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## I

(Information)

## COMMISSION

Euro exchange rates <sup>(1)</sup>

7 April 2003

(2003/C 84/01)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,0582	LVL	Latvian lats	0,6198
JPY	Japanese yen	127,82	MTL	Maltese lira	0,4225
DKK	Danish krone	7,4265	PLN	Polish zloty	4,3275
GBP	Pound sterling	0,6828	ROL	Romanian leu	36 320
SEK	Swedish krona	9,1755	SIT	Slovenian tolar	232,0655
CHF	Swiss franc	1,4873	SKK	Slovak koruna	41,149
ISK	Iceland króna	83,77	TRL	Turkish lira	1 748 000
NOK	Norwegian krone	7,772	AUD	Australian dollar	1,7812
BGN	Bulgarian lev	1,9489	CAD	Canadian dollar	1,5758
CYP	Cyprus pound	0,58538	HKD	Hong Kong dollar	8,2534
CZK	Czech koruna	31,581	NZD	New Zealand dollar	1,979
EEK	Estonian kroon	15,6466	SGD	Singapore dollar	1,8873
HUF	Hungarian forint	244,84	KRW	South Korean won	1 330,79
LTL	Lithuanian litas	3,4525	ZAR	South African rand	8,545

<sup>(1)</sup> Source: reference exchange rate published by the ECB.

## Notice of Initiation of an expiry review of the antidumping measures applicable to imports of tungsten carbide and fused tungsten carbide originating in the People's Republic of China

(2003/C 84/02)

Following the publication of a notice of impending expiry <sup>(1)</sup> of the anti-dumping measures in force on imports of tungsten carbide and fused tungsten carbide originating in the People's Republic of China, ('country concerned'), the Commission has received a request for review pursuant to Article 11 (2) of Council Regulation (EC) No 384/96 <sup>(2)</sup>, as last amended by Council Regulation (EC) No 1972/2002 <sup>(3)</sup> ('the Basic Regulation').

### 1. Request for review

The request was lodged on 9 January 2003 by Eurometaux ('the applicant') on behalf of producers representing a major proportion, in this case more than 80 %, of the total Community production of tungsten carbide and fused tungsten carbide.

### 2. Product

The product under review is tungsten carbide and fused tungsten carbide originating in the People's Republic of China ('the product concerned'), currently classifiable within CN code 2849 90 30. This CN code is given only for information.

### 3. Existing measures

The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 771/984 <sup>(4)</sup>.

### 4. Grounds for the review

The request is based on the grounds that the expiry of measures would be likely to result in a continuation or recurrence of dumping and injury to the Community industry.

In view of the provisions of Article 2(7) of the Basic Regulation, the applicant established normal value for the People's Republic of China on the basis of the price in an appropriate market economy country, which is mentioned in paragraph 5.1(d) of this notice. The allegation of continuation of dumping is based on a comparison of normal value, as set out in the preceding sentence, with the export prices of the product concerned when sold for export to the Community.

On this basis, the dumping margin calculated is significant.

With regard to the recurrence of dumping it is also alleged that the exports to other third countries, i.e., Canada and USA, are made at dumped prices.

The applicant further alleges the likelihood of further injurious dumping. In this respect the applicant presents evidence that,

should measures be allowed to lapse, the current import level of the product concerned is likely to increase due to the existence of unused capacity in the country concerned.

It is also alleged that the flow of imports of the product concerned is likely to raise due to the saturation in traditional markets other than the EU (i.e. USA and Japan).

In addition, the applicant alleges that the removal of injury is mainly due to the existence of measures and that any recurrence of substantial imports at dumped prices from the country concerned would likely lead to a recurrence of further injury of the Community industry should measures be allowed to lapse.

### 5. Procedure

Having determined, after consulting the Advisory Committee, that sufficient evidence exists to justify the initiation of an expiry review, the Commission hereby initiates a review in accordance with Article 11 (2) of the Basic Regulation.

#### 5.1. Procedure for the determination of likelihood of dumping and injury

The investigation will determine whether the expiry of the measures would be likely, or unlikely, to lead to a continuation or recurrence of dumping and injury and the need for the continuation or the removal of the existing measures.

##### (a) Sampling

In view of the apparent number of parties involved in this proceeding, the Commission may decide to apply sampling, in accordance with Article 17 of the Basic Regulation.

##### (i) Sampling for exporters/producers in the People's Republic of China

In order to enable the Commission to decide whether sampling is necessary and, if so, to select a sample, all exporters producers, or representatives acting on their behalf, are hereby requested to make themselves known by contacting the Commission and providing the following information in confidential and non-confidential form on their company or companies within the time limit set in paragraph 6(b)(i) of this notice:

— name, address, e-mail address, telephone, and fax, and/or telex numbers and contact person,

<sup>(1)</sup> OJ C 166, 12.7.2002, p. 2.

<sup>(2)</sup> OJ L 56, 6.3.1996, p. 1.

<sup>(3)</sup> OJ L 305, 7.11.2002, p. 1.

<sup>(4)</sup> OJ L 111, 9.4.1998, p. 1.

- the turnover in local currency and the volume in tonnes of the product concerned sold for export to the Community during the period 1 January 2002-31 December 2002,
- the turnover in local currency and the sales volume in tonnes for the product concerned on the domestic market during the period 1 January 2002-31 December 2002,
- whether the company intends to claim an individual margin (individual margins can only be claimed by producers),
- the precise activities of the company with regard to the production of the product concerned and the volume in tonnes of the product concerned, the production capacity and the investments in production capacity during the period 1 January 2002-31 December 2002,
- the names and the precise activities of all related companies <sup>(1)</sup> involved in the production and/or selling (export and/or domestic) of the product concerned,
- any other relevant information that would assist the Commission in the selection of the sample,
- an indication of whether the company or companies agree to their inclusion in the sample, which implies replying to a questionnaire and accepting an on-the-spot investigation of their response.

In order to obtain the information it deems necessary for the selection of the sample of exporters/producers, the Commission will, in addition, contact the authorities of the exporting country, and any known associations of exporters/producers.

#### (ii) Final selection of the sample

All interested parties wishing to submit any relevant information regarding the selection of the sample must do so within the time limit set in paragraph 6(b)(ii) of this notice.

The Commission intends to make the final selection of the sample after having consulted the parties concerned that have expressed their willingness to be included in the sample.

Companies included in the sample must reply to a questionnaire within the time limit set in paragraph 6(b)(iii) of this notice and must co-operate within the framework of the investigation.

If sufficient co-operation is not forthcoming, the Commission will base its findings, in accordance with Articles 17(4) and 18 of the Basic Regulation, on the facts available.

#### (b) *Questionnaires*

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the Community industry and to any association of producers in the Community, to the sampled exporters/producers in the People's Republic of China, to any association of exporters/producers, to the importers, to any association of importers named in the request or which co-operated in the investigation leading to the measures subject to the present review, and to the authorities of the exporting country concerned.

In any event, all parties should contact the Commission forthwith by fax in order to find out whether they are listed in the request and if necessary request a questionnaire within the time limit set in paragraph 6(a)(i), given that the time limit set in paragraph 6(a)(ii) of this notice applies to all interested parties.

#### (c) *Collection of information and holding of hearings*

All interested parties are hereby invited to make their views known, submit information other than questionnaire replies and to provide supporting evidence. This information and supporting evidence must reach the Commission within the time limit set in paragraph 6(a)(ii) of this notice.

Furthermore, the Commission may hear interested parties, provided that they make a request showing that there are particular reasons why they should be heard. This request must be made within the time limit set in paragraph 6(a)(iii) of this notice.

#### (d) *Selection of the market economy country*

In the previous investigation the USA was used as an appropriate market economy country for the purpose of establishing normal value in respect of the People's Republic of China. The Commission envisages to use the USA again for this purpose. Interested parties are hereby invited to comment on the appropriateness of this country within the specific time limit set in paragraph 6(c) of this notice.

### 5.2. *Procedure for the assessment of Community interest*

In accordance with Article 21 of the Basic Regulation and in the event that the likelihood of a continuation of dumping and injury is confirmed, a decision will be reached as to whether to maintain or repeal the anti-dumping measures would not be against the Community interest. For this reason the Community industry, importers, their representative associations, representative users and representative consumer organisations, provided that they prove that there is an objective link between their activity and the product concerned, may, within the general time limits set in paragraph 6(a)(ii) of this notice, make themselves known and provide the Commission with information. The parties which have acted in conformity with the precedent sentence may request a hearing, setting the particular reasons why they should be heard, within the time limit set in paragraph 6(a)(iii) of this notice. It should be noted that any information submitted pursuant to Article 21 will only be taken into account if supported by factual evidence at the time of submission.

<sup>(1)</sup> For guidance on the meaning of related companies, please refer to Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

## 6. Time limits

### (a) General time limits

#### (i) For parties to request a questionnaire

All interested parties who did not co-operate in the investigation leading to the measures subject to the present review should request a questionnaire as soon as possible, but not later than 15 days after the publication of this notice in the *Official Journal of the European Communities*.

#### (ii) For parties to make themselves known, to submit questionnaire replies and any other information.

All interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views and submit questionnaire replies or any other information within 40 days of the date of publication of this notice in the *Official Journal of the European Communities*, unless otherwise specified. Attention is drawn to the fact that the exercise of most procedural rights set out in the Basic Regulation depends on the party's making itself known within the aforementioned period.

Companies selected in a sample must submit questionnaire replies within the time limit specified in paragraph 6(b)(iii) of this notice.

#### (iii) Hearings

All interested parties may also apply to be heard by the Commission within the same 40 day time limit.

### (b) Specific time limit in respect of sampling

- (i) The information specified in paragraph 5.1(a)(i) should reach the Commission within 15 days of the date of publication of this notice in the *Official Journal of the European Communities*, given that the Commission intends to consult parties concerned that have expressed their willingness to be included in the sample on its final selection within a period of 21 days of the publication of this notice in the *Official Journal of the European Communities*.

- (ii) All other information relevant for the selection of the sample as referred to in 5.1(a)(ii) must reach the Commission within a period of 21 days of the publication of this notice in the *Official Journal of the European Communities*.

- (iii) The questionnaire replies from sampled parties must reach the Commission within 37 days from the date of the notification of their inclusion in the sample.

### (c) Specific time limit for the selection of the market economy country

Parties to the investigation may wish to comment on the appropriateness of the USA which, as mentioned in paragraph 5.1(d) of this notice, is envisaged as a market-economy country for the purpose of establishing normal value in respect of the People's Republic of China. These comments must reach the Commission within 10 days of the date of publication of this notice in the *Official Journal of the European Communities*.

## 7. Written submissions, questionnaire replies and correspondence

All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified), and must indicate the name, address, e-mail address, telephone and fax, and/or telex numbers of the interested party.

Commission address for correspondence:

European Commission  
J-79 5/16  
B-1049 Brussels  
Fax (32-2) 295 65 05  
Telex COMEU B 21877

## 8. Non-co-operation

In cases in which any interested party refuses access to or otherwise does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the Basic Regulation, on the basis of the facts available.

Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of the facts available.

**Invitation for Comments on the Regulation in Liberal Professions and its Effects**

(2003/C 84/03)

Comments on perceived effects of various regulatory choices and possibly workable alternatives to the existing rules and regulations affecting the services of the liberal professions are welcome from all those with relevant information and/or interest. Submissions are expected by 31 May 2003.

A background document and a questionnaire have been published under 'public consultations' on the Competition Directorate General's Internet pages

([http://europa.eu.int/comm/competition/index\\_en.html](http://europa.eu.int/comm/competition/index_en.html)).

They are also available upon request from:

By e-mail: [comp-liberalprofessions@cec.eu.int](mailto:comp-liberalprofessions@cec.eu.int)

By mail: European Commission  
Competition Directorate-General  
Services Directorate  
D3 — Liberal Professions  
B-1049 Brussels

By fax: (32-2) 299 06 91.

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**Non-opposition to a notified concentration****(Case COMP/M.2992 — Brenntag/Biesterfeld/JV)**

(2003/C 84/04)

**(Text with EEA relevance)**

On 20 December 2002 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in German and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CDE' version of the CELEX database, under document No 302M2992. CELEX is the computerised documentation system of European Community law.

For more information concerning subscriptions please contact:

EUR-OP,  
Information, Marketing and Public Relations,  
2, rue Mercier,  
L-2985 Luxembourg.  
Tel. (352) 29 29 427 18, fax (352) 29 29 427 09.

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**Prior notification of a concentration****(Case COMP/M.2972 — DSM/Roche Vitamins)**

(2003/C 84/05)

**(Text with EEA relevance)**

1. On 31 March 2003, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 <sup>(1)</sup>, as last amended by Regulation (EC) No 1310/97 <sup>(2)</sup>, by which the undertaking DSM NV ('DSM', The Netherlands) will acquire within the meaning of Article 3(1)(b) of the Council Regulation control of the whole of the undertaking Roche Vitamins and Fine Chemicals Division ('RV & FC', Switzerland) by way of purchase of shares and assets.

2. The business activities of the undertakings concerned are:

- DSM: development and production of life science products, feed enzymes, performance materials, polymers and industrial chemicals,
- RV & FC: development, production and sale of vitamins, carotenoids and feed enzymes, as well as other feed additives, premixes and cosmetic ingredients.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.2972 — DSM/Roche Vitamins, to the following address:

European Commission,  
Directorate-General for Competition,  
Directorate B — Merger Task Force,  
J-70,  
B-1049 Brussels.

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<sup>(1)</sup> OJ L 395, 30.12.1989, p. 1; corrigendum OJ L 257, 21.9.1990, p. 13.

<sup>(2)</sup> OJ L 180, 9.7.1997, p. 1; corrigendum OJ L 40, 13.2.1998, p. 17.



**Prior notification of a concentration****(Case COMP/M.3102 — Thomesto/SCA Holtz JV)****Candidate case for simplified procedure**

(2003/C 84/06)

**(Text with EEA relevance)**

1. On 31 March 2003 the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 <sup>(1)</sup>, as last amended by Regulation (EC) No 1310/97 <sup>(2)</sup>, by which the Finnish undertaking Thomesto Ltd, belonging to the Finnish Metsäliitto group, and the German undertakings SCA Hygiene Products AG and SCA Hygiene Products GmbH, belonging to the Swedish group Svenska Cellulosa Aktiebolaget SCA ('SCA'), acquire within the meaning of Article 3(1)(b) of the Council Regulation joint control of the German undertaking SCA Holtz GmbH, by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— Metsäliitto: forestry, wood pulp and paper, mechanical wood processing, timber, plywood and engineered wood products, printing and writing paper, packaging, paper board, tissue paper products,

— SCA: hygiene products, packaging, paper, woodpulp and wood products,

— SCA Holtz: wood procurement in Germany and Austria.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved. Pursuant to the Commission Notice on simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89 <sup>(3)</sup>, it should be noted that this case is a candidate for treatment under the procedure set out in the notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference COMP/M.3102 — Thomesto/SCA Holtz JV, to the following address:

European Commission,  
Directorate-General for Competition,  
Directorate B — Merger Task Force,  
J-70,  
B-1049 Brussels.

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<sup>(1)</sup> OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

<sup>(2)</sup> OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

<sup>(3)</sup> OJ C 217, 29.7.2000, p. 32.

## III

(Notices)

## COUNCIL

**Texts published in the *Official Journal of the European Union* C 84 E**

(2003/C 84/07)

These texts are available on:

**EUR-Lex:** <http://europa.eu.int/eur-lex>**CELEX:** <http://europa.eu.int/celex>

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**Council**

2003/C 84 E/01

Common Position (EC) No 11/2003 of 16 December 2002 adopted by the Council, acting in accordance with the procedure referred to in Article 251 of the Treaty establishing the European Community, with a view to adopting a directive of the European Parliament and of the Council on type-approval of agricultural or forestry tractors, their trailers and interchangeable towed machinery, together with their systems, components and separate technical units and repealing Directive 74/150/EEC <sup>(1)</sup>

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<sup>(1)</sup> Text with EEA relevance

## COMMISSION

## Outcome of the invitations to tender (Community food aid)

(2003/C 84/08)

as provided for in Article 9(7) of Commission Regulation (EC) No 2519/97 of 16 December 1997 laying down general rules for the mobilisation of products to be supplied under Council Regulation (EC) No 1292/96 as Community food aid

(Official Journal of the European Communities L 346, 17.12.1997, p. 23)

25 March and 1 April 2003

Regulation No/ Decision of	Lot	Action No	Beneficiary/ Destination	Product	Quantity (t)	Delivery stage	Successful tenderer	Awarded price (EUR/t)
13.3.2003	A	76/02	EuronAid/ Madagascar	LEPv	318	EMB	HOOGWEGT INTERNATIONAL BV — ARNHEM (NL)	1 585,00
14.3.2003	A	79/02	EuronAid/ Madagascar	SUB	336	EMB	MUTUAL AID ADM. SERVICES NV — ANTWERPEN (B)	302,00
	B	88/02	WFP/Israel	SUB	672	EMB	MUTUAL AID ADM. SERVICES NV — ANTWERPEN (B)	301,00
439/2003	A	84/02	EuronAid/ Madagascar	FBLT	179	EMB	UNITED BELGIAN MILLS NV — ANTWERPEN (B)	162,45
	B	75/02	EuronAid/ Madagascar	FMAI	79	EMB	CER. FAR. SRL — PORDENONE (I)	197,70
481/2003	A	82/02	EuronAid/ Madagascar	HCOLZ/ HTOUR	445,5	EMB	AOH ALGEMENE OLIEHANDEL BV — UTRECHT (NL)	721,00
482/2003	A	86/02	WFP/Sierra Leone	SMAI	1 236	DEB	EURICOM SPA — VERCELLI (I)	269,77
	B	87/02	WFP/Guinea	SMAI	2 625	DEB	EURICOM SPA — VERCELLI (I)	268,47
	C	69/02	Ethiopia	BLT	30 000	DEST	MIDGULF SERVICES — LONDON (UK)	188,90
	D	70/02	Ethiopia	BLT	25 000	DEST	SVENSKA LANTMÄNNEN Ek. För. — NORRÖPING (S)	197,55

BLT: Common wheat

DUR: Durum wheat

ORG: Barley

MAI: Maize

SEG: Rye

SOR: Sorghum

CBR/M/L: Milled round, medium or long

grain rice

RPR/M/L: Parboiled round, medium or long grain rice

BRI: Broken rice

FBLT: Common wheat flour

FMAI: Maize flour

FSEG: Rye flour

SDUR: Durum wheat meal

SMAI: Maize gritz

FHAF: Oat flakes

CT: Tomato concentrate

PT: Tomato powder

COR: Currants

FABA: Broad beans (*Vicia faba major*)FEQ: Horse beans (*Vicia faba equina*)

PISUM: Split peas

SUB: White sugar

HCOLZ: Rape seed oil

HTOUR: Sunflower oil

HOLI: Olive oil

HMAI: Maize oil

HSOJA: Soya oil

LEP: Skimmed milk powder

LEPv: Vitaminized skimmed milk powder

LDEP: Semi-skimmed milk powder

LENP: Whole milk powder

B: Butter

BO: Butteroil

FETA: Feta-type cheese

FROF: Processed cheese

BABYF: Cereal-based weaning food

BISC: Biscuits

WSB: Wheat/soya blend

Lsub1: Infant formula

Lsub2: Follow-on formula

LHE: High energy milk

AC: Compound food

PAL: Pasta

SAR: Tinned sardines

CM: Tinned mackerel

CB: Corned beef

BPJ: Canned beef

PFB: Beef liver pâté

CP: Canned pork

PPF: Pig liver pâté

CV: Canned poultrymeat

DEST: Free at destination

DEB: Free at port of landing — landed

DEN: Free at port of landing — ex ship

EMB: Free at port of shipment

EXW: Ex works

**CURRENT MEMBERS OF THE SELECTION BOARD****OPEN COMPETITION COM/C/1/02**

FRENCH-LANGUAGE TYPISTS (C 5/C 4)

(2003/C 84/09)

Chairman:	STEINMETZ Robert
Alternate Chairman:	COLASSIN Michele
Full member:	VANDENHOUTEN Danielle
Alternate member:	DEBACKER Arnold
Full member:	HENROTTE Corinne
Alternate member:	THIRIAT Mary-Claude

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