Export GmbH, Germany
- Euraccordi, Italy
- GT Comis SpA, Italy
- Jannone Arm SpA, Italy
- Jannone SpA, Italy
- OML SRL, Italy
- Gill & Russell Ltd, United Kingdom
- T. Hackett & Sons Ltd, United Kingdom

(c) *Users*

- Società Italiana per il Gas, Italy
- Transco BG plc, United Kingdom

(d) *Exporting producers*

- Brazil
- Indústria de Fundição Tupy Ltda, Joinville

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 128, 30.4.1998, p. 18.

⁽³⁾ OJ C 151, 29.5.1999, p. 21.

- The Czech Republic
 - Moravské Zelezárny as, Olomouc and its related domestic sales company Moze Prodej sro, Olomouc
- Japan
 - Hitachi Metals Ltd, Tokyo
- Korea
 - Yeong Hwa Metal Co. Ltd, Kyongnam
- Thailand
 - BIS Pipe Fitting Industry Company Ltd, Samutsakorn
 - Siam Fittings Co. Ltd, Samutsakorn
 - Thai Malleable Iron & Steel Co. Ltd, Bangkok
- China (Market Economy Status verifications)
 - Jianzhong Malleable Iron Factory, Hebei
 - Jinan Meide Casting Co. Ltd, Jinan

- (6) The investigation of dumping and injury covered the period from 1 April 1998 to 31 March 1999 (hereinafter referred to as 'the investigation period' or 'IP'). The examination of trends in the context of the injury analysis covered the period from 1 January 1995 up to the end of the investigation period (hereinafter referred to as 'the injury investigation period' or 'IIP').

1.2. Submissions received regarding the complaint

- (7) A number of parties questioned why Bulgaria was not included in the investigation as one of the exporting countries. According to them, it was discriminatory to initiate a proceeding only with regard to the eight countries concerned and not against Bulgaria.
- (8) The situation regarding Bulgaria was examined in the framework of the analysis of the complaint prior to the initiation of the proceeding. The complainant provided evidence of normal value and export price for Bulgarian products in the same fashion as for other countries in the complaint (price lists, Eurostat figures). On the basis of this evidence, no dumping appeared to exist, with the consequence that no investigation concerning Bulgaria could be initiated.

2. PRODUCT CONCERNED AND LIKE PRODUCT

2.1. Product concerned

- (9) The product concerned as described in the Notice of Initiation is malleable cast iron tube or pipe fittings.
- (10) The investigation has shown that there are a number of different types of malleable cast iron tube or pipe fittings such as threaded, grooved, plain end and flanged/weld fittings. All of them fall under the same CN code 7307 19 10. With respect to these different types, it was

found that threaded fittings, on the one hand, and other fittings, on the other, have different basic physical and technical characteristics, in particular in terms of their joining system. Indeed, the former are joined by screwing, while the latter can only be joined by using different technologies, such as welding or coupling.

- (11) On the basis of the result of the investigation, it has also been found that the producers in the exporting countries concerned sell in the Community market exclusively threaded fittings, while the other types of fittings are either not produced or not sold by the parties concerned. Given the difference between threaded and non-threaded malleable fittings and the fact that only threaded malleable fittings are exported to the Community by the countries concerned, it is concluded that the product concerned by this proceeding covers threaded malleable cast iron tube or pipe fittings only (hereinafter 'malleable fittings' or 'product concerned'). These fittings meet the requirements specified in the international standards referred in the complaint (i.e. EN 10242, ISO — 49 and ANSI) ⁽¹⁾ and are currently classifiable within CN code ex 7307 19 10.
- (12) This product is produced in many different types according to, *inter alia*, their size, shape, surface finishing and grade of cast iron used. Despite these differences, all these types have the same basic physical and technical characteristics as well as the same uses. They are, therefore, considered as a single product.

2.2. Like product

- (13) The Commission found that malleable fittings produced by the Community producers and sold on the Community market are like products to the malleable fittings produced in the countries concerned and exported to the Community, since there are no differences in the basic characteristics and uses of the different types of malleable fittings. The same is true with regard to the malleable fittings sold on the domestic market of the exporting countries and the types exported to the Community. Therefore, they were also like products within the meaning of Article 1(4) of Regulation (EC) No 384/96 (hereinafter referred to as the 'basic Regulation'). It was also found that malleable fittings exported from China to the Community and those sold on the domestic market of Thailand, which served as an analogue country, were alike.

2.2.1. Black heart and white heart fittings

- (14) In this respect, some parties claimed that the malleable fittings manufactured and sold by the Community producers could not be considered comparable to those produced and exported to the Community by some of the exporting countries concerned on the grounds that the grade of the material used for the Community-produced ones is, in general, white heart, while the grade of the material used for the exported ones is black heart.

⁽¹⁾ It should be noted that these standards only apply to threaded cast iron tube or pipe fittings.

(15) The investigation has provisionally shown that white heart fittings and black heart fittings have closely resembling physical characteristics, the same end uses and are thus, in general, interchangeable. This has been confirmed by the fact that the users of the product under investigation, such as gas distributors and installers, indeed do not differentiate between white heart or black heart fittings. Furthermore, both white heart and black heart fittings are included in the European Standard EN 10242 and in the international standard ISO 49, which specify the requirements for the design and performance of the malleable fittings under investigation. As concerns, in particular, the grade of the material to be used, both white heart and black heart are permitted.

(16) Given the above, it is provisionally concluded that the white heart malleable fittings manufactured and sold by part of the Community producers should be considered as like product to the black heart malleable fittings produced and exported to the Community by the exporting countries concerned.

2.2.2. Particularities of Korean exports

(17) Korean exporting producers have claimed that their products should not be part of the product concerned since they had certain technical peculiarities. These malleable fittings have taper external threads and taper internal threads, contrary to the other imported malleable fittings, which have taper external threads and parallel internal threads.

(18) However, the investigation has shown that, apart from these technical specifications, the Korean malleable fittings have the same physical and technical characteristics of the other imported malleable fittings. Furthermore, as concerns the use, the investigation has shown that the Korean malleable fittings are used in a similar way to the malleable fittings imported from the other countries concerned. Indeed, in one Member State where both types are used, they have been found to be interchangeable. In fact, users can and do switch from one type to the other and it is mainly by reason of a traditional and historical preference that the taper/taper type is still being preferred in the said Member State. Furthermore, both types are included in the abovementioned European Standard EN 10242, which specifies the requirements for the design and performance of malleable fittings intended for the connection of elements threaded in accordance with ISO 7-1, size 1/8 to 6.

(19) On that basis, it is, therefore, provisionally concluded that the malleable fittings produced by the Korean exporting producers and exported to the Community are similar or comparable to other imported malleable fittings.

3. DUMPING

A. MARKET ECONOMY COUNTRIES

3.1. General methodology

3.1.1. Normal value

(20) As far as the determination of normal value is concerned, the Commission first established, for each exporting producer, whether its total domestic sales of malleable fittings were representative in comparison with its total export sales of the product concerned to the Community. In accordance with Article 2(2) of the basic Regulation, domestic sales of an exporting producer were considered representative when the total domestic sales volume was at least 5 % of its total export sales volume to the Community.

(21) The Commission subsequently identified those types of malleable fittings sold domestically by the companies having representative domestic sales that were identical or directly comparable to the types sold for export to the Community. In general, types with the same size, shape, surface finishing and grade of cast iron used were considered to be comparable.

(22) For each of the types sold by the exporting producers on their domestic markets and found to be directly comparable to types sold for export to the Community, it was established whether domestic sales were sufficiently representative for the purposes of Article 2(2) of the basic Regulation. Domestic sales of a particular type were considered sufficiently representative when the total domestic sales volume of malleable fittings of that type during the IP represented 5 % or more of the total sales volume of malleable fittings of the comparable type exported to the Community.

(23) An examination was also made as to whether the domestic sales of each type could be regarded as having been made in the ordinary course of trade, by establishing the proportion of profitable sales to independent customers of the type in question. In cases where the sales volume of malleable fittings sold at a net sales price equal to or above the calculated cost of production (hereinafter also referred to as 'profitable sales') represented 80 % or more of the total sales volume and where the weighted average price of that type was equal to or above cost of production, normal value was based on the actual domestic price, calculated as a weighted average of the prices of all domestic sales made during the IP, irrespective of whether all these sales were profitable or not. In cases where the volume of profitable sales of malleable fittings represented less than 80 % but 10 % or more of the total sales volume, normal value was based on the actual domestic price, calculated as a weighted average of profitable sales only.

- (24) In cases where the volume of profitable sales of any type of malleable fittings represented less than 10 % of the total sales volume, it was considered that this particular type was sold in insufficient quantities for the domestic price to provide an appropriate basis for the establishment of the normal value.
- (25) Wherever domestic prices of a particular type sold by an exporting producer could not be used, constructed normal value had to be used in preference to domestic prices of other similar types or to domestic prices of other exporting producers. Due to the number of different types and the variety of factors (such as quality control, quality of material used, weight, etc.) affecting them, using domestic prices of other exporting producers would have meant in this case making numerous adjustments, most of which would have had to be based on estimates. It was therefore considered that constructed value of each exporting producer formed a more appropriate basis to establish normal value.
- (26) Consequently, in accordance with Article 2(3) of the basic Regulation, normal value was constructed by adding to the manufacturing costs of the exported types, adjusted where necessary, a reasonable percentage for selling, general and administrative expenses ('SG & A') and a reasonable margin of profit. To this end, the Commission examined whether the SG & A incurred and the profit realised by each of the exporting producers concerned on the domestic market constituted reliable data.
- (27) Actual domestic SG & A expenses were considered reliable when the domestic sales volume of the company concerned could be regarded as representative when compared to the volume of export sales to the Community. The domestic profit margin was determined on the basis of domestic sales made in the ordinary course of trade, i.e. when these sales to independent customers at prices equal to or above the cost of production represented at least 10 % of the total of domestic sales volume of the product concerned made by the company concerned. Where this criterion was not met, a weighted average profit margin of the other companies with sufficient sales in the ordinary course of trade in the country concerned was used.

3.1.2. Export price

- (28) In all cases where malleable fittings were exported to independent customers in the Community, the export price was established in accordance with Article 2(8) of the Basic Regulation, namely on the basis of export prices actually paid or payable.
- (29) Where the export sale was made to a related importer, the export price was constructed pursuant to Article 2(9) of the basic Regulation, namely on the basis of the price at which the imported products were first resold to an independent buyer. In such cases, adjustments were

made for all costs incurred between importation and resale and for profits accruing, in order to establish a reliable export price. On the basis of the information available from cooperating unrelated importers, this profit was set at around 7 %.

3.1.3. Comparison

- (30) For the purpose of ensuring a fair comparison between the normal value and the export price, due allowance in the form of adjustments was made for differences affecting price comparability in accordance with Article 2(10) of the Basic Regulation.

3.1.4. Dumping margin for the companies investigated

- (31) According to Article 2(11) of the basic Regulation, for each exporting producer the weighted average normal value by type was compared with the weighted average export price.

3.1.5. Residual dumping margin

- (32) A 'residual' dumping margin was determined in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (33) For those countries with a level of cooperation close to the information provided by Eurostat, i.e. where there was no reason to believe that any exporting producer abstained from cooperating with the investigation, it was decided to set the residual dumping margin at the level of the cooperating company with the highest dumping margin in order to ensure the effectiveness of any measures.
- (34) For those countries where the level of cooperation was low, information from the cooperating company with the highest dumping margin was used. The residual dumping margin was determined on the basis of the weighted average margin of the dumped types exported in representative quantities. This approach was also considered necessary in order to avoid giving a bonus for non-cooperation and in view of the fact that there were no indications that a non-cooperating party had dumped at a lower level.

3.2. Brazil

- (35) One company replied to the questionnaire for exporting producers. A company in the Community related to this exporting producer also replied to the questionnaire intended for related importers.

3.2.1. Normal value

- (36) The procedures and methodologies followed by the Commission in order to determine the normal value of products originating in Brazil were the same as those explained under 3.1.1.

- (37) In its reply to the questionnaire, the company used the cost of manufacturing of the units sold as a basis for the allocation of the SG & A to each type of the product concerned in the domestic market, while no such a system was internally used for the allocation of costs. Therefore, it was considered necessary to change the allocation method to the effect that the above costs were allocated on the basis of the turnover according to Article 2(5) of the basic Regulation.
- (38) For about half of the types sold for export to the Community, normal values were established on the basis of the domestic sales price of comparable types in accordance with Article 2(2) of the basic Regulation.
- (39) For all other types of the product concerned sold for export to the Community normal value was calculated in accordance with Article 2(3) of the basic Regulation. The SG & A expenses and profit used were those determined for the exporting producer in question.

3.2.2. Export price

- (40) The procedures and methodologies followed by the Commission to assess the export price of products originating in Brazil were the same as those explained under point 3.1.2.
- (41) Exports were made to both unrelated and related companies. The Commission excluded the sales for export to the Community made via the related company in the Community from the dumping calculations, as they represented a negligible part of the quantity exported by the Brazilian exporting producer and thus could not have had any material impact on the findings.
- (42) All other sales for export were to independent importers in the Community. Consequently, the export price was established according to Article 2(8) of the basic Regulation by reference to the prices actually paid or payable.
- (45) The exporting producer claimed adjustments to the normal value and export price for promotion and advertising costs. It was not possible during the verification to establish with a reasonable degree of accuracy the correctness of the amounts of the expenses incurred. Moreover, the company did not demonstrate that these expenses affected price comparability. The Commission decided therefore to make no adjustment for promotion and advertising.
- (46) The company also claimed an adjustment to the normal value for differences in financing costs for keeping stocks. However, it was found that stocks kept for domestic and export sales were either not separately identifiable or that the periods during which products destined for the domestic and the Community market were kept in stock, were by and large the same or even identical. Moreover, the exporting producer could not demonstrate that this affected price comparability. Consequently, the adjustment could not be granted.
- (47) An adjustment to the domestic sales prices for refund of certain indirect taxes was claimed. The claim made was calculated on a wrong basis and largely exaggerated. The adjustment claimed has therefore been reduced provisionally to 50 % of the claimed amount. The Commission will further investigate this issue in order to establish the amount of indirect taxes which was actually refunded on export sales made to the Community and at the same time borne by the product concerned when consumed in Brazil.
- (48) As the exporting producer had used exchange rates which were not linked to the date of the sale, the Commission has recalculated the export price by using exchange rates at the date of the invoice, in accordance with Article 2(10)(j) of the basic Regulation.
- (49) The same adjustments made to the normal value based on domestic sales were also made on the normal value calculated in accordance to Article 2(3) of the basic Regulation.

3.2.3. Comparison

- (43) Allowances for differences in indirect taxes, level of trade, transport, insurance, handling, loading and ancillary costs, credit, commissions and after-sales costs have been granted where applicable and justified.
- (44) The exporting producer claimed an adjustment to the normal value and to the export price for differences in packing costs. However, the company could not submit any evidence showing such a difference and the Commission could therefore not grant the adjustment claimed.

3.2.4. Dumping margin

- (50) As provided under Article 2(11) of the basic Regulation, the weighted average normal values of each type of the product concerned exported to the Community were compared to the weighted average export price of each corresponding type of the product concerned.
- (51) The comparison showed the existence of dumping in respect of the cooperating exporting producer. The provisional dumping margin expressed as a percentage of the cif import price at the Community border is:

Indústria de Fundação Tupy Ltda: 26,1 %

- (52) Since the level of cooperation was high, the residual provisional dumping margin was set at the same level as for the cooperating company, i.e. 26,1 %.

different cost of manufacturing. The cost of manufacturing of those different product types was consequently used to calculate the normal value as explained above.

3.3. The Czech Republic

3.3.2. Export price

- (53) One company replied to the questionnaire for exporting producers. This reply included data on domestic sales made by a related sales company on the domestic market. A company in the Community related to this exporting producer also replied to the questionnaire intended for related importers.

- (61) The procedures and methodologies followed by the Commission to assess the export price of products originating in the Czech Republic were the same as those explained under point 3.1.2.

3.3.1. Normal value

- (54) The procedures and methodologies followed by the Commission in order to determine the normal value of products originating in the Czech Republic were the same as those explained under point 3.1.1.

- (62) Exports were made to both unrelated and related companies. The Commission excluded the sales for export to the Community made by the related importer from the dumping calculations, as they represented a negligible part of the quantities exported by the Czech exporting producer and thus could not have had any material impact on the calculations.

- (55) The domestic SG & A expenses reported by the exporting producer contained amounts which were either not related to the product concerned or not referring to the investigation period. The reported SG & A expenses were accordingly corrected.

- (63) All other sales for export were to independent importers in the Community. Consequently, the export price was established according to Article 2(8) of the basic Regulation by reference to the prices actually paid or payable.

- (56) The domestic SG & A expenses reported for the related domestic sales company were allocated in such a way that the result did not reasonably reflect the costs associated with the sale of the product concerned. The Commission therefore reallocated the SG & A expenses taking into consideration the expenses incurred for the different product categories sold.

3.3.3. Comparison

- (57) When calculating the cost of production of each type sold domestically, the global amount of SG & A expenses, corrected as explained above were allocated, in the absence of any historically applied system, to each product type on the basis of turnover according to Article 2(5) of the basic Regulation.

- (64) Allowances for differences in level of trade, transport, credit and commissions have been granted where applicable and justified.

- (58) For about half of the types sold for export to the Community, normal values were established on the basis of the domestic sales price of comparable types in accordance with Article 2(2) of the basic Regulation.

- (65) The exporting producer and the related domestic sales company claimed an allowance on the normal value for an additional hypothetical quantity discount which would be granted on the domestic market if quantities similar to quantities exported to customers in the Community were sold to customers on the domestic market. It should be noted that the Commission has already taken into account differences in quantities sold by deducting from the sales prices those discounts and rebates given for any such differences which were properly quantified and directly linked to the sales under consideration.

- (59) For all other types of the product concerned sold for export to the Community normal value was calculated in accordance with Article 2(3) of the basic Regulation. The SG & A expenses and the profit used were those determined for the exporting producer in question.

- (66) As the exporting producer had used exchange rates that were not linked to the date of the sale, the Commission has recalculated the turnover of each export sale by using exchange rates at the date of the invoice, in accordance with Article 2(10)(j) of the basic Regulation.

- (60) The cooperating company had classified a number of exported product types as being identical and reported one single cost of manufacturing for those types. The Commission's investigation revealed that the product types in question were in fact different and had a

- (67) The same adjustments made to the normal values based on domestic sales were also made to the normal values calculated in accordance with Article 2(3) of the basic Regulation.

3.3.4. *Dumping margin*

(68) As provided under Article 2(11) of the basic Regulation, the weighted average normal values of each type of the product concerned exported to the Community were compared to the weighted average export price of each corresponding type of the product concerned.

(69) The comparison showed the existence of dumping in respect of the cooperating exporting producer. The provisional dumping margin expressed as a percentage of the cif import price at the Community border is:

Moravské Železářny as: 28,4 %

(70) Since the level of cooperation was high, the residual provisional dumping margin was set at the same level as for the cooperating company, i.e. 28,4 %.

3.4. **Japan**

(71) One company replied to the questionnaire for exporting producers. A company in the Community related to this exporting producer also replied to the questionnaire intended for related importers.

3.4.1. *Normal value*

(72) The procedures and methodologies followed by the Commission in order to determine the normal value of products originating in Japan were the same as those explained under point 3.1.1, except where, according to Article 18 of the basic Regulation, information available was used.

(73) Since the company did not provide the cost of production of certain types and in order not to grant a bonus for non-cooperation pursuant to Article 18 of the basic Regulation, the Commission applied to these types the dumping margin of the most dumped types for which there were representative sales.

(74) For some of the remaining types, normal value was established on the basis of the domestic price of comparable types in accordance with Article 2(2) of the basic Regulation.

(75) For all other types of the product concerned, sold for export to the Community normal value was calculated in accordance with Article 2(3) of the basic Regulation. This was done by adding to the manufacturing cost of the exported types the company's own SG & A expenses and its domestic profit margin, in accordance with Article 2(6) of the basic Regulation.

3.4.2. *Export price*

(76) The procedures and methodologies followed by the Commission to assess the export price of products originating in Japan were the same as those explained under point 3.1.2.

(77) A major part of the sales for export to the Community were made to a related importer in the Community. In this case the Commission had to construct the export price according to Article 2(9) of the basic Regulation. Prices for the remaining export transactions were determined according to Article 2(8).

3.4.3. *Comparison*

(78) The company claimed allowances for transport and for costs relating to differences in level of trade. However, as no explanation or reliable evidence was provided by the company during the on-the-spot verification and no justification for these allowances was found in the reply to the questionnaire, the Commission services could not accept them.

3.4.4. *Dumping margin*

(79) As provided by Article 2(11) of the basic Regulation, the comparison was made on the basis of a weighted average normal value to a weighted average export price.

(80) The comparison showed the existence of dumping in respect of the cooperating exporting producer. The provisional dumping margin expressed as a percentage of the cif import price at the Community border is:

Hitachi Metals Ltd: 17,6 %

(81) The methodology followed to determine a provisional residual dumping margin for Japan was the one explained under point 3.1.5, for countries where the level of cooperation was low. On this basis, the residual dumping margin is 28,3 %.

3.5. **Korea**

(82) One company replied to the questionnaire for exporting producers.

3.5.1. *Normal value*

(83) The procedures and methodologies followed by the Commission to assess the normal value of products originating in Korea were the same as those explained under point 3.1.1.

(84) In line with the methodology referred to above, it was possible, for about a quarter of the types, to establish normal value on the basis of the domestic price of comparable types.

(85) For all other types of the product concerned sold for export to the Community by the cooperating company, normal value was calculated in accordance with Article 2(3) of the basic Regulation.

- (86) This was done by adding the company's own domestic SG & A expenses and domestic profit margin to the manufacturing cost of the exported types, in accordance with Article 2(6) of the basic Regulation.

3.5.2. *Export price*

- (87) The procedures and methodologies followed by the Commission to assess the export price of products originating in Korea were the same as those explained under point 3.1.2.
- (88) All sales of the product concerned made by the cooperating company on the Community market were to independent customers in the Community. Consequently, the export price was established by reference to the prices actually paid or payable.

3.5.3. *Comparison*

- (89) Allowances for differences in transport, insurance, handling charges, packing costs, and credit have been granted where applicable and justified.
- (90) The company also claimed an allowance for credit costs relating to sales on the domestic market. However, these sales were made on an open account basis. In the absence of evidence that credit costs constituted a factor taken into account in the determination of prices no adjustment for credit costs could be granted, in accordance with Article 2(10)(g) of the basic Regulation.
- (91) In addition, the company claimed an allowance for alleged differences in the level of trade to take account of sales expenses on the domestic market that were not incurred on the export market. However, as sales on both markets were in fact made at the same level, i.e. to distributors, the claim is rejected. Moreover, no evidence was provided showing that such difference in sales expenses would have affected price comparability.

3.5.4. *Dumping margin*

- (92) In line with the provisions of Article 2(11) of the basic Regulation, the comparison was made between a weighted average normal value and a weighted average export price.
- (93) This comparison shows the existence of dumping for the cooperating company. The provisional dumping margin expressed as a percentage of the cif import price at the Community border is:

Yeong Hwa Metal Co. Ltd: 11,8 %

- (94) The methodology followed to determine a provisional residual dumping margin for Korea was the one explained under point 3.1.5, for countries where the level of cooperation was low. On this basis, the residual dumping margin is 24,6 %.

3.6. **Thailand**

- (95) Three companies replied to the questionnaire for exporting producers.

- (96) For one of the Thai companies it was found that the information provided regarding sales volume and cost of production for malleable fittings sold in the domestic market contained serious deficiencies, which made it impossible to obtain reasonably accurate findings and to calculate a provisional dumping margin on the basis on the reported data. It was therefore decided to partially use facts available in accordance with Article 18 of the basic Regulation. In the absence of any more appropriate alternative, the normal values of the other two exporting producers were used where possible. For those export sales for which no normal value was available the margin of the highest dumped transaction was applied in order not to reward this deficient cooperation.

3.6.1. *Normal value*

- (97) The procedures and methodologies followed by the Commission to assess the normal value of products originating in Thailand were the same as those explained under point 3.1.1, except where, according to Article 18, information available was used for determining the dumping margin.
- (98) On the basis of the method referred to above, it was partially possible to establish normal value on the basis of the domestic price of comparable types in accordance with Article 2(2) of the basic Regulation.
- (99) For all other types of the product concerned sold for export to the Community by the two cooperating companies for which a dumping calculation was made, normal value was calculated, in accordance with Article 2(3) of the basic Regulation, on the basis of constructed value.

- (100) This was done by adding the companies' own domestic SG & A expenses and domestic profit margin to the manufacturing cost of the exported types, in accordance with Article 2(6) of the basic Regulation.

3.6.2. *Export price*

- (101) The procedures and methodologies followed by the Commission to assess the export price of products originating in Thailand were the same as those explained under point 3.1.2.

- (102) All sales of malleable fittings by the two companies on the Community market were to independent importers in the Community. Consequently, the export price was established by reference to the prices actually paid or payable.

3.6.3. Comparison

- (103) Allowances for differences in transport, packing, credit costs and commissions have been granted where applicable and justified.
- (104) One of the cooperating companies claimed an allowance for import charges. The company did not demonstrate the relation between the import duty paid and the so-called tax compensation measures to help exporters. Consequently, the claim for the adjustment was rejected.
- (105) One of the cooperating companies claimed an adjustment for physical differences. This claim included in fact three different requests: (i) a claim for an adjustment for level of trade on the basis that price comparability was affected by the differences which arise in OEM (original equipment manufacturer) sales; (ii) a claim for physical differences of the sockets (plain, beaded, or banded); (iii) finally, an adjustment of differences in quantities. However, none of the three claims was sufficiently demonstrated. During the on-the-spot investigation it was found that no distinction was made between different types of customers and sockets, or quantities when deciding on prices. Price comparability was clearly not affected by any of the three alleged differences. Consequently, given that there was no evidence of the claimed differences, no adjustment was granted in this respect.

- (106) The same company claimed an allowance for the credit cost of sales on the domestic market. The allowance claimed was made on the basis of an open account without evidence of an agreement between supplier and buyer of the product at the time of sale. This claim was rejected on the ground that, in accordance with Article 2(10)(g) of the basic Regulation, an adjustment can only be given for the number of days agreed at the time of the sale, as only such an expense related to that number of days agreed at the date of sale can be considered to affect price comparability.
- (107) One of the cooperating companies claimed an allowance for currency conversion based on an alleged difference in exchange rates between the sales order and the actual invoice date. This claim was rejected on the grounds that, in accordance with Article 2(10)(j) of the basic Regulation, the alleged difference in exchange rates was not confirmed by the information received during the on-the-spot investigation, no sustained movement in exchange rates existed during the investigation period

and the sales order did not conclude the sales agreement and had no binding effect.

3.6.4. Dumping margin

- (108) As provided by Article 2(11) of the basic Regulation, the comparison was made on the basis of a weighted average normal value to a weighted average export price for all companies.
- (109) The comparison shows the existence of dumping in respect of all producers fully cooperated with the Commission. The provisional dumping margins expressed as a percentage of the cif import price at the Community border are the following:
- (110) BIS Pipe Fitting Industry Company Ltd, Samutsakorn: 25,8 %
Siam Fittings Co. Ltd, Samutsakorn: 12,4 %
Thai Malleable Iron & Steel Co. Ltd, Bangkok: 25,8 %
- (111) For any non-cooperating companies, the provisional residual dumping margin was assessed on the basis of the margin of the company with the highest dumping margin. Expressed as a percentage of the cif import price at the Community border, the margin is 25,8 %

3.7. Croatia and Yugoslavia

- (112) In view of the provisional finding of *de minimis* market shares for the imports of the product concerned originating in both Croatia and Yugoslavia, it was provisionally decided not to calculate a dumping margin for imports of the product concerned from these countries.

B. NON-MARKET ECONOMY COUNTRIES

3.8. China

3.8.1. Analysis of market economy status

- (113) Three Chinese companies requested market economy status (hereinafter 'MES'), pursuant to Article 2(7)(c) of the basic Regulation.
- (114) The claim made by one company had to be rejected on the grounds that it submitted in its application that its accounts were not audited. Consequently, the company did not comply with the conditions set out in the second indent of Article 2(7)(c) of the basic Regulation. Therefore, an on-the-spot verification was also deemed unnecessary.
- (115) The Commission sought all information deemed necessary and verified all information submitted in the MES applications, on-the-spot, at the premises of the remaining two companies.

- (116) For one of these companies it was established that there was significant State interference in the form of tax rebates and in the setting of the salaries for workers. Furthermore, it was found that there was no clear set of basic accounting records and that the production costs and the financial situation of the company were subject to significant distortion.
- (117) For the other company, the Commission found that its accounts were not independently audited and that the methods used were not in accordance with international accounting standards.
- (118) Consequently, the conditions set out in Article 2(7)(c) of the basic Regulation were not met by any of the other two companies requesting MES. All three companies were informed that their MES applications had to be rejected.

3.8.2. *Choice of analogue country*

- (119) In the absence of any companies qualifying for MES, it was necessary to compare the export prices of the Chinese exporting producers with a normal value established for an appropriate market economy country, pursuant to Article 2(7)(a) of the basic Regulation.
- (120) Poland was suggested by the complainant and proposed by the Commission in the Notice of Initiation. One Polish producer did subsequently cooperate and submitted a reply to the questionnaire. However, this response was found to be deficient in a number of crucial respects, particularly regarding domestic sales and production costs. Consequently, the Commission did not consider it appropriate to use Poland as an analogue country in this investigation.
- (121) In spite of the effort made by the Commission, no other producer in a country not concerned by the present investigation was ready to cooperate. In the absence of cooperation, the Commission had no other option than to select a country included in the complaint.
- (122) The Commission finally decided that Thailand was the most appropriate market economy third country for the purpose of establishing normal value, in accordance with Article 2(7) of the basic Regulation, in view of the volume of domestic sales made by Thai producers as compared to imports into the Community from China and the existence of several domestic producers, which allowed for reasonable profits for this type of product.

3.8.3. *Individual treatment*

- (123) All three cooperating companies requested individual treatment.

- (124) In accordance with Article 9(5) of the basic Regulation, it is the Community institution's policy to calculate a single country-wide duty for non-market economy countries, except in those cases where companies can demonstrate a degree of legal and factual independence so that the risk of circumvention of the country-wide duty is removed. To this end, detailed questions were included in the MES claim form sent to the parties concerned upon the initiation of the proceeding.
- (125) For one of the companies, an examination of the information provided with regard to the application for individual treatment appeared to indicate that the company was eligible for such individual treatment. However, the questionnaire reply submitted by this company was substantially incomplete, notably regarding the reporting of export sales. Consequently, it has been provisionally decided not to grant individual treatment to this company. This issue will nevertheless be further examined until the definitive stage of the investigation.
- (126) With regard to the remaining two cooperating companies, there was clear interference from the State authorities regarding the determination of export prices and quantities.
- (127) Consequently, no individual treatment could be granted to any of the three companies.

3.8.4. *Normal value*

- (128) Normal value for the Chinese exporting producers was calculated on the basis of the normal values established for the cooperating Thai companies by using the methodology described in point 3.1.1. In this context, the types sold on the Thai domestic market which were found to be comparable to the Chinese types exported to the Community were used.

3.8.5. *Export price*

- (129) The procedures and methodologies followed by the Commission in assessing the export price of products originating in China were those described in point 3.1.2. For the cooperating exporting producers, the export price was established by reference to the prices paid or payable. Information available from Eurostat was used to account for exports made by non-cooperating parties.

3.8.6. *Comparison*

- (130) Where applicable, adjustments were made to the export price to take account of differences relating to transport, insurance, handling charges and packing.
- (131) As regards normal value, all allowances granted to the Thai exporting producers and relevant in light of the exports made by the exporting producers were also deducted in the case of China.

3.8.7. Dumping margin

- (132) The provisional dumping margin for China, expressed as a percentage of the cif import price at the Community border is 49,4 %.

4. INJURY

4.1. Community industry

- (133) The complainant Community producers account for 100 % of the Community production of malleable fittings and, therefore, constitute the Community industry within the meaning of Article 4(1) and Article 5(4) of the basic Regulation.
- (134) One interested party claimed that one producer should not be considered as belonging to the Community industry on the grounds that it imported the product concerned from one of the countries concerned, namely from China. However, this allegation was neither substantiated nor has it been confirmed by the investigation. Furthermore, it was claimed by some interested parties that certain Community producers imported the product concerned from other third countries. The investigation has shown, as regards one producer, that they indeed made such imports. However, these imports were minimal by comparison with the Community produced sales on the Community market. Therefore, this company in its core activity clearly remained a producer in the Community. With respect to the others, the allegations have not been confirmed.
- (135) Therefore, these claims have been rejected.

4.2. Community consumption

- (136) The apparent Community consumption has been established on the basis of the sales volume of the Community industry on the Community market plus the import volume into the Community of malleable fittings from the countries concerned and from all other third countries known to produce and export the product concerned into the Community. On this basis, consumption decreased by around 6 % between 1995 and the IP, from around 65 000 tonnes to around 61 000 tonnes, reaching the lowest level in 1996, a year in which the whole sector suffered from difficult market conditions.

4.3. Cumulative assessment of the effects of the imports concerned

- (137) With respect to some of the countries concerned, it has been argued that the imports should not be assessed cumulatively with the other imports, taking into account the conditions set out in Article 3(4) of the basic Regulation.

tion. In this respect, the investigation has shown the following:

- (138) As regards Croatia and Yugoslavia, it was provisionally found that the volume of imports originating in those countries represented in the IP 0,4 % and 0,3 % of the total Community consumption, respectively. In accordance with Article 3(4) of the basic Regulation, they are provisionally considered not to have contributed to any injury suffered by the Community industry and are, accordingly, excluded from the injury assessment.
- (139) Furthermore, the Brazilian exporting producer argued that exports of malleable fittings from Brazil should not be cumulated with the rest of the countries concerned, in view of the different market behaviour and their difference in export prices. Similarly, the Czech exporting producer argued that exports from the Czech Republic should not be cumulated with those from the other countries concerned, on the grounds that the trade pattern was different to that of these other countries. Thai exporting producers also argued that exports from Thailand should not be assessed cumulatively with those from the other countries concerned, in view of their decreasing export volumes and of their comparatively higher export prices. Finally, Korean exporting producers claimed that exports from Korea should not be cumulated with those from the other countries concerned on the grounds of the specific technical characteristics of their products which they export only to the British market. In this respect, the following provisional conclusions have been reached.

4.3.1. Brazil

- (140) The import volume from Brazil did not follow a stable trend. In this respect, however, imports from some of the other countries concerned followed a similar pattern. As to Brazilian import volumes, in absolute terms they were always significant, whereas their market share remained fairly stable at around 7 to 8 % during the whole IIP. In terms of prices, they followed an unsteady trend during the IIP. However, between 1996 and the IP, they almost continually decreased. Finally, a substantial undercutting of the Community industry's prices has been established as regards Brazilian imports. For these reasons, it is provisionally considered appropriate to cumulatively assess imports from Brazil with those originating in the other countries concerned.

4.3.2. The Czech Republic

- (141) Czech imports increased both in absolute and in relative terms during the IIP. In particular, import volumes increased by 123 %, while their market share rose by around 4 percentage points from around 3 % to around 7 %. Concerning the prices, they were rather stable

during the IIP and significantly undercut the Community industry's prices in the IP. For these reasons, it is provisionally considered appropriate to cumulatively assess imports from the Czech Republic with those originating in the other countries concerned.

4.3.3. *Thailand*

- (142) As regards Thailand, the overall development of the import volumes is not different from those of some other countries concerned, whose evolution similarly followed a unsteady trend. As regards prices, they increased between 1995 and the IP. Nevertheless, a significant undercutting of the Community industry prices has been established. For these reasons it is provisionally considered appropriate to cumulatively assess imports from Thailand with those originating in the other countries concerned.

4.3.4. *The Republic of Korea*

- (143) With respect to the request of decumulation put forward by the Korean exporting producer on the grounds of the specific technical characteristics of the product manufactured by them and exported to the Community market, namely to one Member State, reference is made to the conclusions set out above concerning the like-product issue. Consequently, on the basis of the fact that the malleable fittings manufactured by the Korean exporting producers and sold in the said Member State have been found to be alike to the malleable fittings produced in that Member State and in the rest of the Community, it is provisionally considered appropriate to cumulatively assess imports from Korea with those originating in the other countries concerned.
- (144) In conclusion, the investigation has shown that a number of differences exist between the level and evolution of imports and their respective prices. However, the conditions of cumulation as set out in Article 3(4) of the basic Regulation are met since the dumping margin are above the *de minimis* level and volume of imports under consideration are not negligible. As concerns the conditions of competition between the imported products and the imported products and the like Community product, these were found to be comparable since all imports concerned have been made, during the IP, in significant quantities resulting in significant market shares and have been made at prices, during the same period, significantly undercutting the prices of the Community industry. Moreover, both the Community product and the product imported from the countries concerned have been found to have common or similar channels of distribution. As a consequence, it is provisionally considered appropriate to cumulatively assess the imports from the countries concerned, with the exception of Croatia

and Yugoslavia on the grounds of their negligible imports.

4.4. **Volume and market shares of the imports concerned**

4.4.1. *Volume of the imports concerned*

- (145) According to Eurostat and the replies to the questionnaires obtained from the cooperating exporting producers, the import volume of malleable fittings originating in the countries concerned increased by around 32 % between 1995 and the IP, from around 13 100 to around 17 500 tonnes. More specifically, after a decline between 1995 and 1996, which occurred in line with the decline of the Community consumption in that year, imports from the countries concerned increased steadily. Between 1996 and the IP, the import volume increased by around 45 %, from around 12 000 to around 17 500 tonnes.

4.4.2. *Market share*

- (146) The market share of the imports from the countries concerned increased continuously between 1995 and the IP, from around 20 % to around 29 %.

4.5. **Prices of the imports concerned**

4.5.1. *Price evolution*

- (147) The weighted average import price of the countries concerned decreased by around 5 % between 1995 and the IP, from ECU 1,88 to ECU 1,78 per kilogram. More specifically, prices went up significantly between 1995 and 1996, in line with the general price increase on the market, followed also by the Community industry and the other third countries. Between 1996 and the IP the price decrease was then very marked and amounted to 10 %, from ECU 1,96 to ECU 1,78 per kilogram.

4.5.2. *Price undercutting*

- (148) It was further examined whether the exporting producers of the countries concerned undercut the prices of the Community industry during the IP. For this purpose, the exporting producers' prices of malleable fittings have been duly adjusted to a cif and duty paid level, whereas the Community producers' prices have been adjusted to an ex-works level. In this respect, it was found that both the Community industry and the exporting producers from the countries concerned generally sold to the same categories of customers, e.g. traders and distributors, sometimes even to the same companies concerned. These categories of customers also acted as importers.

- (149) For each type of malleable fittings, as defined in recital 10, the weighted average ex-works prices of the Community producers have been compared to the weighted average export prices of each exporting producer concerned. On this basis, the undercutting margins found per country, expressed as a percentage of the Community industry prices, are all significantly above 20 %.

4.6. Situation of the Community industry

4.6.1. Production

- (150) The Community industry's production of malleable fittings decreased by around 10 % between 1995 and the IP, i.e. from around 54 600 to around 49 300 tonnes. The decrease of the production was particularly strong from 1995 to 1996 for two main reasons: firstly, a plant manufacturing malleable fittings in Germany had to be closed and, secondly, a contraction of consumption had taken place on the Community market. Furthermore, while the Community industry increased its production between 1996 and the IP by around 6 %, in an attempt to reduce its fixed costs, it should be noted that this resulted in increased stocks and not in increased sales, and this even though Community consumption expanded again as from 1996.

4.6.2. Production capacity

- (151) The production capacity of the Community industry decreased by 14 % between 1995 and the IP, from 85 000 to 73 000 tonnes. This development should be seen in the light of the fact that in 1996 a production plant in Germany ceased its activity, as mentioned above.

4.6.3. Capacity utilisation

- (152) Capacity utilisation increased from 64 % in 1995 to 67 % in the IP.

4.6.4. Sales volume

- (153) The sales volume of the Community industry decreased from around 45 500 tonnes in 1995 to around 37 700 tonnes in the IP, i.e. by around 17 %. It should be pointed out that the Community industry's sales decreased in a time period during which the market contracted, while the countries concerned were able to expand their sales volume by around 32 %.

4.6.5. Market share

- (154) The Community industry's share on the Community market decreased from 70 % in 1995 to around 62 % in the IP, i.e. by around 8 percentage points. This downward trend started after 1996, in which year the

Community industry's market shares had reached a peak of around 71 %.

4.6.6. Sales prices

- (155) The investigation has shown that the Community producers' average sales price rose from ECU 3,60 per kilogram in 1995 to ECU 3,88 per kilogram in the IP, i.e. a rise of around 8 %. This rise occurred in two phases, one between 1995 and 1996 and the second one between 1997 and 1998. While the prices of all the economic operators on the market (namely the Community industry, the countries concerned and other third countries), increased in the first phase, the second price increase was undertaken only by the Community industry and the other third countries. As regards the countries concerned, they followed the opposite trend, decreasing their sales prices by around 5 % in the mentioned period between 1997 and 1998.

4.6.7. Stocks

- (156) The closing stocks of the Community industry increased from around 16 300 tonnes in 1995 to around 17 400 tonnes in the IP, i.e. by around 6 %. The rise of the stock volume has been particularly strong as from 1996, in line with the increase of the Community industry's production and decreasing sales volume.

4.6.8. Profitability

- (157) The profitability of the Community industry, expressed as a percentage of net sales, decreased by 2,3 percentage points between 1996 and the IP, from 1,4 % to -0,9 %. When taking 1995 as a starting point, it developed from -2,2 % to -0,9 %. However, the year 1995 and the negative profitability level found on average for the Community industry reflect costs associated with the plant closure which occurred in 1995, as mentioned above. Moreover, the year 1995 was marked by restructuring efforts of two producers in particular, with the aim of production rationalisation and of investments required to implement the Community's environmental legislation.

4.6.9. Employment

- (158) Employment in the Community industry decreased from 2 532 employees in 1995 to 2 370 employees in the IP, a decrease of around 6 %. This decline should be seen in the light of the attempts undertaken by the Community industry to restructure and reduce its costs. In fact, the investigation has shown that the production process of malleable fittings is highly labour intensive.

4.6.10. Investments

- (159) The Community industry decreased its investment from around ECU 20,4 million in 1995 to around ECU 17 million in the IP, i.e. by around 16 %. Within this period, there are important differences. For instance, between 1998 and the IP, investments increased, from ECU 12,7 million to ECU 17 million. It is worth noting that the level of investments is rather significant during the whole IIP, in particular in 1995, coinciding with the restructuring efforts realised that year, as mentioned above. This shows that the Community industry is still viable and is not ready to abandon this segment of production, in particular as these investments were mostly destined to rationalise the production process.

4.7. Conclusion on injury

- (160) The examination of the above mentioned injury factors shows that the situation of the Community industry deteriorated. In particular, the Community industry experienced a decline in production, production capacity, sales and market share. Moreover, the Community industry suffered a significant loss of employment and a decline in investments, as well as an increase of stocks. As to the capacity utilisation, its increase depended on the reduced production capacity.
- (161) It is therefore provisionally concluded that the Community industry suffered material injury within the meaning of Article 4(1) of the basic Regulation.

5. CAUSATION

- (162) According to Article 3(6) and (7) of the basic Regulation, it was examined whether the material injury suffered by the Community industry has been caused by the dumped imports and whether other factors might have caused or contributed to that injury, in order not to attribute possible injury caused by other factors to the dumped imports.

5.1. Effect of the dumped imports

- (163) The Commission found that the trend of imports from the exporting countries concerned and their increasing market share coincided with the deterioration of the Community industry's situation. At a time when Community consumption decreased by around 6 %, the market share of the imports concerned increased by around 9 percentage points, from around 20 % in 1995 to around 29 % in the IP, while the market share of the

Community industry decreased from 70 % to around 62 %. The decrease of the Community industry's market share is almost symmetrical to the increase of the market shares of the imports from the countries concerned, in particular as from 1996.

- (164) Moreover, as regards the prices of the dumped imports, significant margins of undercutting were found. The market for malleable fittings is highly price sensitive, the price level being the crucial element of choice considered by the users, as has been confirmed by the co-operating importers and users.
- (165) In these circumstances, the price pressure exerted by the imports concerned had a major impact on the sales volume and market share of the Community industry. Since the Community industry could not follow the downward trend of the prices of the imports concerned, its sales volume significantly decreased and it suffered financial losses. The significantly smaller sales volumes also had repercussions on the production level as well as on the stock volume, leading to an increase of fixed costs. This in turn had a negative impact on the overall profitability of the Community industry.

5.2. Effect of other factors

- (166) It was also considered whether factors other than the dumped imports from the countries concerned might have caused, or contributed to, the injury suffered by the Community industry.

5.2.1. Third countries' imports

- (167) Some interested parties, based on Eurostat information, alleged that any injury suffered by the Community industry had been caused by imports from third countries not covered by the proceeding, in particular Turkey, Bulgaria and Poland.
- (168) According to this information, import volumes of malleable fittings from all other third countries decreased from around 6 200 tonnes in 1995 to around 5 300 in the IP, i.e. by around 14 %, while market shares were relatively stable throughout the period with a slightly decreasing trend, representing around 10 % in 1995 and around 9 % in the IP. As regards the weighted average prices of imports from other third countries, as reported by Eurostat, they increased from ECU 1,93 per kilogram to ECU 2,22 per kilogram. It is to be noted that they were significantly higher than the weighted average prices of the countries concerned during the whole IIP.

- (169) When analysing the imports from individual countries, it appears, firstly, that imports from Turkey were stable at almost negligible levels during the entire IIP. As regards import volumes, they were 553 tonnes in 1995 and 632 tonnes in the IP, while market shares were stable at around 1 % during the whole IIP. Concerning the unit price, according to Eurostat it was higher than the imports concerned throughout the whole IIP.
- (170) As concerns Bulgaria, imports increased both in absolute and in relative terms: between 1995 and the IP, the import volume rose from 43 tonnes to 1 109 tonnes and market shares increased from 0,1 % to 1,8 %. thus remaining relatively small. As to the unit price, it increased during the IIP being higher, in the IP, than the weighted average prices of exports from the countries concerned
- (171) Concerning imports from Poland, their market share remained relatively stable during the IIP at around 4 to 5 %, although increasing in absolute terms from around 2 500 tonnes in 1995 to around 3 000 tonnes in the IP. However, in the IP, the unit price was significantly higher than the weighted average prices of the countries concerned
- (172) In addition, some interested parties claimed on the basis of Eurostat information that any injury suffered by the Community industry had been caused in particular by imports of malleable fittings from the United States of America. However, since the investigation has shown that the American imports consist of products other than those concerned, it is concluded that imports from the United States of America could not have caused any material injury to the Community industry.
- (173) Furthermore, there was no indication that the imports from third countries not subject to the proceeding have been dumped.

5.2.2. Other points raised

- (174) Some interested parties claimed that the injury suffered by the Community industry was the result of its own imports from one country concerned and from other third countries, for resale on the Community market. As mentioned in recital 127, the investigation has shown that one Community producer did import the product concerned from one third country. However, since these volumes were very low and represented only a negligible part of its sales in the Community, no significant influence on the situation of that Community producer could have resulted from these imports.
- (175) In addition, certain interested parties alleged that the main cause of any injury suffered by the Community industry was the substitution of fittings made of materials such as copper and plastic for those made of malleable cast iron. Certain interested parties further claimed that one of the factors that could have caused injury to

the Community industry was the slowdown of the construction sector and the ensuing diminution of the Community consumption of the product concerned. In this respect, the investigation has shown that a significant substitution of cast iron by different materials, such as copper and plastic, took place in the 1980s. Afterwards, the substitution effect slowed down and the utilisation of malleable fittings remained stable, in particular for those uses where the physical durability, resistance as well as a specific tensile strength and elongation are requirements.

- (176) These general findings are supported by the development of Community consumption established in the investigation. Indeed, even if consumption decreased by 6 % during the IIP, this decline is not such as to have contributed in any significant way to the material injury suffered by the Community industry. On the contrary, in this situation, even taking into account a slowdown of the construction industry, the countries concerned were able to significantly increase their import volumes into the Community by around 32 %, further penalising the Community industry, whose sales in turn decreased by around 17 %.

5.3. Conclusion on causation

- (177) It is therefore provisionally concluded that the dumped imports originating in Brazil, the Czech Republic, Japan, China, Korea and Thailand have caused material injury to the Community industry. Any other factors that may have contributed to the injurious situation of the Community industry, in particular imports from third countries, are such that they cannot be considered to break the causal link between the dumping and the material injury found in light of the strong increase in the imports concerned made at particularly low prices.

6. COMMUNITY INTEREST

6.1. General considerations

- (178) In accordance with Article 21 of the basic Regulation, the Commission examined whether the Community interest calls for the imposition of anti-dumping measures, giving special consideration to the need to eliminate the trade-distorting effects of injurious dumping and to restore effective competition. 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.
- (179) In order to assess the impact of the imposition or non-imposition of the anti-dumping measures, the Commission requested information from all interested parties mentioned above. Questionnaires were sent to 52 importers. Seventeen importers replied and data

provided by 13 of them were verified. Moreover, 11 associations of users deemed to be concerned by the proceeding were advised of the opening of the investigation. No replies or submissions were received from these associations. With respect to individual users of malleable fittings, out of the 34 to which questionnaires were sent, two replied and the data provided were verified.

6.2. Community industry

- (180) The Community industry has been affected by the low-priced imports of malleable fittings from the countries concerned during the IIP. Not to take anti-dumping measures with respect to the dumped imports concerned would aggravate the already difficult situation of the Community industry, in particular in consideration of the downward sales trend. The production of malleable fittings is, in fact, characterised by significant fixed costs (e.g. warehousing, depreciation, etc.), which renders reaching a certain level of production and, consequently sales, indispensable. In view of the steady increase of the imports concerned and the corresponding decrease of the Community industry's sales, it appears that if anti-dumping measures should not be imposed, it would be difficult for the Community industry to recover its lost sales and reach the level of profitability needed.

6.3. Unrelated importers/traders

- (181) With regard to the unrelated importers/traders of the product concerned, given the good cooperation in certain cases it was possible to isolate the profitability for malleable fittings, this being on average around 7 % during the IP. Moreover, it was found that the mark-up charged on the sales price varies significantly depending on the purchase price, the mark-up being higher when the latter is low and vice versa.
- (182) It appears, therefore, that the unrelated importers/traders of the product concerned might pass on to their clients a part of any duties paid. In addition, it has to be borne in mind that some traders importing from the countries concerned also purchase malleable fittings from the Community producers and other third countries, thus having available alternative sources of supply. Moreover, the investigation has shown that although some traders/importers deal exclusively with malleable fittings, these are in many cases supplied from a variety of origins, among which the countries concerned are only a part. It has been found, furthermore, that other traders/importers deal with a far larger product range.
- (183) Given the above, it is provisionally concluded that the likely impact of anti-dumping measures on the importers/traders of the product concerned would not be such as to put their economic activity at serious risk.

6.4. Users

- (184) The most common users of the product concerned are the gas and water distributors as well as plumbers, installers of heating and installers of sanitary fittings. Minor uses are in industrial services and engineering. The low level of cooperation (only two replies) seems to indicate that the impact of the imposition or non-imposition of anti-dumping measures on the users of malleable fittings would be minimal. This minor impact has been confirmed by the investigation, which has shown that the product under consideration represents a negligible part of the total costs sustained by the users. For instance, in the gas distribution market, in particular in domestic installations, the main cost item largely relates to the service, whereas the fittings used for the installation represent approximately 1 % of the total costs sustained.
- (185) Given the limited effect on the users described above, it can be provisionally concluded that anti-dumping measures will not have any significant negative influence on their situation. On the contrary, should the Community industry disappear, users would be deprived of an important source of supply, which ensures good service and delivery time.

6.5. Conclusion on Community interest

- (186) Given the above reasons, it is provisionally considered that there are no compelling reasons against the imposition of anti-dumping duties.

7. PROVISIONAL ANTI-DUMPING MEASURES

7.1. Injury elimination level

- (187) In view of the conclusions reached with regard to dumping, injury, causation and Community interest, provisional measures should be taken in order to prevent further injury being caused to the Community industry by the dumped imports.
- (188) For establishing the level of duty, account has been taken of the dumping margins found and of the amount of the duty necessary to eliminate the injury suffered by the Community industry. In order to establish the level of duty required to remove injury caused by dumping, the price underselling has been calculated. The necessary price increase was determined on the basis of a comparison of the weighted average export price per type, as established for the undercutting calculations, with the non-injurious price of the different types sold by the Community industry on the Community market. The non-injurious price has been obtained by adding to the sales price of the Community industry its average actual profit shortfall and by further adding a profit margin of 7 %. This profit margin seems appropriate in order to allow the Community industry to reach a level of profit which it would be likely to obtain in the absence of dumping. Any difference resulting from this comparison was then expressed as a percentage of the total cif import value resulting in the injury threshold.

7.2. Provisional measures

- (189) In the light of the foregoing, it is considered that a provisional anti-dumping duty should be imposed at the level of the dumping margins found, which were in all cases lower than the injury threshold, in accordance with Article 7(2) of the basic Regulation.
- (190) As regards the residual duty to be applied to the non-cooperating exporting producers, in those cases where the level of cooperation for specific exporting countries has been high, the residual duty was fixed at the highest anti-dumping duty found for the cooperating exporting producers. In those cases where the level of cooperation has been low for specific exporting countries, the residual duty was fixed on the basis of the highest dumping margin or injury threshold found for a representative range of exported types of the cooperating exporting producers, whichever is the lower.
- (191) On the basis of the above, the provisional duty rates, expressed as a percentage of the cif Community border price, customs duty unpaid, are as follows:

7.2.1. Countries concerned

Country	Company	Provisional duty (%)
Brazil	Indústria de Fundição Tupy Ltda	26,1
	Others	26,1
The Czech Republic	Moravské Zelezářny as	28,4
	Others	28,4
Japan	Hitachi Metals Ltd	17,6
	Others	28,3
Korea	Yeong Hwa Metal Co. Ltd	11,8
	Others	24,6
Thailand	BIS Pipe Fitting Industry Company Ltd	25,8
	Siam Fittings Co. Ltd	12,4
	Thai Malleable Iron & Steel Co. Ltd	6,3
	Others	25,8
China	All companies	49,4

7.2.2. Croatia and Yugoslavia

- (192) As the market shares found were *de minimis* it is provisionally not considered appropriate to impose any anti-dumping duty on imports of malleable fittings originating in Croatia and Yugoslavia at this stage of the proceeding. However, the Commission will continue to investigate the matter in order to arrive at a definitive determination.

7.2.3. Individual duty rates

- (193) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of the present investigation. Therefore, they reflect the situation found during that investigation with respect to these companies. These duty rates (as opposed to the country-wide duty applicable to 'all other companies') are thus exclusively applicable to imports of products originating in the country concerned and produced by the companies and thus by the specific legal entities mentioned. Imported products produced by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.

- (194) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting-up of new production or sales entities) should be addressed to the Commission ⁽¹⁾ forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with e.g. that name change or that change in the production and sales entities. The Commission, if appropriate, will, after consultation of the Advisory Committee, amend the Regulation accordingly by updating the list of companies benefiting from individual, duty rates.

7.3. Undertaking

- (195) The exporting producer in the Czech Republic has offered a price undertaking in accordance with Article 8(1) of the basic Regulation. The Commission considers that the undertaking offered by the exporting producer concerned can be accepted since it eliminates the injurious effect of the dumping. Furthermore, the regular and detailed reports which the company undertook to provide to the Commission will allow an effective monitoring.
- (196) In order to ensure the effective respect and monitoring of the undertaking, when the request for release for free circulation pursuant to the undertaking is presented, exemption from the duty is conditional upon presentation to the relevant Member States' customs services of a valid undertaking invoice issued by the exporting producer from whom the undertaking is accepted and containing the information listed in the Annex. Where no such invoice is presented or when it does correspond to the product presented to the customs services, the appropriate rate of antidumping duty will be payable in order to avoid circumvention of the undertaking.
- (197) In the event of a breach or withdrawal of the undertaking an anti-dumping duty may be imposed, pursuant to Articles 8(9) and 10 of the basic Regulation.
- (198) The investigation of dumping, injury and Community interest will be completed, notwithstanding the acceptance of undertakings in the course of the investigation, in accordance with Article 8(6) of the basic Regulation.

8. FINAL PROVISION

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of threaded malleable cast iron tube or pipe fittings, falling within CN code ex 7307 19 10 (TARIC code 7307 19 10*10) and originating in Brazil, the Czech Republic, Japan, the People's Republic of China, the Republic of Korea and Thailand.
2. The rate of the provisional anti-dumping duty applicable to the net, free-at-Community-frontier price, before duty, shall be as follows for products originating in:

Country	Provisional duty (%)	Taric additional code
Brazil	26,1	—
The Czech Republic	28,4	A999
Japan	28,3	A999
The People's Republic of China	49,4	—
The Republic of Korea	24,6	A999
Thailand	25,8	A999

⁽¹⁾ European Commission
Directorate-General Trade
Directorate C
DM 24 — 8/38
Rue de la Loi/Wetstraat 200
B-1049 Brussels

The above rates shall not apply to the products manufactured by the companies listed below, which shall be subject to the following anti-dumping duty rates:

Country	Company	Provisional duty (%)	Taric additional code
Japan	Hitachi Metals Ltd Seavans North 2-1, Shibaura 1 — Chome Minato-Ku Tokyo 105-8614 Japan	17,6	A092
The Republic of Korea	Yeong Hwa Metal Co. Ltd 363-6 Namyang-Dong Chinhae Kyongnam Korea.	11,8	A093
Thailand	BIS Pipe Fitting Industry Company Ltd 107 Moo 4, Petchkasem Rd Omnoi, Krathumban Samutsakorn 74130, Thailand	25,8	A094
	Siam Fittings Co., Ltd 100/1-100/2, Moo 2, Settakit 1 Road Omnoi, Krathumban Samutsakorn 74130 Thailand	12,4	A095
	Thai Malleable Iron & Steel Co., Ltd 469/19 Rama III Road, Yannawa Bangkok 10120, Thailand	6,3	A096

3. Notwithstanding paragraph 1, the provisional duty shall not apply to imports of the product concerned manufactured and directly exported (i.e. shipped and invoiced) to the first independent customer in the Community acting as an importer by the company named in Article 2(1) when such imports are in conformity with Article 2(2).

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

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

Article 2

1. The undertaking offered by the following company in connection with the anti-dumping proceeding concerning threaded malleable cast iron tube or pipe fittings, falling within CN code ex 7307 19 10 and originating in Brazil, the Czech Republic, Japan, the People's Republic of China, the Republic of Korea and Thailand is hereby accepted:

Country	Company	Taric additional code
The Czech Republic	Moravské Zelezářny as Repcinska 86 77900 Olomouc 9 Czech Republic	A097

2. When the request for release for free circulation pursuant to an undertaking is presented, exemption from the duty shall be conditional upon presentation to the relevant Member States' customs services of a valid undertaking invoice issued by the company mentioned in Article 2(1). The essential elements of the undertaking invoice are listed in the Annex to this Regulation. Imports accompanied by such an invoice shall be declared under the Taric additional code provided for in Article 2(1).

Exemption from the duty shall further be conditional on the goods declared and presented to customs corresponding precisely to the description on the undertaking invoice.

Article 3

1. The Parties referred to in Article 20(1) of Regulation (EC) No 384/96 may make their views known in writing and apply to be heard orally by the Commission within 30 days of the date of entry into force of this Regulation.
2. The parties referred to in Article 21(4) of Regulation (EC) No 384/96 may comment on the application of this Regulation within one month of the date of its entry into force.

Article 4

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

This Regulation shall apply for a period of six months.

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

Done at Brussels, 28 February 2000.

For the Commission
Pascal LAMY
Member of the Commission

ANNEX

Elements to be indicated in the undertaking invoice referred to in Article 2(2):

1. The TARIC additional code under which the goods on the invoice may be customs-cleared at Community borders (as specified in the Regulation).
 2. The exact description of the goods, including:
 - the product reporting code number (PRC) (as established in the undertaking offered by the producing exporter in question), including type number, diameter, and surface,
 - CN code,
 - quantity (to be given in units).
 3. The description of the terms of the sale, including:
 - price per unit,
 - the applicable payment terms,
 - the applicable delivery terms,
 - total discounts and rebates.
 4. Name of the unrelated importer to which the invoice is issued directly by the company.
 5. The name of the official of the company that has issued the undertaking invoice and the following signed declaration:

'I, the undersigned, certify that the sale for direct export to the European Community of the goods covered by this invoice is being made within the scope and under the terms of the undertaking offered by ... [company], and accepted by the European Commission through Regulation (EC) No 449/2000. I declare that the information provided in this invoice is complete and correct.'
-

COMMISSION REGULATION (EC) No 450/2000
of 28 February 2000
amending Regulation (EC) No 2698/1999 fixing the export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, and in particular Article 33(12) thereof,

Whereas:

- (1) Export refunds on beef and veal are laid down in Commission Regulation (EC) No 2698/1999 ⁽²⁾.
- (2) Common detailed rules for the application of the system of export refunds on agricultural products are laid down in Commission Regulation (EC) No 800/1999 ⁽³⁾.
- (3) Refunds should be granted only on products that are allowed to move freely in the Community. Therefore, to be eligible for a refund, products should be required to bear the health mark laid down in Council Directive 64/433/EEC ⁽⁴⁾, as last amended by Directive 95/23/EC ⁽⁵⁾, Council Directive 94/65/EC ⁽⁶⁾ and Council Directive 77/99/EEC ⁽⁷⁾, as last amended by Directive 97/76/EC ⁽⁸⁾, respectively.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EC) No 2698/1999, the following paragraph 3 is added:

‘3. The products must meet the relevant health marking requirements of:

- Chapter XI of Annex I to Directive 64/433/EEC,
- Chapter VI of Annex I to Directive 94/65/EC,
- Chapter VI of Annex B to Directive 77/99/EEC.’

Article 2

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

It shall apply to payment declarations as referred to in Article 26(1) of Regulation (EC) No 800/1999 and export declarations as referred to in Article 5(2) of Regulation (EC) No 800/1999 accompanied by an export licence issued after 3 March 2000.

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

Done at Brussels, 28 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 326, 18.12.1999, p. 49.

⁽³⁾ OJ L 102, 17.4.1999, p. 11.

⁽⁴⁾ OJ 121, 29.7.1964, p. 2012/64.

⁽⁵⁾ OJ L 243, 11.10.1995, p. 7.

⁽⁶⁾ OJ L 368, 31.12.1994, p. 10.

⁽⁷⁾ OJ L 26, 31.1.1977, p. 85.

⁽⁸⁾ OJ L 10, 16.1.1998, p. 25.

COMMISSION REGULATION (EC) No 451/2000**of 28 February 2000****laying down the detailed rules for the implementation of the second and third stages of the work programme referred to in Article 8(2) of Council Directive 91/414/EEC**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 1999/80/EC ⁽²⁾, and in particular Article 8(2), second subparagraph, thereof,

Whereas:

- (1) The Commission is to undertake a work programme for the gradual examination of active substances on the market two years after the date of notification of Directive 91/414/EEC within a period of 12 years. The first stage of the programme was laid down by Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the work programme referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽³⁾, as last amended by Regulation (EC) No 1972/1999 ⁽⁴⁾. The first stage is ongoing. It is necessary to continue and speed up the examination of the remaining active substances, taking into account experience from the first stage.
- (2) Given the very high number of existing active substances on the market still to be evaluated, a programme in several phases must be established. Experience has shown that the evaluation and decision-making on an active substance is a time-consuming process. It is therefore not yet possible to provide for a detailed evaluation of all the existing active substances.
- (3) Therefore the second stage will provide for the detailed evaluation of a number of active substances comparable to the number covered in the first stage whilst the third stage will prepare for the subsequent evaluation of active substances. For certain categories of active substances further harmonisation is required concerning the dossier to be provided and the evaluation to be carried out. Those categories should therefore not be included in the current proposed work programme but should be covered by further stages for their evaluation with a view to their possible inclusion in Annex I to Directive 91/414/EEC.
- (4) For the second stage a selection should be made taking into account, in a balanced manner, such aspects as health and/or environmental concern, possibility of leaving residues in treated products, importance of the

preparations containing these substances for agriculture, any manifest data gaps and any similarity of chemical or biological properties.

- (5) The relationships between producers, Member States and the Commission and the obligations on each of the parties for the implementation of the programme should be laid down, taking into account experience gained during the first stage of the programme. Close cooperation between all parties involved is necessary to increase the efficiency of the programme.
- (6) Technical or scientific information about an active substance, in particular with regard to its potentially dangerous effects or its residues, submitted within the relevant time limits by any other interested parties should also be taken into consideration in the evaluations.
- (7) A notification procedure should be provided by which interested producers have the right to inform the Commission of their interest in securing the inclusion of an active substance in Annex I to Directive 91/414/EEC and of their undertaking to submit all the required information for a proper evaluation of, and decision on, that active substance in the light of the criteria for inclusion set out in Article 5 of Directive 91/414/EEC. Therefore the information submitted should include information on a limited range of representative uses for which the notifier must demonstrate, on the basis of the data submitted, that for one or more preparations the requirements of Directive 91/414/EEC in relation to the criteria referred to in its Article 5 can be met.
- (8) It is necessary to define the obligations of notifiers with regard to the formats, periods and recipient authorities for the information to be submitted.
- (9) The task of evaluation should be distributed among the competent authorities of the Member States. Therefore, for each active substance a rapporteur Member State should be designated to examine and evaluate the information submitted and to present to the Commission the results of the evaluation and a recommendation for a decision to be taken with regard to the active substance concerned.
- (10) Rapporteur Member States should first examine dossiers received, assess the completeness check provided by the notifiers and report to the Commission. It should be established that Member States should send draft reports of their evaluations to the Commission generally within 12 months after the dossiers submitted by notifiers have been considered complete.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 210, 10.8.1999, p. 13.

⁽³⁾ OJ L 366, 15.12.1992, p. 10.

⁽⁴⁾ OJ L 244, 16.9.1999, p. 41.

- (11) The draft reports prepared by the rapporteur Member States should, where necessary, be the subject of preliminary examination by experts of other Member States within a programme coordinated by the Commission before they are submitted to the Standing Committee on Plant Health.
- (12) In order to avoid duplication of work, and in particular experiments involving vertebrate animals, producers should be encouraged to submit collective dossiers.
- (13) The notification and submission of a dossier should not be a prerequisite for the possibility after inclusion of the active substance in Annex I to Directive 91/414/EEC to place plant protection products on the market subject to the provisions of Article 13 of Directive 91/414/EEC. Therefore, it should be possible for operators which have not presented notifications to be informed at all stages of the possible further requirements for continued marketing of plant protection products containing an active substance under evaluation.
- (14) The procedures provided for in this Regulation should not prejudice procedures and actions to be undertaken in the framework of other Community legislation, in particular, under Council Directive 79/117/EEC of 21 December 1978 prohibiting the placing on the market and use of plant protection products containing certain active substances⁽¹⁾, as last amended by Commission Directive 91/188/EEC⁽²⁾, where information becomes available to the Commission showing that its requirements may be satisfied.
- (15) Directive 91/414/EEC provides in Article 8(2), second subparagraph, a 12-year period for the work programme concerning the evaluation of existing active substances. The 12-year period may be extended by the Commission subject to the conclusions of a progress report, referred to in Article 8(2), third subparagraph, on the programme to the European Parliament and the Council. On the expiry of the time limit, whether or not it was extended, Member States will have to withdraw authorisations of plant protection products containing the active substances which were not included in Annex I to Directive 91/414/EEC.
- The Commission, subject to the conclusions of that report, will adopt further detailed regulatory provisions serving to finalise as soon as possible the evaluation and decision making of active substances for which the provisions of the present Regulation concerning notification and submission of complete dossiers are satisfied.
- Article 8(2), fourth subparagraph, of Directive 91/414/EEC provides for a Commission Decision not to include in Annex I active substances in cases where the requirements of Article 5 of Directive 91/414/EEC are not satisfied or the requisite information and data have not been submitted within the prescribed time period and for the withdrawal by Member States of authorisations of plant protection products containing such active substances. However, subject to the conclusions of the said report and if necessary, it may be appropriate to re-examine these provisions for certain uses which are essential and for which there is no alternative to protect efficiently plants or plant products such as to allow the development of alternatives replacing the use of withdrawn products. The necessity of re-examining those provisions will have to be demonstrated on a case-by-case basis.
- (16) If, for a particular active substance, the requirements of the present Regulation concerning notification and submission of complete dossiers are not satisfied, interested parties are not prevented from seeking inclusion of such active substances in Annex I to Directive 91/414/EEC, in accordance with the procedures under Article 6(2) of Directive 91/414/EEC, at a later date.
- (17) A third stage of work is envisaged for all the active substances not covered by the first and second stage of the programme. Producers wishing to secure the inclusion of such active substances in Annex I to Directive 91/414/EEC should provide detailed information relating to the current stage of completeness of their dossiers and on the endpoints, which would be useful for further prioritisation of the work programme, and undertake to provide a full data package. It is also appropriate to indicate now the time limit for submission of the full data package.
- (18) It is necessary to inform the producers as early as possible about future stages of the re-evaluation programme by publishing the active substances which will be included in the third stage of the programme in order to facilitate the submission of collective dossiers and the preparation of the necessary studies and data.
- (19) In order to ensure the proper implementation of this work programme, a fee should be paid to the rapporteur Member States for the detailed evaluation of notifications and dossiers. The cost structure in the Member States is not the same. It is therefore not possible to harmonise completely the amount of such fees. A fee should also be paid to the authority designated by the Commission to examine the notifications for the active substances covered by the third stage.
- (20) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plant Health,

⁽¹⁾ OJ L 33, 8.2.1979, p. 36.

⁽²⁾ OJ L 92, 13.4.1991, p. 42.

HAS ADOPTED THIS REGULATION:

CHAPTER 1

GENERAL PROVISIONS AND DEFINITIONS

Article 1

Scope

1. This Regulation lays down detailed rules for the implementation of the second and third stages of the work programme referred to in Article 8(2) of Directive 91/414/EEC, hereinafter referred to as 'the Directive'.

2. The second stage concerns the evaluation of the active substances listed in Annex I to this Regulation with a view to their possible inclusion in Annex I to the Directive.

3. The third stage concerns the reporting of the active substances referred to in Annex II to this Regulation with a view to their possible inclusion at a later stage in a subsequent priority list of active substances with a view to their possible inclusion in Annex I to the Directive.

4. Article 6(2), Article 6(3) and the second subparagraph of Article 6(4) of the Directive shall not apply to a substance listed in Annexes I and II to this Regulation as long as the procedures provided for in this Regulation with regard to that substance have not been finalised.

5. This Regulation shall apply without prejudice to:

- (a) reviews by Member States in particular pursuant to renewals of authorisations in accordance with Article 4(4) of the Directive;
- (b) reviews by the Commission pursuant to Article 5(5) of the Directive;
- (c) assessments carried out under Directive 79/117/EEC.

Article 2

Definitions

1. For the purpose of this Regulation, plant protection products, substances, active substances, preparations and authorisations of plant protection products shall have the meanings defined in Article 2 of the Directive.

2. For the purpose of this Regulation, the following definitions shall also apply:

- (a) 'producer' means:
 - for active substances produced within the Community, the manufacturer or a person established within the Community designated by the manufacturer as his sole representative for the purpose of compliance with this Regulation,
 - for active substances produced outside the Community, the person established within the Community and designated by the manufacturer as his sole representative within the Community for the purpose of compliance with this Regulation,

- for active substances for which a joint notification or joint dossier is submitted, the association of producers established within the Community and designated by the producers referred to in the first or second indent for the purpose of compliance with this Regulation;

- (b) 'manufacturer' means the person who manufactures the active substance on his own or who contracts out to another party the manufacturing of the active substance on his behalf;

- (c) 'committee' means the Standing Committee on Plant Health, referred to in Article 19 of the Directive.

Article 3

Member State authority

1. Member States shall allocate responsibility for the implementation of their obligations under the work programme referred to in Article 8(2) of the Directive to an authority or authorities.

2. In each Member State one authority, which is referred to in Annex III, shall coordinate and ensure all necessary contacts with producers, other Member States and the Commission pursuant to this Regulation. Each Member State shall inform the Commission and the designated coordinating authority of each other Member State of any modifications to the communicated details concerning the designated coordinating authority.

CHAPTER 2

SECOND STAGE OF THE WORK PROGRAMME

Article 4

Notification

1. Any producer wishing to secure the inclusion of an active substance referred to in Annex I to this Regulation, or any variants thereof such as salts, esters or amines, in Annex I to the Directive shall so notify, for each active substance separately, the rapporteur Member State designated in Annex I to this Regulation within six months after the date of entry into force of this Regulation.

2. Notification must be made on paper and sent by registered mail to the coordinating authority in the rapporteur Member State, referred to in Annex III to this Regulation, in accordance with the model notification as shown in Part 1 of Annex IV to this Regulation. A copy of the notification shall be sent to the European Commission, Health and Consumer Protection DG, Rue de la Loi/Wetstraat 200, B-1049 Brussels.

3. Any producer who has not notified any given active substance referred to in paragraph 1 within the time limit referred to in that paragraph or whose notification was rejected in accordance with the provisions of Article 5(2) shall be permitted to participate in this programme only collectively with one or more notifiers of the active substance, whose notification was accepted in accordance with Article 5(2), in submitting a joint dossier.

*Article 5***Examination of notifications and request for submission of dossiers to designated rapporteur Member States**

1. For each active substance for which a Member State has been designated rapporteur, it shall examine the notifications referred to in Article 4(2) and, at the latest three months after the time limit referred to in Article 4(1), report to the Commission on the admissibility of the notifications received taking into account the criteria as referred to in Annex V, Part 1.

2. The Commission shall refer the reports referred to in paragraph 1 within three months from the receipt thereof to the committee for further examination concerning their admissibility, taking into account the criteria as referred to in Annex V, Part 1.

Following that examination, a regulation shall be adopted in accordance with the procedure laid down in Article 19 of the Directive establishing the list of active substances, adopted for evaluation with a view to their possible inclusion in Annex I to the Directive. Only active substances for which at least one notification was considered admissible in accordance with the provisions of the first subparagraph shall be included in that Regulation.

3. In the list referred to in paragraph 2, certain active substances with similar structures or chemical properties may be grouped together; if an active substance has been notified with different compositions which may lead to different toxicological properties or have different environmental effects, those compositions may be listed separately.

4. For each active substance adopted for assessment, the Regulation referred to in paragraph 2 shall specify:

- (a) the names and addresses of all notifiers who have made notifications in accordance with Article 4(1) and (2) and which have been considered to be admissible following their examination in accordance with the first subparagraph of paragraph 2;
- (b) the name of the Member State designated as rapporteur; this will be the same Member State as the one designated in Annex I unless an imbalance has become apparent in the number of active substances attributed to the different Member States;
- (c) the time limit for the submission to the rapporteur Member State of the dossiers referred to in Article 6, which shall be a period of 12 months;
- (d) the same time limit for the submission to the rapporteur Member States by any interested parties of relevant information which may contribute to the evaluation, in particular with regard to the potentially dangerous effects of the active substance or its residues on human and animal health and on the environment.

5. From the time of the adoption of the Regulation referred to in paragraph 2, if a Member State envisages taking action to withdraw from the market or to restrict severely the use of a plant protection product containing an active substance listed in that Regulation, where that action is based on information contained in the dossiers referred to in Article 6 or the report referred to in Article 8, the Member State shall inform the

Commission and the other Member States as soon as possible, citing the reasons for its intended action.

6. When, during the assessment and evaluation referred to in Articles 6 and 7, an imbalance becomes apparent in the responsibilities borne by the Member States as rapporteurs, it may be decided, in accordance with the procedure laid down in Article 19 of the Directive, to replace a Member State originally designated as rapporteur for a particular active substance by another Member State.

In such cases, the original rapporteur Member State shall inform the notifiers concerned and shall transfer to the newly designated rapporteur Member State all correspondence and information which it has received as rapporteur Member State for the active substance concerned. The original Member State shall return the fee referred to in Article 12, except the part referred to in Article 12(2)(d) to the notifiers concerned. The newly designated rapporteur Member State shall then require the notifiers to pay the fee referred to in Article 12, except the part referred to in Article 12(2)(d).

7. When a notifier decides to end its participation in the work programme for an active substance, he shall inform at the same time the rapporteur Member State, the Commission and the other notifiers for the substance concerned, mentioning the reasons. Where a notifier ends his participation or fails to fulfil his obligations provided for in this Regulation, the procedures provided for in Article 7 or Article 8 shall not be continued for his dossier.

When a notifier agrees with another producer that the notifier shall be replaced for the purposes of further participation in the work programmes under this Regulation, the notifier and the other producer shall inform the rapporteur Member State and the Commission by a common declaration, agreeing that the other producer shall replace the original notifier in carrying out the notifier's duties as set out in Articles 6, 7 and 8; they shall ensure that the other notifiers for the substance concerned are informed at the same time. In such a case, the other producer may be liable for any fees remaining payable under the regime established by the rapporteur Member State pursuant to Article 12.

*Article 6***Submission of dossiers by notifiers**

1. Within the time limit referred to in Article 5(4)(c), for each active substance the notifiers specified in the Regulation referred to in that Article shall, individually or collectively, submit to the designated authority of the rapporteur Member State for any given active substance the complete dossier referred to in paragraph 3, including the summary dossier referred to in paragraph 2.

Where for any substance the Regulation referred to in Article 5 indicates several notifications, the notifiers concerned shall take all reasonable steps to present collectively the dossiers as referred to in the first subparagraph.

Where a dossier was not presented by all notifiers concerned, it shall mention the efforts made and the reasons why certain producers have not participated.

2. The summary dossier shall include the following:

- (a) a copy of the notification; in the case of a joint application made by several producers, a copy of the notifications made in accordance with Article 4 and the name of the person designated by the producers concerned as being responsible for the joint dossier and the processing of the dossier in accordance with this Regulation;
- (b) a limited range of representative uses of the active substance for which it has to be demonstrated by the notifier, on the basis of the data submitted, that for one or more preparations the requirements of the Directive in relation to the criteria referred to in Article 5 thereof can be met;
- (c) — for each point of Annex II to the Directive, the summaries and results of studies and trials, and the name of the person or institute that has carried out the trials,
— the same information for each point of Annex III to the Directive relevant to the assessment of the criteria referred to in Article 5 of the Directive for one or more preparations which are representative for the uses referred to in subparagraph (b) taking into account the fact that data gaps in the information of the Annex II dossier resulting from the proposed limited range of representative uses of the active substance may lead to restrictions in the inclusion in Annex I to the Directive,
— for studies not yet fully completed, the evidence that these studies have been commissioned at the latest three months after the entry into force of this Regulation with an undertaking that they will be submitted at the latest within 12 months after the time limit referred to in Article 5(4)(c);
- (d) a check by the notifier of the completeness of the dossier.

3. The complete dossier shall contain physically the individual test and study reports concerning all the information referred to in paragraph 2(c), or the protocols and the undertakings referred to in paragraph 2(c) where work is in progress.

4. Member States shall determine the number of copies and the format of the dossiers referred to in paragraphs 2 and 3 to be submitted by the notifiers. In determining the format of the dossier, Member States shall take the utmost account of the recommendations made by the Commission in the framework of the Standing Committee on Plant Health.

5. Where, for any given active substance, the dossiers referred to in paragraph 1 are not sent within the time limit referred to in Article 5 (4)(c), the rapporteur Member State shall inform the Commission at the latest within three months, giving the reasons pleaded by the notifiers.

6. On the basis of the report of the rapporteur Member State referred to in paragraph 5, a new time limit shall only be established in accordance with the procedure laid down in Article 19 of the Directive in the Regulation referred to in

Article 5 for the submission of a dossier fulfilling the requirements of paragraphs 2 and 3 where the delay is demonstrated to have been caused by *force majeure*.

7. After that examination, the Commission shall decide, as provided for in Article 8(2), fourth subparagraph, of the Directive, not to include in Annex I to the Directive an active substance for which no notification or no dossier has been submitted within the prescribed time limit mentioning the reasons for the non-inclusion. Member States shall withdraw by 25 July 2003 authorisations of plant protection products containing those active substances.

Article 7

Completeness check of dossiers

1. For each active substance for which it has been designated rapporteur, the Member State shall:

- (a) examine the dossiers referred to in Article 6(2) and (3) and assess the completeness check(s) provided by the notifiers;
- (b) at the latest six months after the receipt of all dossiers for an active substance, report to the Commission on the completeness of the dossiers; for those active substances for which one or more dossiers are considered to be complete within the meaning of Article 6(2) and (3), the rapporteur Member State shall perform the evaluation as referred to in Article 8, unless the Commission informs the rapporteur Member State within two months that the dossier is not to be considered complete. For those active substances for which the dossier is to be completed, as provided for under Article 6(2)(c), third indent, the report must confirm the date by which the dossier is to be completed and from which the evaluation as referred to in Article 8 will begin.

2. For those active substances for which a rapporteur Member State or the Commission consider that no dossier is complete within the meaning of Article 6(2) and (3), the Commission shall, within three months after the receipt of the report of the rapporteur Member State referred to in paragraph (1)(b), refer that report to the committee. In accordance with the procedure laid down in Article 19 of the Directive it shall be decided whether a dossier is considered complete within the meaning of Article 6(2) and (3). Where the dossier is considered complete, the rapporteur Member State shall perform the evaluation referred to in Article 8.

3. After that examination, the Commission shall decide, as provided for in Article 8(2), fourth subparagraph, of the Directive, not to include in Annex I to the Directive active substances for which no complete dossier has been submitted within the prescribed time limit mentioning the reasons for the non-inclusion. Member States shall withdraw by 25 July 2003 authorisations of plant protection products containing those active substances.

Article 8

Evaluation of dossiers by rapporteur Member States and the Commission

1. The rapporteur Member State shall evaluate and report only on those dossiers which are considered to be complete within the meaning of Article 6(2) and (3). It shall for the other dossiers check the identity and impurities of the active substance. The rapporteur Member State shall take into consideration the information available in the other dossiers submitted by a notifier or by any interested party in accordance with the provisions of Article 5(4)(d). It shall send to the Commission as quickly as possible, and at the latest 12 months after the dossier has been considered to be complete, a report on its evaluation of the dossier. The report shall be presented in the format recommended by the Commission in the framework of the Standing Committee on Plant Health and shall include a recommendation:

- either to include the active substance in Annex I to the Directive stating the conditions for inclusion,
- or not to include the active substance in Annex I to the Directive, mentioning the reasons for the non-inclusion.

The rapporteur Member State shall in particular include in the report a reference to each test and study report for each point of Annex II and Annex III to the Directive relied on for the assessment in the form of a list of test and study reports including the title, the author(s), the date of the study or test report and the date of publication, the standard to which the test or study was conducted, the holder's name and, if any, the claim made by the holder or notifier for data protection. It shall also mention for the other sources of the active substances for which the dossier was considered not to be complete whether it can be concluded that such active substances are comparable within the meaning of Article 13(5) of the Directive.

2. Without prejudice to Article 7 of the Directive, submission of new studies shall not be accepted, except for the studies as referred to in Article 6(2)(c), third indent. The rapporteur Member State may request the notifiers to submit further data which are necessary to clarify the dossier. The request by the rapporteur Member State for the submission of further data necessary to clarify the dossier shall not affect the time limit for the submission of the report referred to in paragraph 1.

The rapporteur Member State may, from the start of the examination, consult with experts from one or several Member States and may request additional technical or scientific information from other Member States in order to assist the evaluation.

The rapporteur Member State shall ensure that notifiers submit the updated summary dossiers to the Commission and the other Member States at the same time as the rapporteur's report of the evaluation of the updated dossiers is sent to the Commission.

The Member States or the Commission may request through the rapporteur Member State that notifiers also send them the updated complete dossiers or parts thereof.

3. After receiving the summary dossier and the report referred to in paragraph 1, the Commission shall refer the

dossier and the report to the Standing Committee on Plant Health for examination.

Before referring the dossier and the report to the Committee, the Commission shall circulate the rapporteur's report to the Member States for information and may organise a consultation of experts from one or several Member States. The Commission may consult some or all of the notifiers of active substances specified in the Regulation referred to in Article 5(2) on the report or parts of the report on the relevant active substance. The rapporteur Member State shall ensure the necessary technical and scientific assistance during these consultations.

Without prejudice to Article 7 of the Directive, submission of new studies will not be accepted except for the studies as referred to in Article 6(2)(c), third indent. The rapporteur Member State, after consultation with the Commission, may request the notifiers to submit further data necessary to clarify the dossier.

The Commission shall consult the relevant scientific committee(s) on any matters relating to health and the environment before submitting to the committee the draft directive or draft decision referred to in paragraph 4.

The rapporteur Member State shall make available on specific request or keep available for consultation by interested parties the following:

- (a) the information referred to in the second subparagraph of paragraph 1, except for the elements thereof which have been accepted as confidential in accordance with Article 14 of the Directive;
- (b) the name of the active substance;
- (c) the content of the pure active substance in the manufactured material;
- (d) the list of any data required for consideration of the possible inclusion of the active substance in Annex I to the Directive, first as contained in the rapporteur's report and secondly as finalised after consultation by the Commission, where appropriate, of the experts referred to in the second subparagraph.

4. After the examination referred to in paragraph 3, the Commission shall, without prejudice to any proposal it may submit with a view to amending the Annex to Directive 79/117/EEC, adopt in accordance with the procedure laid down in Article 19 of the Directive:

- (a) a directive serving to include the active substance in Annex I to the Directive, setting out where appropriate the conditions, including the time limit, for such inclusion; or
- (b) a decision addressed to the Member States withdrawing the authorisations of plant protection products containing the active substance, pursuant to the fourth subparagraph of Article 8(2) of the Directive, whereby that active substance is not included in Annex I to the Directive, mentioning the reasons for the non-inclusion.

5. When the Commission submits to the committee the draft directive or draft decision referred to in paragraph 4, it shall at the same time present the conclusions of the committee's examination in the format of an up-dated review report to be noted in the summary record of the meeting.

The review report, excluding any parts which refer to confidential information contained in the dossiers and determined as such in accordance with Article 14 of the Directive, shall be made available by each Member State on specific request, or shall be kept available for consultation by interested parties.

Article 9

Suspension of evaluation

Where, in respect of a substance mentioned in Annex I to this Regulation, the Commission presents a proposal for a total prohibition under Directive 79/117/EEC, the time limits provided for in this Regulation shall be suspended until a decision on that proposal has been taken. Where the Council decides on the total prohibition of the substance under Directive 79/117/EEC, the procedure under this Regulation shall be terminated.

CHAPTER 3

THIRD STAGE OF THE WORK PROGRAMME

Article 10

Notification

1. Any producer wishing to secure the inclusion of an active substance referred to in Annex II to this Regulation, in Annex I to the Directive shall so notify the body referred to in Annex VII to this Regulation. The Commission shall give regular follow-up of the tasks mentioned in Annex VII to this Regulation entrusted to the body referred to in that Annex. In accordance with the procedure laid down in Article 19 of the Directive it may be decided to designate another body if it appears that the tasks are not adequately performed.

2. Notifications shall be submitted for each active substance separately, as follows:

(a) within three months of the date of entry into force of this Regulation, a first notification in accordance with Section 1 of the model notification as shown in Annex IV, Part 2 hereto;

and

(b) within nine months of the date of entry into force of this Regulation, a second notification in accordance with Sections 1 and 2 of the model notification as shown in Annex IV, Part 2 hereto, including a written commitment to present a complete dossier.

3. Detailed provisions concerning the submission of such dossiers, the time limit(s) for their submission and the fee regime for the active substances concerned shall be established by the Commission in a Regulation to be adopted in accordance with Article 8(2), second subparagraph, of the Directive.

4. The time limit for the submission of a full data package shall be 25 May 2003 at the latest. The full data package shall contain physically the individual test and study reports concerning all the information referred to in Article 6(2)(c), first and second indents. Nevertheless, in the Regulation

referred to in paragraph 3, a later time limit may be established in exceptional cases for the results of long-term studies, not expected to be fully completed by that date, provided that the data package contains:

- evidence that such studies have been commissioned at the latest within 12 months of the date of the entry into force of this Regulation,
- a due scientific justification,
- the protocol and a progress report of the study.

5. Any producer who has not notified any given active substance referred to in paragraph 1 within the time limits referred to in paragraph 2 or whose notification was rejected in accordance with Article 11 will be permitted to participate in the review programme only collectively with one or more notifiers of the active substance, whose notification was considered admissible in accordance with Article 11, in submitting a joint dossier.

Article 11

Examination of notifications

1. The Commission shall, within three months after the time limit referred to in Article 10(2)(b), inform the committee of the notifications received in time. At the latest eight months after the receipt of the notifications, the commission will report to the Committee for further examination on the admissibility of the notifications received taking into account the criteria as referred to in Annex V, Part 2.

2. The Commission shall decide, as provided for in Article 8(2), fourth subparagraph of the Directive, not to include in Annex I to the Directive active substances referred to in Annex II to this Regulation for which no admissible notification or no full data package has been submitted within the prescribed time limit mentioning the reasons for the non-inclusion. Member States shall withdraw by 25 July 2003 authorisations of plant protection products containing those active substances.

CHAPTER 4

FEES

Article 12

Fees for the second priority list

1. Member States shall establish a regime obliging the notifiers to pay a fee for the administrative treatment and the evaluation of notifications as well as the dossiers related thereto, which have been submitted to them in accordance with Article 4 or Article 6 in each case where the Member State has been designated as the rapporteur Member State.

2. For this purpose, the Member States shall:

- (a) require the payment of a fee for each notification, whether introduced by one notifier or collectively by several interested notifiers, as well as for each submission of a dossier related thereto;

- (b) ensure that the amount of the fee is established in a transparent manner with a view to corresponding to the real cost of the examination and administrative treatment of a notification and a dossier; however, Member States may provide for a scale of fixed charges based on average costs for the calculation of the total fee;
- (c) ensure that the fee is received in accordance with the instructions given by the organisation in each Member State listed in Annex VI and that the income from the fee is used to finance exclusively the costs actually incurred by the rapporteur Member State for the evaluation and administrative treatment of the notifications and the dossiers for which that Member State is rapporteur or to finance general actions for the implementation of its obligations as rapporteur Member State resulting from Article 7 or Article 8;
- (d) require that a first part of the fee, covering the costs of the rapporteur Member State's obligations resulting from Article 5(1) and Article 7, is paid at the time of the submission of the notification referred to in Article 4; this part shall not be refundable under any circumstances.

Article 13

Fees for the notification for the third stage of the work programme

Any producers submitting a notification in accordance with Article 10 shall at the time of the submission of their first notification, as referred to in Article 10(2)(a), pay a fee of EUR 5 000 for each active substance to the body referred to in Annex VII. The fee shall be used to finance exclusively the costs actually incurred for the tasks referred to in Annex VII.

Article 14

Other charges, levies or fees

Articles 12 and 13 are without prejudice to Member States' rights to maintain or introduce, in accordance with the Treaty, charges, levies or fees with regard to the authorisation, placing on the market, use and control of active substances and plant protection products other than the fee provided for in Articles 12 and 13.

CHAPTER 5

FINAL PROVISIONS

Article 15

Temporary measures

The Commission shall report to the committee on the conclusions of its progress report, referred to in Article 8(2), third subparagraph, of the Directive.

If necessary and on a case-by-case basis, the Commission may take appropriate temporary measures as provided for by Article 8(2), third subparagraph, of the Directive for uses for which additional technical evidence has been provided demonstrating the essential need for further use of the active substance and that there is no efficient alternative.

Article 16

Entry into force

This Regulation shall enter into force on 1 March 2000.

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

Done at Brussels, 28 February 2000.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

**List of active substances to be covered by the second stage of the work programme provided for in Article 8(2)
of the Directive with the designated rapporteur Member State**

Name

PART A: ANTICHOLINESTERASE ACTIVE SUBSTANCES

Organophosphates	Rapporteur Member State
Azamethiphos	United Kingdom
Ampropylfos	Sweden
Bromophos	Austria
Bromophos-ethyl	Austria
Cadusafos	Greece
Carbophenothion	Luxembourg
Chlorfenvinphos	Italy
Tetrachlorvinphos	Italy
Chlormephos	Spain
Chlorthiophos	Spain
Demeton-S-methyl	France
Demeton-S-methyl-sulphone	France
Oxydemeton-methyl	France
Dialifos	France
Diazinon	Portugal
Dichlofenthion	The Netherlands
Dichlorvos	Italy
Dicrotophos	Italy
Monocrotophos	Italy
Dimefox	Germany
Dimethoate	United Kingdom
Omethoate	United Kingdom
Formothion	United Kingdom
Dioxathion	France
Disulfoton	Greece
Ditalimfos	Austria
Ethephon	The Netherlands
Ethion	France
Ethoate-methyl	Italy
Ethoprophos	United Kingdom
Etrimfos	United Kingdom
Fenamiphos	The Netherlands
Fenitrothion	Denmark
Fonofos	Ireland
Isazofos	France
Isoxathion	Spain
Heptenophos	Austria
Idofenphos	France
Isofenphos	Austria
Malathion	Finland
Mecarbam	Spain
Mephosfolan	Ireland
Methidathion	Portugal
Mevinphos	Sweden

Organophosphates	Rapporteur Member State
Naled	France
Phorate	United Kingdom
Phosalone	Austria
Phosmet	Spain
Phosphamidon	Germany
Phoxim	Belgium
Pirimiphos-ethyl	United Kingdom
Pirimiphos-methyl	United Kingdom
Profenofos	Germany
Propetamphos	Luxembourg
Prothiofos	Spain
Prothoate	Greece
Pyraclufos	Spain
Pyridaphenthion	Italy
Quinalphos	France
Sulprofos	Spain
Sulfotep	Finland
Temephos	Ireland
Terbufos	Austria
Thiometon	The Netherlands
Thionazin	Italy
Tolclofos-methyl	The Netherlands
Triazophos	Greece
Trichlorfon	Portugal
Trichloronat	Finland
Vamidothion	Portugal
Carbamates	Rapporteur Member State
Bendiocarb	United Kingdom
Benfuracarb	Belgium
Carbofuran	Belgium
Carbosulfan	Belgium
Furathiocarb	Belgium
Butocarboxim	Germany
Butoxycarboxim	Germany
Carbaryl	Spain
Dioxacarb	Denmark
Ethiofencarb	Germany
Formetanate	Italy
Methiocarb	Germany
Methomyl	United Kingdom
Thiodicarb	United Kingdom
Oxamyl	Ireland
Pirimicarb	Portugal
Promecarb	Portugal
Propamocarb	Sweden
Prothiocarb	Sweden
Propoxur	Belgium
Thiofanox	France
Triazamate	United Kingdom

PART B

1,3-dichloropropene	Spain
1,3-dichloropropene (cis)	Spain
Captan	Italy
Folpet	Italy
Clodinafop	The Netherlands
Clopyralid	Finland
Cyanazine	Sweden
Cyprodinil	France
Dichlorprop	Denmark
Dichlorprop-P	Denmark
Dimethenamid	Germany
Dimethomorph	Germany
Diuron	Denmark
Fipronil	France
Fosetyl	France
Glufosinate	Sweden
Haloxifyop	Denmark
Haloxifyop-R	Denmark
Metconazole	Belgium
Methoxychlor	Italy
Metolachlor	Belgium
Metribuzin	Germany
Prometryn	Greece
Pyrimethanil	Portugal
Rimsulfuron	Germany
Terbutryne	Germany
Tolyfluanid	Finland
Tribenuron	Sweden
Triclopyr	Ireland
Trifluralin	Greece
Trinexapac	The Netherlands
Triticonazole	Austria

PART C

Barban	Belgium
Bromocyclen	Denmark
Bronopol	Germany
Chloral-semi-acetal	Germany
Chloral-bis-acylal	Germany
Chlorfenprop	Greece
Chlorobenzilate	Spain
Chloroxuron	Spain
P-chloronitrobenzene	Spain
DADZ(Zinc-diethyldithiocarbamate)	France
Di-allate	France
Difenoxuron	Ireland
(2-dithiocyanomethylthio)benzothiazol	Italy
Fluorodifen	Italy
Furfural	Luxembourg

Isocarbamide	The Netherlands
Naphthylacetic acid hydrazide	Austria
Noruron	Portugal
Pentachlorophenol	Finland
4-t-pentylphenol	Sweden
Propazine	United Kingdom
Sodium diacetoneketogulonate	United Kingdom
Sodium dimethyldithiocarbamate	United Kingdom
2,4,5-T	France

ANNEX II

Active substances covered by the third stage of the work programme provided for in Article 8(2) of the Directive

All active substances (including any variants thereof such as salts, esters or amines) that were on the market before 25 July 1993 with the exception of the following active substances:

1. the active substances listed in the Annex to Regulation (EEC) No 3600/92;
2. the active substances listed in Annex I to this Regulation;
3. active substances which are micro-organisms including viruses;
4. active substances of which the use is authorised in human foodstuffs or animal feeding stuffs in accordance with EU legislation;
5. active substances which are plant extracts;
6. active substances which are animal products or derived thereof by simple processing;
7. active substances which are or will be exclusively used as attractants or repellants (including pheromones). Active substances which are or will be exclusively used in traps and/or dispenses, in conformity with Council Regulation (EEC) No 2092/91 ⁽¹⁾ concerning organic farming;
8. active substances which are or will be exclusively used as rodenticides;
9. active substances which are or will exclusively be used on stored plants or plant products;
10. the following commodity substances:
 - aluminium sulphate
 - calcium chloride
 - CO₂
 - EDTA and salts thereof
 - ethanol
 - grease (bands, fruit trees)
 - fatty alcohols
 - iron sulphate
 - lime phosphate
 - lime sulphur
 - nitrogen
 - paraffin oil
 - petroleum oils
 - potassium permanganate
 - propionic acid
 - resins and polymers
 - sodium chloride
 - sodium hydroxide
 - sulphur and sulphur dioxide
 - sulphuric acid
 - waxes.

⁽¹⁾ OJ L 36, 10.2.1998, p. 16.

ANNEX III

Coordinating authority in the Member States

AUSTRIA

Bundesamt und Forschungszentrum für Landwirtschaft
Spargelfeldstraße 191
A-1226 Wien

BELGIUM

Ministère des classes moyennes et de l'agriculture,
Service 'Qualité des matières premières et analyses'
WTC 3, 8^e étage
Boulevard Simon Bolivar 30
B-1000 Bruxelles

Ministerie van Middenstand en Landbouw
Dienst Kwaliteit van de grondstoffen en analyses
WTC 3, 8^e verdieping
Simon Bolivarlaan 30
B-1000 Brussel

DENMARK

Ministry of Environment and Energy
Danish Environmental Protection Agency
Pesticide Division
Strandgade 29
DK-1401 Copenhagen K

GERMANY

Biologische Bundesanstalt für Land- und Forstwirtschaft (BBA)
Abteilung für Pflanzenschutzmittel und Anwendungstechnik (AP)
Messeweg 11-12
D-38104 Braunschweig

GREECE

Hellenic Republic
Ministry of Agriculture
General Directorate of Plant Produce
Directorate of Plant Produce Protection
Department of Pesticides
3-4 Hippokratous Street
GR-10164 Athens

SPAIN

Ministerio de Agricultura, Pesca y Alimentación
Dirección General de Agricultura
Subdirección General de Medios de Producción Agrícolas
c/Ciudad de Barcelona, 118-120
E-28007 Madrid

FINLAND

Plant Production Inspection Centre
Pesticide Division
P.O. BOX 42
FIN-00501 Helsinki

FRANCE

Ministère de l'agriculture
Service de la protection des végétaux
251, rue de Vaugirard
F-75732 Paris Cedex 15

IRELAND

Pesticide Control Service
Department of Agriculture, Food and Rural Development
Abbotstown Laboratory Complex
Abbotstown, Castleknock
Dublin 15
Ireland

ITALY

Ministero della Sanità
Dipartimento degli Alimenti, Nutrizione e Sanità Pubblica Veterinaria
Ufficio XIV
Piazza G. Marconi, 25
I-00144 Roma

LUXEMBOURG

Administration des services techniques de l'agriculture
Service de la protection des végétaux
Boîte postale 1904
16, route d'Esch
L-1019 Luxembourg

NETHERLANDS

College voor de Toelating van Bestrijdingsmiddelen
Postbus 217
6700 AE Wageningen
Nederland

PORTUGAL

Direcção-Geral de Protecção das Culturas,
Quinta do Marquês
P-2780-155 Oeiras

SWEDEN

Kemikalieinspektionen
Box 1384
S-171 27 Solna

UNITED KINGDOM

Pesticides Safety Directorate
Ministry of Agriculture, Fisheries and Food
Mallard House
Kings Pool
3 Peasholme Green,
York YO1 7PX
United Kingdom

ANNEX IV

PART 1

Notification of an active substance according to Article 4

MODEL

The notification must be made on paper and sent by registered mail.

The notification shall contain the following information:

1. *Identification data on the notifier*

- 1.1. Manufacturer of the active substance as defined in Article 2(2)(a) (name, address, including location of plant):
- 1.2. Name and address of the producer as defined in Article 2(2)(a) including the name of the (physical) person responsible for the notification and further engagements resulting from this Regulation:
 - 1.2.1. (a) Telephone No:
 - (b) Fax No:
 - (c) E-mail address:
 - 1.2.2. (a) Contact:
 - (b) Alternative:

2. *Information to facilitate identification*

- 2.1. Common name (proposed or ISO-accepted) specifying, where relevant, any variants thereof such as salts, esters or amines produced by the manufacturer:
- 2.2. Chemical name (IUPAC and CAS nomenclature):
- 2.3. CAS, CIPAC and EEC numbers (if available):
- 2.4. Empirical and structural formula, molecular mass:
- 2.5. Specification of purity of the active substance in g/kg or g/l as appropriate:
- 2.6. Classification and labelling of the active substance in accordance with the provisions of Council Directive 67/548/EEC (health and environment effects) (OJ 196, 16.8.1967, p. 1):

3. *Undertaking*

The notifier undertakes to submit to the designated coordinating authority of the designated rapporteur Member State the dossiers as set out in Article 6 of this Regulation within the time limit provided for in the regulation to be adopted according to Article 5(2). Whenever this Regulation mentions several notifiers for this active substance, the notifier agrees to make all reasonable efforts to present a single dossier collectively with the other notifiers.

The notifier undertakes to pay the remaining part of the fee as provided for in Article 12(2) in accordance with the instructions given by the organisation of the designated rapporteur Member State referred to in Annex VI at the time of the submission of the full dossier for active substances covered by the regulation meant in Article 5(2). In case a new rapporteur Member State is designated in accordance with Article 5(6), the notifier undertakes to pay the remaining part of the fee as provided for in Article 12(2) to the newly designated rapporteur Member State in accordance with the instructions given by the organisation of the newly designated rapporteur Member State referred to in Annex VI.

The notifier confirms that he has paid the first part of the fee as provided for in Article 12(2)(d) at the time of the submission of the notification in accordance with the instructions of the organisation of the designated rapporteur Member State referred to in Annex VI, or undertakes to pay it immediately where the designated rapporteur Member State has instructed him to wait with the payment until requested to do so.

The notifier declares that an authorisation by the manufacturer to act as his sole representative for the purpose of complying with this Regulation is enclosed if necessary.

The notifier confirms that the above information submitted on (date) is honest and correct.

Signature (of the person competent to act for the company mentioned under 1.1)

PART 2**Notification of an active substance according to Article 10**

MODEL

The notification shall be presented in two sections:

Sections 1 and 2 have to be submitted both on paper and as a computer readable file. The detailed format will be defined by the body designated in Annex VII in consultation with the Commission.

SECTION 1

Reference No:

1. Identification data on the notifier

- 1.1. Manufacturer of the active substance as defined in Article 2(2)(a) (name, address, including location of plant):
- 1.2. Name and address of the producer as defined in Article 2(2)(a) including the name of the (physical) person responsible for the notification and further engagements resulting from this Regulation:
 - 1.2.1. (a) Telephone No:
 - (b) Fax No:
 - (c) E-mail address:
 - 1.2.2. (a) Contact:
 - (b) Alternative:

2. Information to facilitate identification

- 2.1. Common name (proposed or ISO-accepted) specifying, where relevant, any variants thereof such as salts, esters or amines produced by the manufacturer:
- 2.2. Chemical name (IUPAC and CAS nomenclature):
- 2.3. CAS, CIPAC and EEC numbers (if available):
- 2.4. Empirical and structural formula, molecular mass:
- 2.5. Specification of purity of the active substance in g/kg or g/l as appropriate:
- 2.6. Classification and labelling of the active substance in accordance with the provisions of Directive 67/548/EEC (health and environment effects):

3. Undertaking

The notifier confirms that the information submitted in Section 2, points 3 and 8, of the notification is based on studies which are available to the notifier and which will be submitted to the rapporteur Member State as part of the dossier referred to in Article 11(3).

The notifier undertakes to submit to the designated coordinating authority of the designated rapporteur Member State the dossiers within the time limit provided for in the Regulation to be adopted according to Article 10(3) of this Regulation. Whenever this Regulation mentions several notifiers for this active substance, the notifier agrees to make all reasonable efforts to present a single dossier collectively with the other notifiers.

The notifier undertakes to pay a fee as provided for in Article 13 at the time of the submission of the notification to the body designated in Annex VII.

The notifier declares that he is aware that he will be charged a fee by a designated rapporteur Member State at the time of the submission of the full dossier for active substances covered by the Regulation meant in Article 11.

The notifier confirms that the above information and the information which is submitted on (date) as Section 2 is honest and correct.

The notifier declares that an authorisation by the manufacturer to act as his sole representative for the purpose of complying with this Regulation is inclosed if necessary.

Signature (of the person competent to act for the company
mentioned under 1.1)

SECTION 2

Reference No:

The notifier has to resubmit in points 1 and 2 the same information as already submitted as part of his notification in accordance with Section 1, points 1 and 2. Changes, if any, should be clearly marked.

1. *Identification data on the notifier*

- 1.1. Manufacturer of the active substance as defined in Article 2(2)(a) (name, address, including location of plant):
- 1.2. Name and address of the producer as defined in Article 2(2)(a) including the name of the (physical) person responsible for the notification and further engagements resulting from this Regulation:
 - 1.2.1. (a) Telephone No:
 - (b) Fax No:
 - (c) E-mail address:
 - 1.2.2. (a) Contact:
 - (b) Alternative:

2. *Information to facilitate identification*

- 2.1. Common name (proposed or ISO-accepted) specifying, where relevant, any variants thereof such as salts, esters or amines produced by the manufacturer:
- 2.2. Chemical name (IUPAC and CAS nomenclature):
- 2.3. CAS, CIPAC and EEC numbers (if available):
- 2.4. Empirical and structural formula, molecular mass:
- 2.5. Specification of purity of the active substance in g/kg or g/l as appropriate:
- 2.6. Classification and labelling of the active substance in accordance with the provisions of Directive 67/548/EEC (health and environment effects):

3. *Completeness check*

A completeness check has to be presented in the format recommended at the time of entry into force of this Regulation by the Commission in the framework of the Standing Committee on Plant Health for each point of Annex II and Annex III to the Directive relevant for the limited range of representative uses of the active substance for which the notifier intends to demonstrate, on the basis of the data that will be submitted, the acceptability in relation to the assessment of the criteria referred to in Article 5 of the Directive for one or more preparations.

The notifier has to identify these representative uses.

4. *List of available studies*

- A list of all studies available to the notifier and which will be submitted to the rapporteur Member States as part of the dossier.
- A detailed provisional plan including engagements for the performance of further studies in order to complete the dossier.
- A separate list of all the studies performed since 1 August 1994 (with the exception of studies on efficacy referred to in Annex III, Section 6, of the Directive).

5. For each Member State a list of crops in which plant protection products containing the active substance are currently authorised.

6. Date of the most recent review of the active substance in a Member State of the European Union.

7. Date of the most recent review of the active substance in an OECD country.

8. *List of endpoints*

A list of all the following endpoints has to be presented relevant for the limited range of uses of the active substance for which it has to be demonstrated by the notifier, on the basis of the data that will be submitted, that for one or more preparations the requirements of the Directive in relation to the criteria referred to in its Article 5 can be met:

IDENTITY, PHYSICAL AND CHEMICAL PROPERTIES

Common name (ISO)	
Chemical name (IUPAC)	
Chemical name (CA)	
CIPAC No	
CAS No	
EEC No	
FAO specification	
Minimum purity	
Molecular formula	
Molecular mass	
Structural formula	
Melting point	
Boiling point	
Appearance	
Relative density	
Vapour pressure	
Henry's law constant	
Solubility in water	
Solubility in organic solvents	
Partition coefficient ($\log P_{ow}$)	
Hydrolytic stability (DT_{50})	
Dissociation constant	
Quantum yield of direct photo transformation in water at $\Sigma > 290 \text{ nm}$	
Flammability	
Explosive properties	
UV/VIS absorption (max.)	
Photostability (DT_{50})	

TOXICOLOGY AND METABOLISM

Absorption, distribution, excretion and metabolism in mammals

Rate and extent of absorption	
Distribution	
Potential for accumulation	
Rate and extent of excretion	
Toxicologically significant compounds	
Metabolism in animals	

Acute toxicityRat oral ⁽¹⁾Rat LD₅₀ dermalRat LC₅₀ inhalation

Skin irritation

Eye irritation

Skin sensitisation (test method used and result)

Short term toxicity

Target/critical effect

Lowest relevant oral NOAEL/NOEL

Lowest relevant dermal NOAEL/NOEL

Lowest relevant inhalation NOAEL/NOEL

Genotoxicity**Long-term toxicity and carcinogenicity**

Target/critical effect

Lowest relevant NOAEL

Carcinogenicity

Reproductive toxicity

Target/critical effect — reproduction

Lowest relevant reproductive NOAEL/NOEL

Target/critical effect — developmental toxicity

Lowest relevant developmental NOAEL/NOEL

Delayed neurotoxicity**Other toxicological studies****Medical data**

⁽¹⁾ May include a point estimate or a range estimate.

Summary

ADI
 AOEL systemic
 AOEL inhalation
 AOEL dermal
 ArfD (acute reference dose)

Value	Study	Safety factor

Dermal absorption

--

FATE AND BEHAVIOUR IN THE ENVIRONMENT

Fate and behaviour in soil**Route of degradation***Aerobic*

Mineralisation after 100 days

Non-extractable residues after 100 days

Relevant metabolites: name and/or code % of applied rate (range and maximum)

Supplemental studies*Anaerobic*

--

Soil photolysis

--

Remarks

--

Rate of degradation ⁽¹⁾*Laboratory studies*DT₅₀lab (20 °C, aerobic)DT₉₀lab (20 °C, aerobic)DT₅₀lab (10 °C, aerobic)DT₅₀lab (20 °C, anaerobic)

⁽¹⁾ Specify method of calculation and order of reaction.

Field studies ⁽¹⁾DT_{50f} from soil dissipation studiesDT_{90f} from soil dissipation studies

Soil accumulation studies

Soil residue studies

Remarks

For example, effect of soil pH on degradation rate

Adsorption/desorptionK_fK_dK_{oc}

PH dependence

Mobility*Laboratory studies*

Column leaching

Aged residue leaching

Field studies

Lysimeter/field leaching studies

*Remarks***Fate and behaviour in water****Abiotic degradation**

Hydrolytic degradation

Relevant metabolites

Photolytic degradation

Relevant metabolites

⁽¹⁾ Specify country or region.

Biological degradation

Readily biodegradable

Water/sediment study:

DT₅₀ waterDT₉₀ waterDT₅₀ whole systemDT₉₀ whole system

Distribution in water/sediment systems (active substance)

Distribution in water/sediment systems (metabolites)

Accumulation in water and/or sediment

Degradation in the saturated zone

Remarks

Fate and behaviour in air**Volatility**

Vapour pressure

Henry's law constant

Photolytic degradation

Direct photolysis in air

Photochemical oxidative degradation in air

DT₅₀

Remarks

ECOTOXICOLOGY**Terrestrial vertebrates**

Acute toxicity to mammals

Longterm toxicity to mammals

Acute toxicity to birds

Dietary toxicity to birds

Reproductive toxicity to birds

Semi-field/field study

(¹) Specify country or region.

Aquatic organisms

Acute toxicity to fish

Long-term toxicity to fish

Bioaccumulation in fish

Acute toxicity to invertebrates

Chronic toxicity to invertebrates

Acute toxicity to algae

Acute toxicity to aquatic plants

Chronic toxicity to sediment dwelling organisms

Micro/mesocosm study

Honeybees

Acute oral toxicity

Acute contact toxicity

Semi-field/field study

Other arthropod species ⁽¹⁾*Test species*

% effect

Earthworms

Acute toxicity

Reproductive toxicity

Field study

Soil micro-organisms

Nitrogen mineralisation

Carbon mineralisation

⁽¹⁾ Specify type of study: laboratory/extended laboratory/semi-field/field study.

ANNEX V

PART 1**Criteria for the admissibility of notifications referred to in Article 4**

A notification will only be considered admissible if the following conditions are satisfied:

1. it is presented within the time limit referred to in Article 4(1);
2. it is introduced by a notifier who is a producer as defined in Article 2(2)(a) for an active substance as defined by the Directive;
3. it is presented in the format as provided for in Annex IV, Part 1;
4. a fee as referred to in Article 12(2)(d) has been paid.

PART 2**Criteria for the admissibility of notifications referred to in Article 10**

A notification will only be considered admissible if the following conditions are satisfied:

1. it is presented within the time limit referred to in Article 10(2);
 2. it is introduced by a notifier who is a producer as defined in Article 2(2)(a) for an active substance as defined by the Directive;
 3. it is presented in the format as provided for in Annex IV, Part 2;
 4. it appears from the completeness check that the dossier currently available is sufficiently complete or a time plan to complete it is proposed;
 5. the list of endpoints is sufficiently complete;
 6. a fee as referred to in Article 13 has been paid.
-

ANNEX VI

Organisations in the Member States to be contacted concerning further details on the payment of the fees referred to in Article 12 and to which such fees have to be paid

AUSTRIA

Bundesamt und Forschungszentrum für Landwirtschaft
Spargelfeldstraße 191
A-1226 Wien

BELGIUM

Fonds budgétaire des matières premières
Ministère des classes moyennes et de l'agriculture
Inspection générale des matières premières et produits transformés, WTC 3
Boulevard Simon Bolivar 30
B-1000 Bruxelles

Account number 679-2005985-25 (Banque de la Poste)

Begrotingsfonds voor de grondstoffen
Ministerie van Middenstand en Landbouw
Inspectie-generaal Grondstoffen en verwerkte producten, WTC 3
Simon Bolivarlaan 30
B-1000 Brussel

Account number 679-2005985-25 (Bank van De Post)

DENMARK

Ministry of Environment and Energy
Danish Environmental Protection Agency
Strandgade 29
DK-1401 Copenhagen K

GERMANY

Biologische Bundesanstalt für Land- und Forstwirtschaft
Abteilung für Pflanzenschutzmittel und Anwendungstechnik
Messeweg 11-12
D-38104 Braunschweig

GREECE

Hellenic Republic
Ministry of Agriculture
General Directorate of Plant Produce
Directorate of Plant Produce Protection
Department of Pesticides
3-4 Hippokratous Street
GR-10164 Athens

SPAIN

Ministerio de Agricultura, Pesca y Alimentación
Dirección General de Agricultura
Subdirección General de Medios de Producción Agrícolas
c/Ciudad de Barcelona, 118-120
ES-28007 Madrid

FINLAND

Plant Production Inspection Centre
Pesticide Division
P.O. Box 42
FIN-00501 Helsinki

Bank and account:
Leonia Bank plc
PSP BFIHH
800015-18982

FRANCE

Ministère de l'agriculture et de la pêche
Bureau de la réglementation des produits antiparasitaires
251, rue de Vaugirard
F-75732 Paris Cedex 15

IRELAND

Pesticide Control Service
Department of Agriculture, Food and Rural Development
Abbotstown Laboratory Complex
Abbotstown, Castleknock
Dublin 15
Ireland

ITALY

Tesoreria Provinciale dello Stato di Viterbo
post current account n. 11281011

LUXEMBOURG

Administration des services techniques de l'agriculture
Boîte postale 1904
L-1019 Luxembourg

NETHERLANDS

College voor de Toelating van Bestrijdingsmiddelen
Postbus 217
6700 AE Wageningen
Nederland

PORTUGAL

Direcção-Geral de Protecção das Culturas,
Quinta do Marquês
P-2780-155 Oeiras
Account number: 003505840003800793097
Bank: Caixa Geral de Depósitos

SWEDEN

Kemikalieinspektionen
Box 1384
S-171 27 Solna
National Giro Account: 4465054-7

UNITED KINGDOM

Pesticides Safety Directorate
Ministry of Agriculture, Fisheries and Food
Mallard House
Kings Pool
3 Peasholme Green,
York YO1 7PX
United Kingdom

ANNEX VII

Designated body referred to in Article 10

The following body is designated to perform on behalf of the Commission the tasks referred to in Article 11: Biologische Bundesanstalt für Land und Forstwirtschaft (RENDER PROJECT), Messeweg 11-12 D-38104 Braunschweig (Internet: <http://www.bba.de/english/render.htm> or e-mail: render@bba.de). The fee referred to in Article 13 has to be paid to account No 250 010 00, BLZ 250 000 00, Landeszentralbank Hannover (reference 'BBA-RENDER' mentioning the reference number of the notification).

This body will:

1. examine the notifications referred to in Article 10;
 2. make available to the notifiers the format of the notification referred to in Article 10(2);
 3. examine the notifications and consult with experts from other Member States in the light of the acceptability criteria referred to in Annex V, Part 2;
 4. report to the Commission within six months from the time limit referred to in Article 10(2)(b) on the acceptability of the notifications received;
 5. make available to the Commission the notifications received;
 6. make a detailed account available to the Commission;
 7. if the total amount of fees paid by all notifiers exceeds the real cost of the examination and administrative treatment of all notifications, refund the balance to the notifiers in equal shares.
-

COMMISSION REGULATION (EC) No 452/2000
of 28 February 2000
implementing Council Regulation (EC) No 530/1999 concerning structural statistics on earnings
and on labour costs as regards quality evaluation on labour costs statistics
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 530/1999 of 9 March 1999 concerning structural statistics on earnings and on labour costs ⁽¹⁾ and in particular Article 11 thereof,

Whereas:

- (1) In accordance with Article 11 of Regulation (EC) No 530/1999, implementing measures are necessary concerning the quality evaluation and the content of the report on quality.
- (2) The measures provided for in this Regulation are in accordance with the opinion delivered by the Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Quality evaluation criteria and content of the report on quality

The quality evaluation criteria and the content of the report on quality referred to in Article 10 of Regulation (EC) No 530/1999, are laid down in the Annex to the present Regulation.

Article 2

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 28 February 2000.

For the Commission
Pedro SOLBES MIRA
Member of the Commission

⁽¹⁾ OJ L 63, 12.3.1999, p. 6.

⁽²⁾ OJ L 181, 28.6.1989, p. 47.

ANNEX

QUALITY EVALUATION CRITERIA AND CONTENT OF THE REPORT ON QUALITY FOR LABOUR COSTS STATISTICS**DELAY FOR TRANSMISSION OF THE REPORT**

The quality report shall be transmitted at best together with the data delivery and at the latest 24 months after the end of the reference period for which the data was collected.

TRANSITIONAL PERIOD

As quality reporting is a new feature of the European statistical system; it is admitted that national statistical authorities have to adapt their tools, knowledge and resources for this reporting progressively. Therefore, the content of the quality report presented below provides some optional items for the first quality report to be delivered for the reference year 2000 labour cost survey. The feasibility and relevance of these optional items will be reviewed in the light of the information actually delivered by the Member States and the general progress made in the field of statistical science. This review should be carried out by Eurostat and the national statistical authorities before the next survey in order to be able to decide whether the optional items should so remain.

SCOPE

The information is requested in so far as the derogations in relevant Council Regulations or Commission Regulations allow. These Regulations concern the structural statistics on labour costs and earnings, labour force survey, structural business statistics and national accounts. The same holds true for optional characteristics or breakdowns.

DIFFUSION OF THE INFORMATION COLLECTED THROUGH THE QUALITY REPORT

The quality components: relevance, timeliness and punctuality, accessibility, clarity and completeness will be mainly used for internal purposes of the European system of statistics.

The accuracy, comparability and coherence components are of main interest for users. The information will be disseminated to the users through statistical or methodological documents.

CONTENT

Note: Tables A, B and C and the associated variables (for example A11, B1, D1, ...) are defined in Commission Regulation (EC) No 1726/1999 of 27 July 1999 implementing Council Regulation (EC) No 530/1999 concerning structural statistics on earnings and on labour costs as regards the definition and transmission of information on labour costs ⁽¹⁾.

1. Relevance

Optional item:

- a summary including users' description, origin and satisfaction of users' needs, and relevance of statistics for the users.

2. Accuracy**2.1. Sampling errors****2.1.1. Probability sampling****2.1.1.1. Bias**

Optional item:

- biases due to the estimation method, when measurable.

2.1.1.2. Variance

- coefficients of variation ⁽²⁾ broken down according to the structure of Tables A, B, and C for:
 - annual labour costs per employee (D1/A11+A121+A131),
 - hourly labour costs (D1/B1),

⁽¹⁾ OJ L 203, 3.8.1999, p. 28.

⁽²⁾ The coefficient of variation is the ratio of the square root of the variance of the estimator to the expected value. It is estimated by the ratio of the square root of the estimate of the sampling variance to the estimated value. The estimation of the sampling variance must take into account the sampling design.

- coefficients of variation broken down according to the structure of the Table A for:
 - B1 hours worked by all employees,
 - D1 compensation of employees,
 - D11 wages and salaries (total),
- methodology used for variance estimation.

Optional items:

- coefficients of variation broken down according to the structure of Tables B, and C for:
 - B1 hours worked by all employees,
 - D1 compensation of employees,
 - D11 wages and salaries (total),
- coefficients of variation broken down according to the structure of Tables A, B, and C for:
 - A1 total number of employees,
 - A11+A121+A131 total number of employees in full-time units.

2.1.2. Non-probability sampling

Where existing sources are used, where calculation of a coefficient of variation is not meaningful a description of possible sources of lack of precision should be provided instead.

2.2. Non-sampling errors

2.2.1. Frame errors

- description of the main mis-classification, under-and over-coverage problems ⁽¹⁾ encountered in collecting the data,
- The methods used to process these eventual errors.

Optional items:

- rates of over-coverage, under-coverage and mis-classification broken down according to the stratification used for sampling.

The requested information can be derived partially from the report on the quality of the register.

Note: Where individual administrative data are used, a similar analysis has to be reported based on the administrative reference file.

2.2.2. Measurement and processing errors

- Description of the methods used to reduce measurement and processing errors ⁽²⁾

Optional items:

- number of corrected cases for the variables requested in Table A in a percentage of the units with responses for the variable under consideration,
- the error rates of data entry or coding for the variables:
 - number of employees,
 - wages and salaries,
 - local unit activity (NACE Rev. 1 divisions),
 - region (NUTS 1),
- methodological notes on the estimation ⁽³⁾ of these rates.

⁽¹⁾ Over-coverage relates either to wrongly classified units that are in fact out of scope (e.g. actual local unit activity not in C-K NACE Rev. 1), or to units that do not exist in practice.

Under-coverage refers to (new) units not included in the frame, either through real birth or demergers, and to wrongly classified units. Black economy is not concerned.

Mis-classification refers to incorrect classification of units that belong to the target population.

⁽²⁾ Measurement errors are errors that occur at the time of data collection. There are a number of sources of measurement error, including the survey instrument (the form or questionnaire), the respondent, the information system, the mode of data collection, and the interviewer. Processing errors are errors in post-data-collection processes such as data entry, coding, keying, editing, weighting and tabulating.

⁽³⁾ The measures of the error rates can be achieved through standard techniques of quality control, for instance by verifying the quality of a subsample of the processed questionnaires (to check the level of errors either during the keying phase or during the processing of edits by NSI staff).

2.2.3. Non-response errors

- unit response rates ⁽¹⁾ total and broken down according to the stratification used for sampling,
- a description of the methods used for imputation and/or reweighting for non-response.

Note: Where individual administrative data are used, non-availability of the administrative record or item of data replaces non-response.

Optional items:

- item response rates for each variable. The rate is the ratio of the number of item responses to the number of in scope respondents,
- a description of the reasons for non-response and an assessment of non-response biases for one of the major questions in the questionnaire.

2.2.4. Model assumption errors

- Report ⁽²⁾ on the eventual use of the following models:
 - to adjust fiscal year to calendar year,
 - to take into account small enterprises,
 - to combine data from administrative sources and surveys.

Note: Where individual administrative data are used, the correspondence between the administrative concepts and the theoretical statistical concept has to be commented on.

3. Timeliness and punctuality

- key data-collection dates: e.g. the legal deadline imposed on respondents in the Member State, when the questionnaires and recalls and follow-ups were sent out and when the field work took place,
- key dates for the post-collection phase: e.g. starting and finishing dates for completeness, coding and plausibility checks, date of the quality check (congruency of results) and non-disclosure measures,
- key publication dates: e.g. when the advance and detailed results were calculated and disseminated.

Note: Punctuality of data transmission to Eurostat will be evaluated according to the Regulation specifying periodicity and delays for data transmission.

4. Accessibility and clarity

- a copy of the publication(s),
- information on what, if any, results are sent to reporting units included in the sample,
- information on the dissemination scheme for the results (e.g. to whom the results are sent),
- a copy of any methodological documents relating to the statistics provided.

5. Comparability

5.1. Spatial comparability

- a comparison between national concepts and European concepts has to be reported if there are differences especially on the definition of statistical units, the reference population, classifications and definitions of variables in the transferred results. When possible, the differences should be quantified.

Note: when classifications and units come from the register, the quality of this information should come from the report on the quality of the register.

⁽¹⁾ The rate is the ratio of the number of in scope respondents to the number of questionnaires sent to the population selected.

⁽²⁾ Comments should for example cover the selection procedure of these models (i.e. why a given model has been chosen in preference to alternative ones), if relevant the associated estimation error of the corresponding estimates, elements on the verification of the assumptions underlying the model, the test of the predictive power of the model using historical data, the comparison of the results generated by the model with other related sources of data, the use of screening and cross-validation studies, the tests of sensitivity of the model to parameters' estimation, the validation of the data inputs to the model.

5.2. *Comparability over time*

- details of changes in definitions, coverage or methods and if possible an evaluation of the consequences of eventual non-negligible changes.

6. **Coherence**

Note: This item has two goals: to inform the users on the conceptual differences that exist between several sources of variables that are very close and usually have the same name in statistical publications and to provide information to evaluate how to go from one concept to the other. The second goal is to check that statistics which are in principle fairly coherent conceptually give comparable results on the same reference population. With these aims, labour costs statistics and other statistics sent to Eurostat should be compared by appropriate ratios using national practical concepts and measurements. For example, the labour force survey (LFS) has a fairly different employment definition: in the LFS employment of residents is measured; whereas in labour cost surveys it is employment on the national territory, a concept coherent with national accounts and business statistics. Comparisons should also take into account that labour costs statistics are based on enterprises with more than nine employees.

6.1. *Coherence with statistics from labour force survey*

Optional item:

- explanations of main differences in ratios of the 'number of part-time employees to the number of full-time employees' and in the ratio of 'average number of hours actually worked by part time employees to the average number of hours actually worked' by full time employees in both sources. A view broken down by economic activity (NACE Rev. 1, Sections C to K) would be helpful. The accuracy and concepts of sources have to be taken into account.

6.2. *Coherence with structural business statistics*

The Regulation ⁽¹⁾ concerning structural business statistics covers all market activities in sections C to K and M to O of NACE Rev.1.

The closest part of both sources is summarised in the table below:

	Labour costs survey	Structural business survey
Series	Regional data	Annual regional statistics
Statistical unit	Local unit	Local unit
Activity coverage	NACE Rev. 1, Sections C to K except Section J	NACE Rev. 1, Sections C to K except Section J
Characteristics	D11 wages and salaries E1 local units, universe	13 32 0 wages and salaries 11 21 0 number of local units
Activity breakdown	NACE Rev. 1, 2-digit level (division)	NACE Rev. 1, 2-digit level (division)
Regional breakdown	NUTS 1	NUTS 1

- Explanations of the main differences of these variables taking into account the accuracy and concepts of each source (broken down by NACE Rev. 1 divisions). Optionally, cross tabulations by NUTS 1 and broad NACE Rev. 1 groupings (C-D-E, F, G-H, I-J-K).

⁽¹⁾ OJ L 14, 17.1.1997.

Optional items:

The table below summarises other parts of the statistics that could be compared:

	Labour costs survey	Structural business survey
Series	Table B: national data statistics by size class of enterprise	Annual enterprise statistics by size class
Statistical unit	Local unit	Enterprise
Activity coverage	NACE Rev. 1, Sections C to E	NACE Rev. 1, Sections C to E
Characteristics	A1 total number of employees B1 hours worked by all employees D11 wages and salaries D12 employer's social contributions	16 13 0 number of employees 16 15 0 number of hours worked by employees 13 32 0 wages and salaries 13 33 0 social security costs
Activity breakdown	NACE Rev. 1 2-digit level (division)	NACE Rev. 1, 2-level (division)
Size class breakdown	Less than 10 employees (*) 10 to 49, 50 to 249, 250 to 499, 500 to 999, 1 000+	Number of persons employed: less than 10 employees, 10 to 49, 50 to 249, 250 to 499, 500 to 999, 1 000+

(*) Not applicable in the survey of 2000.

— Explanations of the main differences, taking into account the accuracy of each statistic and differences in concepts. These comparisons could be cross-tabulated by enterprise size classes and broad NACE Rev1 groupings.

6.3. Coherence with national accounts

The closest part of both sources is summarised in the table below:

	Labour costs survey	National account
Series	Table A national data	Table 3: Tables by industry — annual exercise (*)
Activity coverage	NACE Rev. 1, Sections C to O	NACE Rev. 1, Sections C to O
Characteristics	A1 total number of employees B1 hours worked by all employees D1 compensation of employees D11 wages and salaries	Employees hours worked (**) D1 compensation of employees D11 wages and salaries
Activity breakdown	NACE Rev. 1, Section	NACE Rev. 1, Section

(*) Eurostat (1997) ESA 95 transmission programme of data.

(**) If available.

— Explanations of the main differences, taking into account differences in concepts and coverage and if available the accuracy of each statistic,

— comments on how the labour cost survey is a source for national accounts.

7. Completeness

— A list of variables and/or breakdown required in the Regulation that eventually are not available and the reasons why.

COMMISSION REGULATION (EC) No 453/2000**of 28 February 2000****setting the amounts of aid for the supply of rice products from the Community to the Canary Islands**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 3 thereof,

Whereas:

- (1) Pursuant to Article 3 of Regulation (EEC) No 1601/92, the requirements of the Canary Islands for rice are to be covered in terms of quantity, price and quality by the mobilisation, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin. This aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries.
- (2) Commission Regulation (EC) No 2790/94 ⁽³⁾, as last amended by Regulation (EC) No 1620/1999 ⁽⁴⁾, lays down common detailed rules for implementation of the

specific arrangements for the supply of certain agricultural products, including rice, to the Canary Islands.

- (3) As a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex.
- (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

Pursuant to Article 3 of Regulation (EEC) No 1601/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Canary Islands shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 2000.

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

Done at Brussels, 28 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.

⁽²⁾ OJ L 320, 11.12.1996, p. 1.

⁽³⁾ OJ L 296, 17.11.1994, p. 23.

⁽⁴⁾ OJ L 192, 24.7.1999, p. 19.

ANNEX

**to the Commission Regulation of 28 February 2000 setting the amounts of aid for the supply of rice products
from the Community to the Canary Islands**

(EUR/t)

Product (CN code)	Amount of aid
Milled rice (1006 30)	159,00
Broken rice (1006 40)	35,00

COMMISSION REGULATION (EC) No 454/2000**of 28 February 2000****setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EC) No 562/98 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Pursuant to Article 10 of Regulation (EEC) No 1600/92, the requirements of the Azores and Madeira for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin. This aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries.
- (2) Commission Regulation (EEC) No 1696/92 ⁽³⁾, as last amended by Regulation (EEC) No 2596/93 ⁽⁴⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Azores and Madeira. Commission Regulation (EEC) No 1983/92 of 16 July 1992 laying down detailed rules for implementation of the specific arrangements for the supply of rice

products to the Azores and Madeira and establishing the forecast supply balance for these products ⁽⁵⁾, as last amended by Regulation (EC) No 1683/94 ⁽⁶⁾, lays down detailed rules which complement or derogate from the provisions of the aforementioned Regulation.

- (3) As a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex.
- (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

Pursuant to Article 10 of Regulation (EEC) No 1600/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Azores and Madeira shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 2000.

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

Done at Brussels, 28 February 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 1.

⁽²⁾ OJ L 76, 13.3.1998, p. 6.

⁽³⁾ OJ L 179, 1.7.1992, p. 6.

⁽⁴⁾ OJ L 238, 23.9.1993, p. 24.

⁽⁵⁾ OJ L 198, 17.7.1992, p. 37.

⁽⁶⁾ OJ L 178, 12.7.1994, p. 53.

ANNEX

**to the Commission Regulation of 28 February 2000 setting the amounts of aid for the supply of rice products
from the Community to the Azores and Madeira**

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Milled rice (1006 30)	159,00	159,00

COMMISSION REGULATION (EC) No 455/2000**of 28 February 2000****fixing the rates of refunds applicable to certain products from the sugar sector 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 (EC) No 2038/1999 of 13 September 1999 on the common organisation of the market in sugar ⁽¹⁾, and in particular Article 18(5)(a) and (15),

Whereas:

(1) Article 18(1) and (2) of Regulation (EEC) No 1785/81 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation. 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 ⁽²⁾, as last amended by Regulation (EC) No 238/2000 ⁽³⁾, 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 I to Regulation (EC) No 2038/1999.

(2) In accordance with 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.

(3) Article 18(3) of Regulation (EC) No 2038/1999 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.

(4) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.

(5) 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 jeopardized by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

(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 Council Regulation (EEC) No 1010/86 ⁽⁴⁾, as last amended by Commission Regulation (EC) No 1148/98 ⁽⁵⁾, 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 Sugar 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 in Article 1(1) and (2) of Regulation (EC) No 2038/1999, exported in the form of goods listed in Annex I to Regulation (EC) No 2038/1999, are fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 March 2000.

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 136, 31.5.1994, p. 5.

⁽³⁾ OJ L 24, 29.1.2000, p. 45.

⁽⁴⁾ OJ L 94, 9.4.1986, p. 9.

⁽⁵⁾ OJ L 159, 3.6.1998, p. 38.

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

Done at Brussels, 28 February 2000.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 28 February 2000 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4(5)(b) of Regulation (EC) No 1222/94	1,27	1,27
— in all other cases	46,99	46,99

COMMISSION REGULATION (EC) No 456/2000

of 28 February 2000

fixing the rates of the refunds applicable to certain milk 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 (EC) No 1255/1999 of 15 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31 (1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund. Whereas 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 criteria for fixing the amount of such refunds ⁽²⁾, as last amended by Regulation (EC) No 238/2000 ⁽³⁾, 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 the Annex to Regulation (EC) No 1255/1999.

(2) 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.

(3) Article 4 (3) of Regulation (EC) No 1222/94 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products.

(4) Article 11 (1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(5) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁴⁾, as last amended by Regulation (EC) No 494/1999 ⁽⁵⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.

(7) Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 of Regulation (EC) No 1255/1999, exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 March 2000.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 136, 31.5.1994, p. 5.

⁽³⁾ OJ L 24, 29.1.2000, p. 45.

⁽⁴⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁵⁾ OJ L 59, 6.3.1999, p. 17.

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

Done at Brussels, 28 February 2000.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 28 February 2000 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2): (a) On exportation of goods of CN code 3501 (b) On exportation of other goods	— 72,58
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3): (a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported (b) On exportation of other goods	75,06 104,10
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6): (a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported (b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat (c) On exportation of other goods	67,35 169,60 162,35

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 25 February 2000

extending Decision 91/482/EEC on the association of the overseas countries and territories with the European Economic Community

(2000/169/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Decision 91/482/EEC ⁽¹⁾, and in particular Article 240(4), second subparagraph thereof,

Having regard to the proposal from the Commission,

Whereas, pending the entry into force of a new Council Decision on the association of the overseas countries and territories with the European Community, the applicable provisions under Decision 91/482/EEC should be extended until the entry into force of the new Decision, but not beyond 28 February 2001,

HAS DECIDED AS FOLLOWS:

Article 1

Article 240(1) of Decision 91/482/EEC is hereby replaced by the following:

‘1. This Decision shall apply until 28 February 2001.’

Article 2

This Decision shall take effect on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 29 February 2000.

Done at Brussels, 25 February 2000.

For the Council

The President

J. GAMA

⁽¹⁾ OJ L 263, 19.9.1991, p. 1. Decision as last amended by Decision 97/803/EC (OJ L 329, 29.11.1997, p. 50).

COMMISSION

COMMISSION DECISION

of 14 February 2000

amending Decision 97/296/EC drawing up the list of third countries from which the import of fishery products is authorised for human consumption

(notified under document number C(2000) 367)

(Text with EEA relevance)

(2000/170/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs ⁽¹⁾, as last amended by Decision 98/603/EC ⁽²⁾, and in particular Article 2(2) and Article 7 thereof,

Whereas:

- (1) Commission Decision 97/296/EC ⁽³⁾, as last amended by Decision 2000/88/EC ⁽⁴⁾, lists the countries and territories from which importation of fishery products for human consumption is authorised. Part I of the Annex lists the names of the countries and territories covered by a specific decision and Part II names those qualifying under Article 2(2) of Decision 95/408/EC.
- (2) Given the seriousness of the deficiencies observed during an inspection visit to Cape Verde, imports of fishery

products from this country should not be authorised and, therefore, this country shall be deleted from the list.

- (3) 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 the present Decision replaces the Annex to Decision 97/296/EC.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 14 February 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 243, 11.10.1995, p. 17.

⁽²⁾ OJ L 289, 28.10.1998, p. 36.

⁽³⁾ OJ L 122, 14.5.1997, p. 21.

⁽⁴⁾ OJ L 26, 2.2.2000, p. 47.

ANNEX

List of countries and territories from which importation of fishery products in any form intended for human consumption is authorised*I. Countries and territories covered by a specific decision under Council Directive 91/493/EEC*

AL — Albania	GT — Guatemala	PA — Panama
AR — Argentina	ID — Indonesia	PE — Peru
AU — Australia	IN — India	PH — Philippines
BD — Bangladesh	JP — Japan	PK — Pakistan
BR — Brazil	KR — South Korea	RU — Russia
CA — Canada	LT — Lithuania	SC — Seychelles
CI — Côte d'Ivoire	LV — Latvia	SG — Singapore
CL — Chile	MA — Morocco	SN — Senegal
CN — China	MG — Madagascar	TH — Thailand
CO — Colombia	MR — Mauritania	TN — Tunisia
CU — Cuba	MU — Mauritius	TW — Taiwan
EC — Ecuador	MV — Maldives	TZ — Tanzania
EE — Estonia	MX — Mexico	UY — Uruguay
FK — Falkland Islands	MY — Malaysia	VN — Vietnam
FO — Faeroe Islands	NG — Nigeria	YE — Yemen
GH — Ghana	NZ — New Zealand	ZA — South Africa
GM — Gambia	OM — Oman	

II. Countries and territories meeting the terms of Article 2(2) of Council Decision 95/408/EC

AO — Angola	GL — Greenland	PG — Papua New Guinea
AG — Antigua and Barbuda ⁽¹⁾	GN — Guinea Conakry	PL — Poland
AN — Netherlands Antilles	HK — Hong Kong	PM — Saint Pierre and Miquelon
AZ — Azerbaijan ⁽²⁾	HN — Honduras	RO — Romania
BJ — Benin	HR — Croatia	SB — Solomon Islands
BS — Bahamas	HU — Hungary ⁽³⁾	SH — Saint Helena
BY — Belarus	IL — Israel	SI — Slovenia
BZ — Belize	IR — Iran	SR — Suriname
CH — Switzerland	JM — Jamaica	TG — Togo
CM — Cameroon	KE — Kenya	TR — Turkey
CR — Costa Rica	LK — Sri Lanka	UG — Uganda
CY — Cyprus	MM — Myanmar	US — United States of America
CZ — Czech Republic	MT — Malta	VC — Saint Vincent and the Grenadines
DZ — Algeria	MZ — Mozambique	VE — Venezuela
ER — Eritrea	NA — Namibia	ZW — Zimbabwe
FJ — Fiji	NC — New Caledonia	
GA — Gabon	NI — Nicaragua	
GD — Grenada	PF — French Polynesia	

⁽¹⁾ Authorised only for imports of fresh fish.⁽²⁾ Authorised only for imports of caviar.⁽³⁾ Authorised only for import of live animals intended for direct human consumption.

COMMISSION DECISION
of 16 February 2000
establishing the list of approved fish farms in Austria

(notified under document number C(2000) 375)

(Text with EEA relevance)

(2000/171/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, as last amended by Directive 98/45/EC ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) The Member States may obtain the status of approved farm free of certain fish diseases for fish farms located in non-approved zones in respect of infectious haematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS).
- (2) Austria submitted to the Commission evidence in support of the grant to one farm, with respect to IHN and VHS, of the status of approved farm situated in a non-approved zone together with the national provisions ensuring compliance with the rules on maintenance of approval.
- (3) The Commission and the Member States examined the justifications notified by Austria for the farm in question.

(4) The result of this examination is that the farm meets all the requirements of Article 6 of Directive 91/67/EEC.

(5) The farm in question may therefore enjoy the status of approved farm situated in a non-approved zone.

(6) 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 fish farm referred to in the Annex is hereby recognised as an approved farm situated in a non-approved zone with respect to IHN and VHS.

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

ANNEX

APPROVED FISH FARMS IN AUSTRIA WITH RESPECT TO IHN AND VHS

Alois Köttl
Forellenzucht Alois Köttl
A-4872 Neukirchen a.d. Vöckla

⁽¹⁾ OJ L 46, 19.2.1991, p. 1.

⁽²⁾ OJ L 189, 3.7.1998, p. 12.

COMMISSION DECISION
of 16 February 2000
amending Decision 95/473/EC establishing the list of approved fish farms in France

(notified under document number C(2000) 377)

(Text with EEA relevance)

(2000/172/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, as last amended by Directive 98/45/EC ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) The Member States may obtain the status of approved farms free of certain fish diseases for fish farms located in non-approved zones in respect of infectious haematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS).
- (2) The list of approved fish farms in France was established by Commission Decision 95/473/EC ⁽³⁾, as last amended by Decision 1999/556/EC ⁽⁴⁾.
- (3) France has submitted justifications to the Commission for obtaining the status of approved farms located in non-approved zones in respect of IHN and VHS for other fish farms, as well as the national provisions ensuring compliance with the rules on maintenance of approval.
- (4) The Commission and the Member States examined the justifications notified by France for those farms.
- (5) That examination has shown that the farms concerned meet the requirements of Article 6 of Directive 91/67/EEC.
- (6) Therefore, those farms should accordingly qualify for the status of approved farms in non-approved zones.
- (7) Those farms should be added to the list of approved farms.
- (8) 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 95/473/EC is hereby replaced by the Annex hereto.

⁽¹⁾ OJ L 46, 19.2.1991, p. 1.

⁽²⁾ OJ L 189, 3.7.1998, p. 12.

⁽³⁾ OJ L 269, 11.11.1995, p. 31.

⁽⁴⁾ OJ L 211, 11.8.1999, p. 50.

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

ANNEX

FISH FARMS IN FRANCE APPROVED WITH REGARD TO IHN AND VHS

1. ADOUR-GARONNE

- Pisciculture de Sarrance
64490 Sarrance (Pyrénées-Atlantiques)
- Pisciculture des Sources
12540 Cornus (Aveyron)
- Pisciculture de Pissos
40410 Pissos (Landes)
- Pisciculture de Tambareau
40000 Mont-de-Marsan (Landes)
- Pisciculture 'Les Fontaines d'Escot'
64490 Escot (Pyrénées-Atlantiques)
- Pisciculture de la Forge
47700 Casteljaloux (Lot-et-Garonne)

2. ARTOIS-PICARDIE

- Pisciculture du Moulin-du-Roy
62156 Rémy (Pas-de-Calais)
- Pisciculture du Bléquin
62380 Sényinghem (Pas-de-Calais)
- Pisciculture de Sangheen
62102 Calais (Pas-de-Calais)

3. LOIRE-BRETAGNE

- SCEA 'Truites du lac de Cartravers'
Bois-Boscher
22460 Merleac (Côtes-d'Armor)
- Pisciculture du Thélohier
35190 Cardroc (Ille-et-Vilaine)
- Pisciculture de Plainville
28400 Marolles-les-Buis (Eure-et-Loir)

4. RHIN-MEUSE

- Pisciculture du ruisseau de Dompierre
55300 Lacroix-sur-Meuse (Meuse)
- Pisciculture de la source de la Deüe
55500 Cousances-aux-Bois (Meuse)

5. SEINE-NORMANDIE

- Pisciculture du Vaucheron
55130 Gondrecourt-le-Château (Meuse)

6. RHÔNE-MÉDITERRANÉE-CORSE

- Pisciculture Charles Murgat
Les Fontaines
38270 Beaufort (Isère)
-

COMMISSION DECISION
of 16 February 2000
amending Decision 95/124/EC establishing the list of approved fish farms in Germany

(notified under document number C(2000) 378)

(Text with EEA relevance)

(2000/173/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, as last amended by Directive 98/45/EC ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) The Member States may obtain the status of approved farm free of infectious haematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS) for fish farms located in zones which are non-approved in respect of IHN and VHS.
- (2) The list of approved fish farms in Germany was established by Commission Decision 95/124/EC ⁽³⁾, as last amended by Decision 1999/521/EC ⁽⁴⁾.
- (3) Germany, by letter of 17 September 1999, submitted to the Commission the justifications for obtaining the status of approved farm in a non-approved zone in respect of IHN and VHS for certain fish farms situated in Lower Saxony and Baden-Württemberg, as well as the national rules ensuring compliance with the requirements for maintenance of the approved status.
- (4) The Commission and the Member States examined the justifications notified by Germany for each farm.
- (5) The result of this examination is that the farms concerned meet the requirements of Article 6 of Council Directive 91/67/EEC.

- (6) Therefore, the farms in question are eligible for the status of approved farm situated in a non-approved zone.
- (7) Those farms should be added to the list of farms which have already been approved.
- (8) Germany, by letter of 15 September 1999, informed the Commission that the farm 'Hattop' situated in Thuringia, which is listed in the Annex to Decision 95/124/EC, has ceased operation.
- (9) This farm shall, therefore, be withdrawn from the list of approved farms.
- (10) 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 95/124/EC 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 46, 19.2.1991, p. 1.

⁽²⁾ OJ L 189, 3.7.1998, p. 12.

⁽³⁾ OJ L 84, 14.4.1995, p. 6.

⁽⁴⁾ OJ L 199, 30.7.1999, p. 73.

ANNEX

I. FARMS IN LOWER SAXONY

1. **Jochen Moeller**
Fischzucht Harkenbleck
D-30966 Hemmingen-Harkenbleck
2. **Versuchsgut Relliehausen der Universität Göttingen**
(hatchery only)
D-37586 Dassel
3. **Dr. R. Rosengarten**
Forellenzucht Sieben Quellen
D-49124 Georgsmarienhütte
4. **Klaus Kröger**
Fischzucht Klaus Kröger
D-21256 Handeloh Wörme
5. **Ingeborg Riggert-Schlumbohm**
Forellenzucht W. Riggert
D-29465 Schnega
6. **Volker Buchtmann**
Fischzucht Nordbach
D-21441 Garstedt
7. **Sven Kramer**
Forellenzucht Kaierde
D-31073 Delligsen
8. **Hans-Peter Klusak**
Fischzucht Grönegau
D-49328 Melle

II. FARMS IN THURINGIA

1. **Firma Tautenhahn**
D-98646 Trostadt
2. **Thüringer Forstamt Leinefelde**
Fischzucht Worbis
D-37327 Leinefelde
3. **Fischzucht Salza GmbH**
D-99734 Nordhausen-Salza
4. **Fischzucht Kindelbrück GmbH**
D-99638 Kindelbrück
5. **Forellenhof Wichmar**
D-07774 Wichmar
6. **Reinhardt Strecker**
Forellenzucht Orgelmühle
D-37351 Dingelstadt

III. FARMS IN BADEN-WÜRTTEMBERG

1. **Heiner Feldmann**
Riedlingen/Neufra
D-88630 Pfullendorf
2. **Walter Dietmayer**
Forellenzucht Walter Dietmayer, Hettingen
D-72501 Gammertingen
3. **Heiner Feldmann**
Bad Waldsee
D-88630 Pfullendorf
4. **Heiner Feldmann**
Bergatreute
D-88630 Pfullendorf
5. **Oliver Fricke**
Anlage Wuchzenhofen, Boschenmühle
D-87764 Mariasteinbach Legau 13 1/2
6. **Peter Schmaus**
Fischzucht Schmaus, Steinental
D-88410 Steinental/Hauerz
7. **Josef Schnetz**
Fenkenmühle
D-88263 Horgenzell
8. **Erwin Steinhart**
Quellwasseranlage Steinhart, Hettingen
D-72513 Hettingen
9. **Hugo Strobel**
Quellwasseranlage Otterswang, Sägmühle
D-72505 Hausen am Andelsbach
10. **Reinhard Lenz**
Forsthaus, Gaimühle
D-64759 Sensbachtal
11. **Peter Hofer**
Sulzbach
D-78727 Aisteig/Oberndorf
12. **Stephan Hofer**
Oberer Lautenbach
D-78727 Aisteig/Oberndorf
13. **Stephan Hofer**
Unterer Lautenbach
D-78727 Aisteig/Oberndorf
14. **Stephan Hofer**
Schelklingen
D-78727 Aistaig/Oberndorf
15. **Hubert Schuppert**
Brutanlage: Obere Fischzucht
Mastanlage: Untere Fischzucht
D-88454 Unteressendorf
16. **Johannes Dreier**
Brunnentobel
D-88299 Leutkich/Hebrachhofen
17. **Peter Störk**
Wagenhausen
D-88348 Saulgau
18. **Erwin Steinhart**
Geislingen/St.
D-73312 Geislingen/St.

19. **Joachim Schindler**
Forellenzucht Lohmühle
D-72275 Alpirsbach
20. **Heribert Wolf**
Forellenzucht Sohnius
D-72160 Horb-Diessen
21. **Claus Lehr**
Forellenzucht Reinerzau
D-72275 Alpirsbach-Reinerzau
22. **Hugo Hager**
Bruthausanlage
D-88639 Walbertsweiler
23. **Hugo Hager**
Waldanlage
D-88639 Walbertsweiler
24. **Gumpper und Stöhl GmbH**
Forellenhof Rössle, Honau
D-72805 Liechtenstein
25. **Ulrich Ibele**
Pfrungen
D-88271 Pfrungen
26. **Hans Schmutz**
Brutanlage 1, Brutanlage 2, Brut- und Setzlingsanlage 3 (Hausanlage)
D-89155 Erbach
27. **Wilhelm Drafehn**
Obersimonswald
D-77960 Seelbach
28. **Wilhelm Drafehn**
Brutanlage Seelbach
D-77960 Seelbach
29. **Franz Schwarz**
Oberharmersbach
D-77784 Oberharmersbach
30. **Meinrad Nuber**
Langenenslingen
D-88515 Langenenslingen
31. **Anton Spieß**
Höhmühle
D-88353 Kießleg
32. **Karl Servay**
Osterhofen
D-88339 Bad Waldsee
33. **Kreissportfischereiverein Biberach**
Warthausen
D-88400 Biberach
34. **Hans Schmutz**
Gossenzugen
D-89155 Erbach
35. **Reinhard Rösch**
Haigerach
D-77723 Gengenbach
36. **Harald Tress**
Unterlauchringen
D-79787 Unterlauchringen
37. **Alfred Tröndle**
Tiefenstein
D-79774 Albbruck
38. **Alfred Tröndle**
Unteralpfen
D-79774 Unteralpfen
39. **Peter Hofer**
Schenkenbach
D-78727 Aisteig/Oberndorf
40. **Heiner Feldmann**
Bainders
D-88630 Pfullendorf
41. **Andreas Zordel**
Fischzucht Im Gänsebrunnen
D-75305 Neuenbürg

IV. FARMS IN NORTH RHINE-WESTPHALIA

1. **Wolfgang Lindhorst-Emme**
Hirschquelle
D-33758 Schloss Holte-Stukenbrock
2. **Wolfgang Lindhorst-Emme**
Am Oelbach
D-33758 Schloss Holte-Stukenbrock
3. **Hugo Rameil und Söhne**
Sauerländer Forellenzucht
D-57368 Lennestadt-Gleierbrück
4. **Peter Horres**
Ovenhausen, Jätzer Mühle
D-37671 Hörter

V. FARMS IN BAVARIA

1. **Gerstner Peter**
(Forellenzuchtbetriebe Juraquell)
Wellheim
D-97332 Volkach

COMMISSION DECISION**of 16 February 2000****approving the programme concerning infectious haematopoietic necrosis and viral haemorrhagic septicaemia submitted by France for the farm 'Sources de la Fabrique'***(notified under document number C(2000) 379)***(Only the French text is authentic)****(Text with EEA relevance)**

(2000/174/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, as last amended by Directive 98/45/EC ⁽²⁾, and in particular Article 10(2) thereof,

Whereas:

- (1) Member States may submit to the Commission a programme designed to enable them to obtain the status of approved farm situated in a non-approved zone, with regard to certain diseases affecting fish.
- (2) France has submitted to the Commission a programme concerning infectious haematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS), with a view to obtain the status of approved farm for the farm 'Sources de la Fabrique' situated at Valence (Drôme).
- (3) This programme specifies the geographical situation of the farm concerned, the measures to be taken by the official services, the procedures to be followed by the approved laboratories, the prevalence of the diseases concerned and the measures to combat these diseases where detected.
- (4) Upon scrutiny the programme has been found to comply with Article 10 of Directive 91/67/EEC.

- (5) 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 control programme for IHN and VHS in the farm 'Sources de la Fabrique', presented by France, is hereby approved.

Article 2

France shall bring into force the laws, regulations and administrative provisions necessary to comply with the programme referred to in Article 1.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 16 February 2000.

For the Commission

David BYRNE

Member of the Commission⁽¹⁾ OJ L 46, 19.2.1991, p. 1.⁽²⁾ OJ L 189, 3.7.1998, p. 12.

(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL JOINT ACTION
of 28 February 2000
extending Council Joint Action 1999/522/CFSP concerning the installation of the structures of the
United Nations mission in Kosovo (UNMIK)

(2000/175/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

- (1) Council Joint Action 1999/522/CFSP of 29 July 1999 concerning the installation of the structures of the UNMIK ⁽¹⁾ expires on 29 February 2000.
- (2) A further limited extension of that Joint Action is necessary,

HAS ADOPTED THIS JOINT ACTION:

Article 1

The validity of Joint Action 1999/522/CFSP shall be extended until 30 April 2000.

Article 2

This Joint Action shall enter into force on the date of its adoption.

Article 3

This Joint Action shall be published in the Official Journal.

Done at Brussels, 28 February 2000.

For the Council

The President

J. PINA MOURA

⁽¹⁾ OJ L 201, 31.7.1999, p. 1. Joint Action as amended by Joint Action 1999/864/CFSP of 21 December 1999 (OJ L 328, 22.12.1999, p. 67).