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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.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Contents (continued)

Corrigenda

[1] Text with EEA relevance

I

(Acts whose publication is obligatory)

REGULATION (EC) No 2037/2000 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 June 2000 on substances that deplete the ozone layer

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission [1],

Having regard to the opinion of the Economic and Social Committee [2],

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty [3], in the light of the joint text approved on 5 May 2000 by the Conciliation Committee,

Whereas:

(1) It is established that continued emissions of ozone-depleting substances at current levels continue to cause significant damage to the ozone layer. Ozone depletion in the southern hemisphere reached unprecedented levels in 1998. In three out of four recent springs severe ozone depletion has occurred in the Arctic region. Increased UV-B radiation resulting from ozone depletion poses a significant threat to health and environment. Further efficient measures need therefore to be taken in order to protect human health and the environment against adverse effects resulting from such emissions.

(2) In view of its responsibilities for the environment and trade, the Community, pursuant to Decision 88/540/EEC [4], has become a Party to the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer, as amended by the Parties to the Protocol at their second meeting in London and at their fourth meeting in Copenhagen.

(3) Additional measures for the protection of the ozone layer were adopted by the Parties to the Montreal Protocol at their seventh meeting in Vienna in December 1995 and at their ninth meeting in Montreal in September 1997, in which the Community participated.

(4) It is necessary for action to be taken at Community level to carry out the Community's obligations under the Vienna Convention and the latest amendments and adjustments to the Montreal Protocol, in particular to phase out the production and the placing on the market of methyl bromide within the Community and to provide for a system for the licensing not only of imports but also of exports of ozone-depleting substances.

(5) In view of the earlier than anticipated availability of technologies for replacing ozone-depleting substances, it is appropriate in certain cases to provide for control measures which are stricter than those provided for in Council Regulation (EC) No 3093/94 of 15 December 1994 on substances that deplete the ozone layer [5] and stricter than those of the Montreal Protocol.

(6) Regulation (EC) No 3093/94 must be modified substantially. It is in the interest of legal clarity and transparency to revise that Regulation completely.

(7) Under Regulation (EC) No 3093/94 the production of chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane and hydrobromofluorocarbons has been phased out. The production of those controlled substances is thus prohibited, subject to possible derogation for essential uses and to meet the basic domestic needs of Parties pursuant to Article 5 of the Montreal Protocol. It is now also appropriate progressively to prohibit the placing on the market and use of those substances and of products and equipment containing those substances.

(8) Even after the phase-out of controlled substances the Commission may under certain conditions grant exemptions for essential uses.

[1] OJ C 286, 15.9.1998, p. 6 and OJ C 83, 25.3.1999, p. 4.
[2] OJ C 40, 15.2.1999, p. 34.
[3] Opinion of the European Parliament of 17 December 1998 (OJ C 98, 9.4.1999, p. 266), confirmed on 16 September 1999, Council Common Position of 23 February 1999 (OJ C 123, 4.5.1999, p. 28) and Decision of the European Parliament of 15 December 1999 (not yet published in the Official Journal). Decision of the European Parliament of 13 June 2000 and Decision of the Council of 16 June 2000.
[4] OJ L 297, 31.10.1988, p. 8.
[5] OJ L 333, 22.12.1994, p. 1.

(9) The growing availability of alternatives to methyl bromide should be reflected in more substantial reductions in its production and consumption compared to the Montreal Protocol. The production and consumption of methyl bromide should cease completely subject to possible derogations for critical uses determined at Community level following the criteria established under the Montreal Protocol. Also the use of methyl bromide for quarantine and preshipment applications should be controlled. Such use should not exceed current levels and ultimately be reduced in the light of technical development and developments under the Montreal Protocol.

(10) Regulation (EC) No 3093/94 provides for controls on the production of all other ozone-depleting substances but not for controls on the production of hydrochlorofluorocarbons. It is appropriate to introduce such provision to ensure that hydrochlorofluorocarbons do not continue to be used where non-ozone-depleting alternatives exist. Measures for the control of the production of hydrochlorofluorocarbons should be taken by all Parties to the Montreal Protocol. A freeze on production of hydrochlorofluorocarbons would reflect that need and the Community's determination to take a leading role in this respect. The quantities produced should be adapted to the reductions envisaged for the placing on the Community market of hydrochlorofluorocarbons and to the declining demand worldwide as a consequence of reductions in the consumption of hydrochlorofluorocarbons required by the Protocol.

(11) The Montreal Protocol, in Article 2F(7), requires the Parties to endeavour to ensure that the use of hydrochlorofluorocarbons is limited to those applications where other more environmentally suitable alternative substances or technologies are not available. In view of the availability of alternative and substitute technologies, the placing on the market and use of hydrochlorofluorocarbons and products containing hydrochlorofluorocarbons can be further limited. Decision VI/13 of the Meeting of the Parties to the Montreal Protocol provides that the evaluation of alternatives to hydrochlorofluorocarbons should take into account such factors as ozone-depleting potential, energy efficiency, potential flammability, toxicity and global warming and the potential impacts on the effective use and phase-out of chlorofluorocarbons and halons. Hydrochlorofluorocarbon controls under the Montreal Protocol should be considerably tightened to protect the ozone layer and to reflect the availability of alternatives.

(12) Quotas for the release for free circulation in the Community of controlled substances should be allocated only for limited uses of controlled substances. Controlled substances and products containing controlled substances from States not party to the Montreal Protocol should not be imported.

(13) The licensing system for controlled substances should be extended to include the authorisation of exports of controlled substances, in order to monitor trade in ozone-depleting substances and to allow for exchange of information between Parties.

(14) Provision should be made for the recovery of used controlled substances, and to prevent leakages of controlled substances.

(15) The Montreal Protocol requires reporting on trade in ozone-depleting substances. Annual reporting should therefore be required from producers, importers and exporters of controlled substances.

(16) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [1].

(17) Decision X/8 of the 10th meeting of the Parties to the Montreal Protocol encourages Parties to take measures actively, as appropriate, to discourage the production and marketing of new ozone-depleting substances and in particular of bromochloromethane. To this end a mechanism should be established to provide for new substances to be addressed by this Regulation. The production, importation, placing on the market and use of bromochloromethane should be prohibited.

(18) The switch to new technologies or alternative products, required because the production and use of controlled substances are to be phased out, could lead to problems for small and medium-sized enterprises (SMEs) in particular. The Member States should therefore consider providing appropriate forms of assistance specifically to enable SMEs to make the necessary changes,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

INTRODUCTORY PROVISIONS

Article 1

Scope

This Regulation shall apply to the production, importation, exportation, placing on the market, use, recovery, recycling and reclamation and destruction of chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, methyl bromide, hydrobromofluorocarbons and hydrochlorofluorocarbons, to the reporting of information on these substances and to the importation, exportation, placing on the market and use of products and equipment containing those substances.

This Regulation shall also apply to the production, importation, placing on the market and use of substances in Annex II.

[1] OJ L 184, 17.7.1999, p. 23.

Article 2

Definitions

For the purposes of this Regulation:

— 'Protocol' means the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer, as last amended and adjusted,

— 'Party' means any party to the Protocol,

— 'State not party to the Protocol', with respect to a particular controlled substance, includes any State or regional economic integration organisation that has not agreed to be bound by the provisions of the Protocol applicable to that substance,

— 'controlled substances' means chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, methyl bromide, hydrobromofluorocarbons and hydrochlorofluorocarbons, whether alone or in a mixture, and whether they are virgin, recovered, recycled or reclaimed. This definition shall not cover any controlled substance which is in a manufactured product other than a container used for the transportation or storage of that substance, or insignificant quantities of any controlled substance, originating from inadvertent or coincidental production during a manufacturing process, from unreacted feedstock, or from use as a processing agent which is present in chemical substances as trace impurities, or that is emitted during product manufacture or handling,

— 'chlorofluorocarbons' (CFCs) means the controlled substances listed in Group I of Annex I, including their isomers,

— 'other fully halogenated chlorofluorocarbons' means the controlled substances listed in Group II of Annex I, including their isomers,

— 'halons' means the controlled substances listed in Group III of Annex I, including their isomers,

— 'carbon tetrachloride' means the controlled substance specified in Group IV of Annex I,

— '1,1,1-trichloroethane' means the controlled substance specified in Group V of Annex I,

— 'methyl bromide' means the controlled substance specified in Group VI of Annex I,

— 'hydrobromofluorocarbons' means the controlled substances listed in Group VII of Annex I, including their isomers,

— 'hydrochlorofluorocarbons' (HCFCs) means the controlled substances listed in Group VIII of Annex I, including their isomers,

— 'new substances' means substances listed in Annex II. This definition shall cover substances whether alone or in a mixture, and whether they are virgin, recovered, recycled or reclaimed. This definition shall not cover any substance which is in a manufactured product other than a container used for transportation or storage of that substance, or insignificant quantities of any new substance, originating from inadvertent or coincidental production during a manufacturing process or from unreacted feedstock,

— 'feedstock' means any controlled substance or new substance that undergoes chemical transformation in a process in which it is entirely converted from its original composition and whose emissions are insignificant,

— 'processing agent' means controlled substances used as chemical processing agents in those applications listed in Annex VI, in installations existing at 1 September 1997, and where emissions are insignificant. The Commission shall, in the light of those criteria and in accordance with the procedure referred to in Article 18(2), establish a list of undertakings in which the use of controlled substances as processing agents shall be permitted, laying down maximum emission levels for each of the undertakings concerned. It may, in accordance with the procedure referred to in Article 18(2), amend Annex VI as well as the list of undertakings referred to above in the light of new information or technical developments, including the review provided for in Decision X/14 of the Meeting of the Parties to the Protocol,

— 'producer' means any natural or legal person manufacturing controlled substances within the Community,

— 'production' means the amount of controlled substances produced, less the amount destroyed by technologies approved by the Parties and less the amount entirely used as feedstock or as a processing agent in the manufacture of other chemicals. No amount recovered, recycled or reclaimed shall be considered as 'production',

— 'ozone-depleting potential' means the figure specified in the third column of Annex I representing the potential effect of each controlled substance on the ozone layer,

— 'calculated level' means a quantity determined by multiplying the quantity of each controlled substance by its ozone-depleting potential and by adding together, for each group of controlled substances in Annex I separately, the resulting figures,

— 'industrial rationalisation' means the transfer either between Parties or within a Member State of all or a portion of the calculated level of production of one producer to another, for the purpose of optimising economic efficiency or responding to anticipated shortfalls in supply as a result of plant closures,

— 'placing on the market' means the supplying or making available to third persons, against payment or free of charge, of controlled substances or products containing controlled substances covered by this Regulation,

— 'use' means the utilisation of controlled substances in the production or maintenance, in particular refilling, of products or equipment or in other processes except for feedstock and processing agent uses,

— 'reversible air-conditioning/heat pump system' means a combination of interconnected refrigerant-containing parts constituting one closed refrigeration circuit, in which the refrigerant is circulated for the purpose of extracting and rejecting heat (i.e. cooling, heating), processes which are reversible in that the evaporators and condensers are designed to be interchangeable in their functions,

— 'inward processing' means a procedure provided for in Article 114(1) (a) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ([1]),

— 'recovery' means the collection and the storage of controlled substances from, for example, machinery, equipment and containment vessels during servicing or before disposal,

— 'recycling' means the reuse of a recovered controlled substance following a basic cleaning process such as filtering and drying. For refrigerants, recycling normally involves recharge back into equipment as is often carried out on site,

— 'reclamation' means the reprocessing and upgrading of a recovered controlled substance through such processes as filtering, drying, distillation and chemical treatment in order to restore the substance to a specified standard of performance, which often involves processing off site at a central facility,

— 'undertaking' means any natural or legal person who produces, recycles for placing on the market or uses controlled substances for industrial or commercial purposes in the Community, who releases such imported substances for free circulation in the Community, or who exports such substances from the Community for industrial or commercial purposes.

CHAPTER II

PHASE-OUT SCHEDULE

Article 3

Control of production of controlled substances

1. Subject to paragraphs 5 to 10, the production of the following shall be prohibited:

(a) chlorofluorocarbons;

(b) other fully halogenated chlorofluorocarbons;

(c) halons;

(d) carbon tetrachloride;

(e) 1,1,1-trichloroethane;

(f) hydrobromofluorocarbons.

In the light of the proposals made by Member States, the Commission shall, in accordance with the procedure referred to in Article 18(2), apply the criteria set out in Decision IV/25 of the Parties in order to determine every year any essential uses for which the production and importation of controlled substances referred to in the first subparagraph may be permitted in the Community and those users who may take advantage of those essential uses. Such production and importation shall be allowed only if no adequate alternatives or recycled or reclaimed controlled substances referred to in the first subparagraph are available from any of the Parties.

2. (i) Subject to paragraphs 5 to 10, each producer shall ensure that:

(a) the calculated level of its production of methyl bromide in the period 1 January to 31 December 1999 and in each 12-month period thereafter does not exceed 75 % of the calculated level of its production of methyl bromide in 1991;

(b) the calculated level of its production of methyl bromide in the period 1 January to 31 December 2001 and in each 12-month period thereafter does not exceed 40 % of the calculated level of its production of methyl bromide in 1991;

(c) the calculated level of its production of methyl bromide in the period 1 January to 31 December 2003 and in each 12-month period thereafter does not exceed 25 % of the calculated level of its production of methyl bromide in 1991;

(d) it produces no methyl bromide after 31 December 2004.

The calculated levels referred to in subparagraphs (a), (b), (c) and (d) shall not include the amount of methyl bromide produced for quarantine and preshipment applications.

(ii) In the light of the proposals made by Member States, the Commission shall, in accordance with the procedure referred to in Article 18(2), apply the criteria set out in Decision IX/6 of the Parties, together with any other relevant criteria agreed by the Parties, in order to determine every year any critical uses for which the production, importation and use of methyl bromide may be permitted in the Community after 31 December 2004, the quantities and uses to be permitted and those users who may take advantage of the critical exemption. Such production and importation shall be allowed only if no adequate alternatives or recycled or reclaimed methyl bromide is available from any of the Parties.

In an emergency, where unexpected outbreaks of particular pests or diseases so require, the Commission, at the request of the competent authority of a Member State, may authorise the temporary use of methyl bromide. Such authorisation shall apply for a period not exceeding 120 days and to a quantity not exceeding 20 tonnes.

3. Subject to paragraphs 8, 9 and 10, each producer shall ensure that:

(a) the calculated level of its production of hydrochlorofluorocarbons in the period 1 January 2000 to 31 December 2000 and in each 12-month period thereafter does not exceed the calculated level of its production of hydrochlorofluorocarbons in 1997;

([1]) OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 955/1999 (OJ L 119, 7. 5.1999, p. 1).

(b) the calculated level of its production of hydrochlorofluorocarbons in the period 1 January 2008 to 31 December 2008 and in each 12-month period thereafter does not exceed 35 % of the calculated level of its production of hydrochlorofluorocarbons in 1997;

(c) the calculated level of its production of hydrochlorofluorocarbons in the period 1 January 2014 to 31 December 2014 and in each 12-month period thereafter does not exceed 20 % of the calculated level of its production of hydrochlorofluorocarbons in 1997;

(d) the calculated level of its production of hydrochlorofluorocarbons in the period 1 January 2020 to 31 December 2020 and in each 12-month period thereafter does not exceed 15 % of the calculated level of its production of hydrochlorofluorocarbons in 1997;

(e) it produces no hydrochlorofluorocarbons after 31 December 2025.

Before 31 December 2002, the Commission shall review the level of production of hydrochlorofluorocarbons with a view to determining:

— whether a production cut ahead of the year 2008 should be proposed, and/or

— whether a change to the levels of production provided for under (b), (c) and (d) should be proposed.

This review will take into account the development of hydrochlorofluorocarbon consumption worldwide, the hydrochlorofluorocarbon exports from the Community and other OECD countries and the technical and economic availability of alternative substances or technologies as well as relevant international developments under the Protocol.

4. The Commission shall issue licences to those users identified in accordance with the second subparagraph of paragraph 1 and paragraph 2(ii) and shall notify them of the use for which they have authorisation and the substances and quantities thereof that they are authorised to use.

5. A producer may be authorised by the competent authority of the Member State in which that producer's relevant production is situated to produce the controlled substances referred to in paragraphs 1 and 2 for the purpose of meeting the requests licensed in accordance with paragraph 4. The competent authority of the Member State concerned shall notify the Commission in advance of its intention to issue any such authorisation.

6. The competent authority of the Member State in which a producer's relevant production is situated may authorise that producer to exceed the calculated levels of production laid down in paragraphs 1 and 2 in order to satisfy the basic domestic needs of Parties pursuant to Article 5 of the Protocol, provided that the additional calculated levels of production of the Member State concerned do not exceed those permitted for that purpose by Articles 2A to 2E and 2H of the Protocol for the periods in question. The competent authority of the Member State concerned shall notify the Commission in advance of its intention to issue any such authorisation.

7. To the extent permitted by the Protocol, the competent authority of the Member State in which a producer's relevant production is situated may authorise that producer to exceed the calculated levels of production laid down in paragraphs 1 and 2 in order to satisfy any essential, or critical, uses of Parties at their request. The competent authority of the Member State concerned shall notify the Commission in advance of its intention to issue any such authorisation.

8. To the extent permitted by the Protocol, the competent authority of the Member State in which a producer's relevant production is situated may authorise that producer to exceed the calculated levels of production laid down in paragraphs 1 to 7 for the purpose of industrial rationalisation within the Member State concerned, provided that the calculated levels of production of that Member State do not exceed the sum of the calculated levels of production of its domestic producers as laid down in paragraphs 1 to 7 for the periods in question. The competent authority of the Member State concerned shall notify the Commission in advance of its intention to issue any such authorisation.

9. To the extent permitted by the Protocol, the Commission may, in agreement with the competent authority of the Member State in which a producer's relevant production is situated, authorise that producer to exceed the calculated levels of production laid down in paragraphs 1 to 8 for the purpose of industrial rationalisation between Member States, provided that the combined calculated levels of production of the Member States concerned do not exceed the sum of the calculated levels of production of their domestic producers as laid down in paragraphs 1 to 8 for the periods in question. The agreement of the competent authority of the Member State in which it is intended to reduce production shall also be required.

10. To the extent permitted by the Protocol, the Commission may, in agreement with both the competent authority of the Member State in which a producer's relevant production is situated and the government of the third Party concerned, authorise a producer to combine the calculated levels of production laid down in paragraphs 1 to 9 with the calculated levels of production allowed to a producer in a third Party under the Protocol and that producer's national legislation for the purpose of industrial rationalisation with a third Party, provided that the combined calculated levels of production by the two producers do not exceed the sum of the calculated levels of production allowed to the Community producer under paragraphs 1 to 9 and the calculated levels of production allowed to the third Party producer under the Protocol and any relevant national legislation.

Article 4

Control of the placing on the market and use of controlled substances

1. Subject to paragraphs 4 and 5, the placing on the market and the use of the following controlled substances shall be prohibited:

(a) chlorofluorocarbons;

(b) other fully halogenated chlorofluorocarbons;

(c) halons;

(d) carbon tetrachloride;

(e) 1,1,1-trichloroethane; and

(f) hydrobromofluorocarbons.

The Commission may, following a request by a competent authority of a Member State and in accordance with the procedure referred to in Article 18(2), authorise a temporary exemption to allow the use of chlorofluorocarbons until 31 December 2004 in delivery mechanisms for hermetically sealed devices designed for implantation in the human body for delivery of measured doses of medication, and until 31 December 2008, in existing military applications, where it is demonstrated that, for a particular use, technically and economically feasible alternative substances or technologies are not available or cannot be used.

2. (i) Subject to paragraphs 4 and 5, each producer and importer shall ensure that:

(a) the calculated level of methyl bromide which it places on the market or uses for its own account in the period 1 January 1999 to 31 December 1999 and in each 12-month period thereafter does not exceed 75 % of the calculated level of methyl bromide which it placed on the market or used for its own account in 1991;

(b) the calculated level of methyl bromide which it places on the market or uses for its own account in the period 1 January 2001 to 31 December 2001 and in each 12-month period thereafter does not exceed 40 % of the calculated level of methyl bromide which it placed on the market or used for its own account in 1991;

(c) the calculated level of methyl bromide which it places on the market or uses for its own account in the period 1 January 2003 to 31 December 2003 and in each 12-month period thereafter does not exceed 25 % of the calculated level of methyl bromide which it placed on the market or used for its own account in 1991;

(d) it does not place any methyl bromide on the market or use any for its own account after 31 December 2004.

To the extent permitted by the Protocol, the Commission shall, following a request by a competent authority of a Member State and in accordance with the procedure referred to in Article 18(2), adjust the calculated level of methyl bromide referred to in Article 3(2) (i) (c) and subparagraph (c) where it is demonstrated that this is necessary to meet the needs of that Member State, because technically and economically feasible alternatives or substitutes that are acceptable from the standpoint of environment and health are not available or cannot be used.

The Commission, in consultation with Member States, shall encourage the development, including research, and the use of alternatives to methyl bromide as soon as possible.

(ii) Subject to paragraph 4, the placing on the market and the use of methyl bromide by undertakings other than producers and importers shall be prohibited after 31 December 2005.

(iii) The calculated levels referred to in subparagraphs (i) (a), (b), (c) and (d) and (ii) shall not include the amount of methyl bromide produced or imported for quarantine and preshipment applications. For the period 1 January 2001 to 31 December 2001 and for each 12-month period thereafter, each producer and importer shall ensure that the calculated level of methyl bromide which it places on the market or uses for its own account for quarantine and preshipment applications shall not exceed the average of the calculated level of methyl bromide which it placed on the market or used for its own account for quarantine and preshipment in the years 1996, 1997 and 1998.

Each year Member States shall report to the Commission the quantities of methyl bromide authorised for quarantine and preshipment used in their territory, the purposes for which methyl bromide was used, and the progress in evaluating and using alternatives.

The Commission shall, in accordance with the procedure referred to in Article 18(2), take measures to reduce the calculated level of methyl bromide which producers and importers may place on the market or use for their own account for quarantine and preshipment in the light of technical and economic availability of alternative substances or technologies and of the relevant international developments under the Protocol.

(iv) The total quantitative limits for the placing on the market or use for their own account by producers and importers of methyl bromide are set out in Annex III.

3. (i) Subject to paragraphs 4 and 5 and to Article 5(5):

(a) the calculated level of hydrochlorofluorocarbons which producers and importers place on the market or use for their own account in the period 1 January 1999 to 31 December 1999 and in the 12-month period thereafter shall not exceed the sum of:

— 2,6 % of the calculated level of chlorofluorocarbons which producers and importers placed on the market or used for their own account in 1989, and

— the calculated level of hydrochlorofluorocarbons which producers and importers placed on the market or used for their own account in 1989;

(b) the calculated level of hydrochlorofluorocarbons which producers and importers place on the market or use for their own account in the period 1 January 2001 to 31 December 2001 shall not exceed the sum of:

— 2,0 % of the calculated level of chlorofluorocarbons which producers and importers placed on the market or used for their own account in 1989, and

— the calculated level of hydrochlorofluorocarbons which producers and importers placed on the market or used for their own account in 1989;

(c) the calculated level of hydrochlorofluorocarbons which producers and importers place on the market or use for their own account in the period 1 January 2002 to 31 December 2002 shall not exceed 85 % of the level calculated pursuant to subparagraph (b);

(d) the calculated level of hydrochlorofluorocarbons which producers and importers place on the market or use for their own account in the period 1 January 2003 to 31 December 2003 shall not exceed 45 % of the level calculated pursuant to subparagraph (b);

(e) the calculated level of hydrochlorofluorocarbons which producers and importers place on the market or use for their own account in the period 1 January 2004 to 31 December 2004 and in each 12-month period thereafter shall not exceed 30 % of the level calculated pursuant to subparagraph (b);

(f) the calculated level of hydrochlorofluorocarbons which producers and importers place on the market or use for their own account in the period 1 January 2008 to 31 December 2008 and in each 12-month period thereafter shall not exceed 25 % of the level calculated pursuant to subparagraph (b);

(g) producers and importers shall not place hydrochlorofluorocarbons on the market or use them for their own account after 31 December 2009;

(h) each producer and importer shall ensure that the calculated level of hydrochlorofluorocarbons which it places on the market or uses for its own account in the period 1 January 2001 to 31 December 2001 and in the 12-month period thereafter shall not exceed, as a percentage of the calculated levels set out in (a) to (c), its percentage market share in 1996.

(ii) Before 1 January 2001, the Commission shall, in accordance with the procedure referred to in Article 18(2), determine a mechanism for the allocation of quotas to each producer and importer of the calculated levels set out in (d) to (f), applicable for the period 1 January 2003 to 31 December 2003 and for each 12-month period thereafter.

(iii) In the case of producers, the quantities referred to in this paragraph shall apply to the amounts of virgin hydrochlorofluorocarbons which they place on the market or use for their own account within the Community and which were produced in the Community.

(iv) The total quantitative limits for the placing on the market or use for their own account by producers and importers of hydrochlorofluorocarbons are set out in Annex III.

4. (i) (a) Paragraphs 1, 2 and 3 shall not apply to the placing on the market of controlled substances for destruction within the Community by technologies approved by the Parties;

(b) paragraphs 1, 2 and 3 shall not apply to the placing on the market and use of controlled substances if:

— they are used for feedstock or as a processing agent; or

— they are used to meet the licensed requests for essential uses of those users identified as laid down in Article 3(1) and to meet the licensed requests for critical uses of those users identified as laid down in Article 3(2) or to meet the requests for temporary emergency applications authorised in accordance with Article 3(2) (ii).

(ii) Paragraph 1 shall not apply to the placing on the market, by undertakings other than producers, of controlled substances for the maintenance or servicing of refrigeration and air-conditioning equipment until 31 December 1999.

(iii) Paragraph 1 shall not apply to the use of controlled substances for the maintenance or servicing of refrigeration and air-conditioning equipment or in fingerprinting processes until 31 December 2000.

(iv) Paragraph 1(c) shall not apply to the placing on the market and use of halons that have been recovered, recycled or reclaimed in existing fire protection systems until 31 December 2002 or to the placing on the market and use of haloes for critical uses as set out in Annex VII. Each year the competent authorities of the Member States shall notify to the Commission the quantities of haloes used for critical uses, the measures taken to reduce their emissions and an estimate of such emissions, and the current activities to identify and use adequate alternatives. Each year the Commission shall review the critical uses listed in Annex VII and, if necessary, adopt modifications in accordance with the procedure referred to in Article 18(2).

(v) Except for uses listed in Annex VII, fire protection systems and fire extinguishers containing halons shall be decommissioned before 31 December 2003, and halons shall be recovered in accordance with Article 16.

5. Any producer or importer entitled to place controlled substances referred to in this Article on the market or use them for its own account may transfer that right in respect of all or any quantities of that group of substances fixed in accordance with this Article to any other producer or importer of that group of substances within the Community. Any such transfer shall be notified in advance to the Commission. The transfer of the right to place on the market or use shall not imply the further right to produce or to import.

6. The importation and placing on the market of products and equipment containing chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane and hydrobromofluorocarbons shall be prohibited, with the exception of products and equipment for which the use of the respective controlled substance has been authorised in accordance with the second subparagraph of Article 3(1) or is listed in Annex VII. Products and equipment shown to be manufactured before the entry into force of this Regulation shall not be covered by this prohibition.

Article 5

Control of the use of hydrochlorofluorocarbons

1. Subject to the following conditions, the use of hydrochlorofluorocarbons shall be prohibited:

(a) in aerosols;

(b) as solvents:

(i) in non-contained solvent uses including open-top cleaners and open-top dewatering systems without refrigerated areas, in adhesives and mould-release agents when not employed in closed equipment, for drain cleaning where hydrochlorofluorocarbons are not recovered;

(ii) from 1 January 2002, in all solvent uses, with the exception of precision cleaning of electrical and other components in aerospace and aeronautics applications where the prohibition shall enter into force on 31 December 2008;

(c) as refrigerants:

(i) in equipment produced after 31 December 1995 for the following uses:

— in non-confined direct-evaporation systems,

— in domestic refrigerators and freezers,

— in motor vehicle, tractor and off-road vehicle or trailer air conditioning systems operating on any energy source, except for military uses where the prohibition shall enter into force on 31 December 2008,

— in road public-transport air-conditioning,

(ii) in rail transport air-conditioning, in equipment produced after 31 December 1997;

(iii) from 1 January 2000, in equipment produced after 31 December 1999 for the following uses:

— in public and distribution cold stores and warehouses,

— for equipment of 150 kw and over, shaft input,

(iv) from 1 January 2001, in all other refrigeration and air-conditioning equipment produced after 31 December 2000, with the exception of fixed air-conditioning equipment, with a cooling capacity of less than 100 kW, where the use of hydrochlofluorocarbons shall be prohibited from 1 July 2002 in equipment produced after 30 June 2002 and of reversible air-conditioning/heat pump systems where the use of hydrochlorofluorocarbons shall be prohibited from 1 January 2004 in all equipment produced after 31 December 2003;

(v) from 1 January 2010, the use of virgin hydrochlorofluorocarbons shall be prohibited in the maintenance and servicing of refrigeration and air-conditioning equipment existing at that date; all hydrochlorofluorocarbons shall be prohibited from 1 January 2015.

Before 31 December 2008 the Commission shall review the technical and economic availability of alternatives to recycled hydrochlorofluorocarbons.

The review shall take into account the availability of technically and economically feasible alternatives to hydrochlorofluorocarbons in existing refrigeration equipment with the view to avoiding undue abandonment of equipment.

Alternatives for consideration should have a significantly less harmful effect on the environment than hydrochlorofluorocarbons.

The Commission shall submit the result of the review to the European Parliament and to the Council. It shall, as appropriate, in accordance with the procedure referred to in Article 18(2), take a decision on whether to adapt the date of 1 January 2015;

(d) for the production of foams:

(i) for the production of all foams except integral skin foams for use in safety applications and rigid insulating foams;

(ii) from 1 October 2000, for the production of integral skin foams for use in safety applications and polyethylene rigid insulating foams;

(iii) from 1 January 2002, for the production of extruded polystyrene rigid insulating foams, except where used for insulated transport;

(iv) from 1 January 2003, for the production of polyurethane foams for appliances, of polyurethane flexible faced laminate foams and of polyurethane sandwich panels, except where these last two are used for insulated transport;

(v) from 1 January 2004, for the production of all foams, including polyurethane spray and block foams;

(e) as carrier gas for sterilisation substances in closed systems, in equipment produced after 31 December 1997;

(f) in all other applications.

2. By way of derogation from paragraph l, the use of hydrochlorofluorocarbons shall be permitted:

(a) in laboratory uses, including research and development;

(b) as feedstock;

(c) as a processing agent.

3. By way of derogation from paragraph 1, the use of hydrochlorofluorocarbons as fire-fighting agents in existing fire protection systems may be permitted for replacing halons in applications listed in Annex VII under the following conditions:

— halons contained in such fire protection systems shall be replaced completely,

— halons withdrawn shall be destroyed,

— 70 % of the destruction costs shall be covered by the supplier of the hydrochlorofluorocarbons,

— each year, Member States making use of this provision shall notify to the Commission the number of installations and the quantities of halons concerned.

4. The importation and placing on the market of products and equipment containing hydrochlorofluorocarbons for which a use restriction is in force under this Article shall be prohibited from the date on which the use restriction comes into force. Products and equipment shown to be manufactured before the date of that use restriction shall not be covered by this prohibition.

5. Until 31 December 2009, the use restrictions under this Article shall not apply to the use of hydrochlorofluorocarbons for the production of products for export to countries where the use of hydrochlorofluorocarbons in those products is still permitted.

6. The Commission may, in accordance with the procedure referred to in Article 18(2), in the light of experience with the operation of this Regulation or to reflect technical progress, modify the list and the dates set out in paragraph 1, but in no case extend the periods set out therein, without prejudice to the exemptions provided for in paragraph 7.

7. The Commission may, following a request by a competent authority of a Member State and in accordance with the procedure referred to in Article 18(2), authorise a time-limited exemption to allow the use and placing on the market of hydrochlorofluorocarbons in derogation from paragraph 1 and Article 4(3) where it is demonstrated that, for a particular use, technically and economically feasible alternative substances or technologies are not available or cannot be used. The Commission shall immediately inform the Member States of any exemptions granted.

CHAPTER III

TRADE

Article 6

Licences to import from third countries

1. The release for free circulation in the Community or inward processing of controlled substances shall be subject to the presentation of an import licence. Such licences shall be issued by the Commission after verification of compliance with Articles 6, 7, 8 and 13. The Commission shall forward a copy of each licence to the competent authority of the Member State into which the substances concerned are to be imported. Each Member State shall appoint a competent authority for that purpose. Controlled substances listed in groups I, II, III, IV and V as listed in Annex I shall not be imported for inward processing.

2. The licence, when related to an inward-processing procedure, shall be issued only if the controlled substances are to be used in the customs territory of the Community under the system of suspension provided for in Article 114(2)(a) of Regulation (EEC) No 2913/92, and under the condition that the compensating products are re-exported to a State where the production, consumption or import of that controlled substance is not prohibited. The licence shall only be issued following approval of the competent authority of the Member State in which the inward-processing operation is to take place.

3. A request for a licence shall state:

(a) the names and the addresses of the importer and the exporter;

(b) the country of exportation;

(c) the country of final destination if controlled substances are to be used in the customs territory of the Community under the inward-processing procedure as referred to in paragraph 2;

(d) a description of each controlled substance, including:

— the commercial description,

— the description and the CN code as laid down in Annex IV,

— the nature of the substance (virgin, recovered or reclaimed),

— the quantity of the substance in kilograms;

(e) the purpose of the proposed import;

(f) if known, the place and date of the proposed importation and, where relevant, any changes to these data.

4. The Commission may require a certificate attesting the nature of substances to be imported.

5. The Commission may, in accordance with the procedure referred to in Article 18(2), modify the list of items mentioned in paragraph 3 and Annex IV.

Article 7

Imports of controlled substances from third countries

The release for free circulation in the Community of controlled substances imported from third countries shall be subject to quantitative limits. Those limits shall be determined and quotas allocated to undertakings for the period 1 January to 31 December 1999 and for each 12-month period thereafter in accordance with the procedure referred to in Article 18(2). They shall be allocated only:

(a) for controlled substances of groups VI and VIII as referred to in Annex I;

(b) for controlled substances if they are used for essential or critical uses or for quarantine and preshipment applications;

(c) for controlled substances if they are used for feedstock or as processing agents; or

(d) to undertakings having destruction facilities for recovered controlled substances if the controlled substances are used for destruction in the Community by technologies approved by the Parties.

Article 8

Imports of controlled substances from a State not party to the Protocol

The release for free circulation in the Community or inward processing of controlled substances imported from any State not party to the Protocol shall be prohibited.

Article 9

Imports of products containing controlled substances from a State not party to the Protocol

1. The release for free circulation in the Community of products and equipment containing controlled substances imported from any State not Party to the Protocol shall be prohibited.

2. A list of products containing controlled substances and of Combined Nomenclature codes is given in Annex V for guidance of the Member States' customs authorities. The Commission may, in accordance with the procedure referred to in Article 18(2), add to, delete items from or amend this list in the light of the lists established by the Parties.

Article 10

Imports of products produced using controlled substances from a State not party to the Protocol

In the light of the decision of the Parties, the Council shall, on a proposal from the Commission, adopt rules applicable to the release for free circulation in the Community of products which were produced using controlled substances but do not contain substances which can be positively identified as controlled substances, imported from any State not party to the Protocol. The identification of such products shall comply with periodical technical advice given to the Parties. The Council shall act by a qualified majority.

Article 11

Export of controlled substances or products containing controlled substances

1. Exports from the Community of chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane and hydrobromofluorocarbons or products and equipment, other than personal effects, containing those substances or whose continuing function relies on supply of those substances shall be prohibited. This prohibition shall not apply to exports of:

(a) controlled substances produced under Article 3(6) to satisfy the basic domestic needs of Parties pursuant to Article 5 of the Protocol;

(b) controlled substances produced under Article 3(7) to satisfy essential or critical uses of Parties;

(c) products and equipment containing controlled substances produced under Article 3(5) or imported under Article 7(b);

(d) products and equipment containing halon, to satisfy critical uses listed in Annex VII;

(e) controlled substances to be used for feedstock and processing agent applications.

2. Exports from the Community of methyl bromide to any State not party to the Protocol shall be prohibited.

3. From 1 January 2004, exports from the Community of hydrochlorofluorocarbons to any State not party to the Protocol shall be prohibited. The Commission shall, in accordance with the procedure referred to in Article 18(2), examine the above date in the light of relevant international developments under the Protocol and modify it as appropriate.

Article 12

Export authorisation

1. Exports from the Community of controlled substances shall be subject to authorisation. Such export authorisation shall be issued by the Commission to undertakings for the period 1 January to 31 December 2001 and for each 12-month period thereafter after verification of compliance with Article 11. The Commission shall forward a copy of each export authorisation to the competent authority of the Member State concerned.

2. An application for an export authorisation shall state:

(a) the name and address of the exporter and of the producer, where it is not the same;

(b) a description of the controlled substance(s) intended for export, including:

— the commercial description,

— the description and the CN code as laid down in Annex IV,

— the nature of the substance (virgin, recovered or reclaimed);

(c) the total quantity of each substance to be exported;

(d) the country/countries of final destination of the controlled substance(s);

(e) the purpose of the exports.

3. Each exporter shall notify the Commission of any changes which might occur during the period of validity of the authorisation in relation to the data notified under paragraph 2. Each exporter shall report to the Commission in accordance with Article 19.

Article 13

Exceptional authorisation to trade with a State not party to the Protocol

By way of derogation from Articles 8, 9(1), 10, 11(2) and (3), trade with any State not party to the Protocol in controlled substances and products which contain or are produced by means of one or more such substances may be authorised by the Commission, to the extent that the State not party to the Protocol is determined by a meeting of the Parties to be in full compliance with the Protocol and has submitted data to that effect as specified in Article 7 of the Protocol. The Commission shall act in accordance with the procedure referred to in Article 18(2) of this Regulation.

Article 14

Trade with a territory not covered by the Protocol

1. Subject to any decision taken under paragraph 2, Articles 8, 9, 11(2) and (3) shall apply to any territory not covered by the Protocol as they apply to any State not party to the Protocol.

2. Where the authorities of a territory not covered by the Protocol are in full compliance with the Protocol and have submitted data to that effect as specified in Article 7 of the Protocol, the Commission may decide that some or all of the provisions of Articles 8, 9 and 11 of this Regulation shall not apply in respect of that territory.

The Commission shall take its decision in accordance with the procedure referred to in Article 18(2).

Article 15

Notification of Member States

The Commission shall immediately notify the Member States of any measures it adopts pursuant to Articles 6, 7, 9, 12, 13 and 14.

CHAPTER IV

EMISSION CONTROL

Article 16

Recovery of used controlled substances

1. Controlled substances contained in:

— refrigeration, air-conditioning and heat pump equipment, except domestic refrigerators and freezers,

— equipment containing solvents,

— fire protection systems and fire extinguishers,

shall be recovered for destruction by technologies approved by the Parties or by any other environmentally acceptable destruction technology, or for recycling or reclamation during the servicing and maintenance of equipment or before the dismantling or disposal of equipment.

2. Controlled substances contained in domestic refrigerators and freezers shall be recovered and dealt with as provided for in paragraph 1 after 31 December 2001.

3. Controlled substances contained in products, installations and equipment other than those mentioned in paragraphs 1 and 2 shall be recovered, if practicable, and dealt with as provided in paragraph 1.

4. Controlled substances shall not be placed on the market in disposable containers, except for essential uses.

5. Member States shall take steps to promote the recovery, recycling, reclamation and destruction of controlled substances and shall assign to users, refrigeration technicians or other appropriate bodies responsibility for ensuring compliance with the provisions of paragraph 1. Member States shall define the minimum qualification requirements for the personnel involved. By 31 December 2001 at the latest, Member States shall report to the Commission on the programmes related to the above qualification requirements. The Commission shall evaluate the measures taken by the Member States. In the light of this evaluation and of technical and other relevant information, the Commission, as appropriate, shall propose measures regarding those minimum qualification requirements.

6. Member States shall report to the Commission by 31 December 2001 on the systems established to promote the recovery of used controlled substances, including the facilities available and the quantities of used controlled substances recovered, recycled, reclaimed or destroyed.

7. This Article shall be without prejudice to Council Directive 75/442/EEC of 15 July 1975 on waste [1] or to measures adopted following Article 2(2) of that Directive.

Article 17

Leakages of controlled substances

1. All precautionary measures practicable shall be taken to prevent and minimise leakages of controlled substances. In particular, fixed equipment with a refrigerating fluid charge of more than 3 kg shall be checked for leakages annually. Member States shall define the minimum qualification requirements for the personnel involved. By 31 December 2001 at the latest, Member States shall report to the Commission on the programmes related to the above qualification requirements. The Commission shall evaluate the measures taken by the Member States. In the light of this evaluation and of technical and other relevant information, the Commission, as appropriate, shall propose measures regarding those minimum qualification requirements.

[1] OJ L 194, 25.7.1975, p. 39. Directive as last amended by Commission Decision 96/350/EC (OJ L 135, 6.6.1996, p. 32).

The Commission shall promote the preparation of European standards relating to the control of leakages and to the recovery of substances leaking from commercial and industrial air-conditioning and refrigeration equipment, from fire-protection systems and from equipment containing solvents as well as, as appropriate, to technical requirements with respect to the leakproofness of refrigeration systems.

2. All precautionary measures practicable shall be taken to prevent and minimise leakages of methyl bromide from fumigation installations and operations in which methyl bromide is used. Whenever methyl bromide is used in soil fumigation, the use of virtually impermeable films for a sufficient time, or other techniques ensuring at least the same level of environmental protection shall be mandatory. Member States shall define the minimum qualification requirements for the personnel involved.

3. All precautionary measures practicable shall be taken to prevent and minimise leakages of controlled substances used as feedstock and as processing agents.

4. All precautionary measures practicable shall be taken to prevent and minimise any leakage of controlled substances inadvertently produced in the course of the manufacture of other chemicals.

5. The Commission shall develop as appropriate and ensure the dissemination of notes describing best available technologies and best environmental practices concerning the prevention and minimisation of leakages and emissions of controlled substances.

CHAPTER V

COMMITTEE, REPORTING, INSPECTION AND PENALTIES

Article 18

Committee

1. The Commission shall be assisted by a Committee.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at one month.

3. The Committee shall adopt its rules of procedure.

Article 19

Reporting

1. Every year before 31 March, each producer, importer and exporter of controlled substances shall communicate to the Commission, sending a copy to the competent authority of the Member State concerned, data as specified below for each controlled substance in respect of the period 1 January to 31 December of the preceding year.

The format of this report shall be established in accordance with the procedure referred to in Article 18(2).

(a) Each producer shall communicate:

— its total production of each controlled substance,

— any production placed on the market or used for the producer's own account within the Community, separately identifying production for feedstock, processing agent, quarantine and preshipment and other uses,

— any production to meet the essential uses in the Community, licensed in accordance with Article 3(4),

— any production authorised under Article 3(6) to satisfy basic domestic needs of Parties pursuant to Article 5 of the Protocol,

— any production authorised under Article 3(7) to satisfy essential, or critical, uses of Parties,

— any increase in production authorised under Article 3(8), (9) and (10) in connection with industrial rationalisation,

— any quantities recycled, reclaimed or destroyed,

— any stocks.

(b) Each importer, including any producers who also import, shall communicate:

— any quantities released for free circulation in the Community, separately identifying imports for feedstock and processing-agent uses, for essential or critical uses licensed in accordance with Article 3(4), for use in quarantine and preshipment applications and for destruction,

— any quantities of controlled substances entering the Community under the inward-processing procedure,

— any quantities of used controlled substances imported for recycling or reclamation,

— any stocks.

(c) Each exporter, including any producers who also export, shall communicate:

— any quantities of controlled substances exported from the Community, including substances which are re-exported under the inward processing procedure, separately identifying quantities exported to each country of destination and quantities exported for feedstock and processing agent uses, essential uses, critical uses, quarantine and preshipment uses, to meet the basic domestic needs of Parties pursuant to Article 5 of the Protocol and for destruction,

— any quantities of used controlled substances exported for recycling or reclamation,

— any stocks.

2. Every year before 31 December, Member States' customs authorities shall return to the Commission the stamped used licence documents.

3. Every year before 31 March, each user who has been authorised to take advantage of an essential use exemption under Article 3(1) shall, for each substance for which an authorisation has been received, report to the Commission, sending a copy to the competent authority of the Member State concerned, the nature of the use, the quantities used during the previous year, the quantities held in stock, any quantities recycled or destroyed, and the quantity of products containing those substances placed on the Community market and/or exported.

4. Every year before 31 March, each undertaking which has been authorised to use controlled substances as a processing agent shall report to the Commission the quantities used during the previous year, and an estimate of the emissions which occurred during such use.

5. The Commission shall take appropriate steps to protect the confidentiality of the information submitted to it.

6. The Commission may, in accordance with the procedure referred to in Article 18(2), modify the reporting requirements laid down in paragraphs 1 to 4, to meet commitments under the Protocol or to improve the practical application of those reporting requirements.

Article 20

Inspection

1. In carrying out the tasks assigned to it by this Regulation, the Commission may obtain all the information from the governments and competent authorities of the Member States and from undertakings.

2. When requesting information from an undertaking the Commission shall at the same time forward a copy of the request to the competent authority of the Member State within the territory of which the undertaking's seat is situated, together with a statement of the reasons why that information is required.

3. The competent authorities of the Member States shall carry out the investigations which the Commission considers necessary under this Regulation. Member States shall also conduct random checks on imports of controlled substances, and communicate the schedules and results of those checks to the Commission.

4. Subject to the agreement of the Commission and of the competent authority of the Member State within the territory of which the investigations are to be made, the officials of the Commission shall assist the officials of that authority in the performance of their duties.

5. The Commission shall take appropriate action to promote adequate exchange of information and cooperation between national authorities and between national authorities and the Commission. The Commission shall take appropriate steps to protect the confidentiality of information obtained under this Article.

Article 21

Penalties

Member States shall determine the necessary penalties applicable to breaches of this Regulation. The penalties shall be effective, proportionate and dissuasive. Member States shall notify the provisions regarding penalties to the Commission by 31 December 2000 at the latest and shall also notify it without delay of any subsequent amendment affecting such provisions.

CHAPTER VI

NEW SUBSTANCES

Article 22

New substances

1. The production, release for free circulation in the Community and inward processing, placing on the market and use of new substances in Annex II are prohibited. This prohibition does not apply to new substances if they are used as feedstock.

2. The Commission shall, as appropriate, make proposals to include in Annex II any substances that are not controlled substances but that are found by the Scientific Assessment Panel under the Protocol to have a significant ozone-depleting potential, including on possible exemptions from paragraph 1.

CHAPTER VII

FINAL PROVISIONS

Article 23

Repeal

Regulation (EC) No 3093/94 shall be repealed as from 1 October 2000.

References to the repealed Regulation shall be construed as references to this Regulation.

Article 24

Entry into force

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

It shall apply from 1 October 2000.

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

Done at Luxembourg, 29 June 2000.

For the European Parliament	*For the Council*
The President	*The President*
N. FONTAINE	M. MARQUES DA COSTA

ANNEX I

Controlled substances covered

Group	Substance		Ozone-depleting potential (1)
Group I	$CFCl_3$	(CFC-11)	1,0
	CF_2Cl_2	(CFC-12)	1,0
	$C_2F_3Cl_3$	(CFC-113)	0,8
	$C_2F_4Cl_2$	(CFC-114)	1,0
	C_2F_5Cl	(CFC-115)	0,6
Group II	CF_3Cl	(CFC-13)	1,0
	C_2FCl_5	(CFC-111)	1,0
	$C_2F_2Cl_4$	(CFC-112)	1,0
	C_3FCl_7	(CFC-211)	1,0
	$C_3F_2Cl_6$	(CFC-212)	1,0
	$C_3F_3Cl_5$	(CFC-213)	1,0
	$C_3F_4Cl_4$	(CFC-214)	1,0
	$C_3F_5Cl_3$	(CFC-215)	1,0
	$C_3F_6Cl_2$	(CFC-216)	1,0
	C_3F_7Cl	(CFC-217)	1,0
Group III	CF_2BrCl	(halon-1211)	3,0
	CF_3Br	(halon-1301)	10,0
	$C_2F_4Br_2$	(halon-2402)	6,0
Group IV	CCl_4	(carbon tetrachloride)	1,1
Group V	$C_2H_3Cl_3$ (2)	(1,1,1-trichloroethane)	0,1
Group VI	CH_3Br	(methyl bromide)	0,6
Group VII	$CHFBr_2$		1,00
	CHF_2Br		0,74
	CH_2FBr		0,73
	C_2HFBr_4		0,8
	$C_2HF_2Br_3$		1,8
	$C_2HF_3Br_2$		1,6
	C_2HF_4Br		1,2
	$C_2H_2FBr_3$		1,1
	$C_2H_2F_2Br_2$		1,5
	$C_2H_2F_3Br$		1,6
	$C_2H_3FBr_2$		1,7
	$C_2H_3F_2Br$		1,1
	C_2H_4FBr		0,1
	C_3HFBr_6		1,5
	$C_3HF_2Br_5$		1,9
	$C_3HF_3Br_4$		1,8
	$C_3HF_4Br_3$		2,2

Group	Substance		Ozone-depleting potential (1)
	$C_3HF_5Br_2$		2,0
	C_3HF_6Br		3,3
	$C_3H_2FBr_5$		1,9
	$C_3H_2F_2Br_4$		2,1
	$C_3H_2F_3Br_3$		5,6
	$C_3H_2F_4Br_2$		7,5
	$C_3H_2F_5Br$		1,4
	$C_3H_3FBr_4$		1,9
	$C_3H_3F_2Br_3$		3,1
	$C_3H_3F_3Br_2$		2,5
	$C_3H_3F_4Br$		4,4
	$C_3H_4FBr_3$		0,3
	$C_3H_4F_2Br_2$		1,0
	$C_3H_4F_3Br$		0,8
	$C_3H_5FBr_2$		0,4
	$C_3H_5F_2Br$		0,8
	C_3H_6FBr		0,7
Group VIII	$CHFCl_2$	(HCFC-21) (3)	0,040
	CHF_2Cl	(HCFC-22) (3)	0,055
	CH_2FCl	(HCFC-31)	0,020
	C_2HFCl_4	(HCFC-121)	0,040
	$C_2HF_2Cl_3$	(HCFC-122)	0,080
	$C_2HF_3Cl_2$	(HCFC-123) (3)	0,020
	C_2HF_4Cl	(HCFC-124) (3)	0,022
	$C_2H_2FCl_3$	(HCFC-131)	0,050
	$C_2H_2F_2Cl_2$	(HCFC-132)	0,050
	$C_2H_2F_3Cl$	(HCFC-133)	0,060
	$C_2H_3FCl_2$	(HCFC-141)	0,070
	CH_3CFCl_2	(HCFC-141b) (3)	0,110
	$C_2H_3F_2Cl$	(HCFC-142)	0,070
	CH_3CF_2Cl	(HCFC-142b) (3)	0,065
	C_2H_4FCl	(HCFC-151)	0,005
	C_3HFCl_6	(HCFC-221)	0,070
	$C_3HF_2Cl_5$	(HCFC-222)	0,090
	$C_3HF_3Cl_4$	(HCFC-223)	0,080
	$C_3HF_4Cl_3$	(HCFC-224)	0,090
	$C_3HF_5Cl_2$	(HCFC-225)	0,070
	$CF_3CF_2CHCl_2$	(HCFC-225ca) (3)	0,025
	CF_2ClCF_2CHClF	(HCFC-225cb) (3)	0,033
	C_3HF_6Cl	(HCFC-226)	0,100
	$C_3H_2FCl_5$	(HCFC-231)	0,090
	$C_3H_2F_2Cl_4$	(HCFC-232)	0,100
	$C_3H_2F_3Cl_3$	(HCFC-233)	0,230
	$C_3H_2F_4Cl_2$	(HCFC-234)	0,280
	$C_3H_2F_5Cl$	(HCFC-235)	0,520

Group	Substance		Ozone-depleting potential (1)
	$C_3H_3FCl_4$	(HCFC-241)	0,090
	$C_3H_3F_2Cl_3$	(HCFC-242)	0,130
	$C_3H_3F_3Cl_2$	(HCFC-243)	0,120
	$C_3H_3F_4Cl$	(HCFC-244)	0,140
	$C_3H_4FCl_3$	(HCFC-251)	0,010
	$C_3H_4F_2Cl_2$	(HCFC-252)	0,040
	$C_3H_4F_3Cl$	(HCFC-253)	0,030
	$C_3H_5FCl_2$	(HCFC-261)	0,020
	$C_3H_5F_2Cl$	(HCFC-262)	0,020
	C_3H_6FCl	(HCFC-271)	0,030

(1) These ozone-depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically in the light of decisions taken by the Parties.
(2) This formula does not refer to 1,1,2-trichloroethane.
(3) Identifies the most commercially viable substance as prescribed in the Protocol.

ANNEX II

New substances

Bromochloromethane

ANNEX III

Total quantitative limits on producers and importers placing controlled substances on the market and using them for their own account in the Community

(calculated levels expressed in ODP tonnes)

Substance For 12-month periods from 1 January to 31 December	Group I	Group II	Group III	Group IV	Group V	Group VI [1] For uses other than quarantine and pre-shipment applications	Group VI [1] For quarantine and pre-shipment applications	Group VII	Group VIII
1999	0	0	0	0	0	8 665		0	8 079
2000						8 665			8 079
2001						4 621	607		6 678
2002						4 621	607		5 676
2003						2 888	607		3 005
2004						2 888	607		2 003
2005						0	607		2 003
2006							607		2 003
2007							607		2 003
2008							607		1 669
2009							607		1 669
2010							607		0
2011							607		0
2012							607		0
2013							607		0
2014							607		0
2015							607		0

[1] Calculated on the basis of ODP = 0,6.

ANNEX IV

Groups, Combined Nomenclature 1999 (CN 99) Codes [1] and descriptions for the substances referred to in Annexes I and III

Group	CN 99 code	Description
Group I	2903 41 00	– – Trichlorofluoromethane
	2903 42 00	– – Dichlorodifluoromethane
	2903 43 00	– – Trichlorotrifluoroethanes
	2903 44 10	– – – Dichlorotetrafluoroethanes
	2903 44 90	– – – Chloropentafluoroethane
Group II	2903 45 10	– – – Chlorotrifluoromethane
	2903 45 15	– – – Pentachlorofluoroethane
	2903 45 20	– – – Tetrachlorodifluoroethanes
	2903 45 25	– – – Heptachlorofluoropropanes
	2903 45 30	– – – Hexachlorodifluoropropanes
	2903 45 35	– – – Pentachlorotrifluoropropanes
	2903 45 40	– – – Tetrachlorotetrafluoropropanes
	2903 45 45	– – – Trichloropentafluoropropanes
	2903 45 50	– – – Dichlorohexafluoropropanes
	2903 45 55	– – – Chloroheptafluoropropanes
Group III	2903 46 10	– – – Bromochlorodifluoromethane
	2903 46 20	– – – Bromotrifluoromethane
	2903 46 90	– – – Dibromotetrafluoroethanes
Group IV	2903 14 00	– – Carbon tetrachloride
Group V	2903 19 10	– – – 1,1,1-Trichloroethane (methylchloroform)
Group VI	2903 30 33	– – – Bromomethane (methyl bromide)
Group VII	2903 49 30	– – – – Hydrobromofluoromethanes, -ethanes or -propanes
Group VIII	2903 49 10	– – – – Hydrochlorofluoromethanes, -ethanes or -propanes
	ex 3824 71 00	– – Mixtures containing one or more substances falling within CN codes 2903 41 00 to 2903 45 55.
	ex 3824 79 00	– – Mixtures containing one or more substances falling within CN codes 2903 46 10 to 2903 46 90
	ex 3824 90 95	– – – – Mixtures containing one or more substances falling within CN codes 2903 14 00, 2903 19 10, 2903 30 33, 2903 49 10 or 2903 49 30

[1] An 'ex' before a code implies that other products than those referred to in the column 'Description' may fall under that subheading.

ANNEX V

Combined Nomenclature (CN) codes for products containing controlled substances (*)

1. *Automobiles and trucks equipped with air-conditioning units*

CN codes

8701 20 10 – 8701 90 90
8702 10 11 – 8702 90 90
8703 10 11 – 8703 90 90
8704 10 11 – 8704 90 00
8705 10 00 – 8705 90 90
8706 00 11 – 8706 00 99

2. *Domestic and commercial refrigeration and air-conditioning/heat-pump equipment*

Refrigerators:

CN codes

8418 10 10 – 8418 29 00
8418 50 11 – 8418 50 99
8418 61 10 – 8418 69 99

Freezers:

CN codes

8418 10 10 – 8418 29 00
8418 30 10 – 8418 30 99
8418 40 10 – 8418 40 99
8418 50 11 – 8418 50 99
8418 61 10 – 8418 61 90
8418 69 10 – 8418 69 99

Dehumidifiers:

CN codes

8415 10 00 – 8415 83 90
8479 60 00
8479 89 10
8479 89 98

Water coolers and gas liquefying units:

CN codes

8419 60 00
8419 89 98

Ice machines:

CN codes

8418 10 10 – 8418 29 00
8418 30 10 – 8418 30 99
8418 40 10 – 8418 40 99
8418 50 11 – 8418 50 99
8418 61 10 – 8418 61 90
8418 69 10 – 8418 69 99

(*) These customs codes are given for the guidance of the Member States' customs authorities

Air-conditioning and heat-pump units:

CN codes

8415 10 00 – 8415 83 90

8418 61 10 – 8418 61 90

8418 69 10 – 8418 69 99

8418 99 10 – 8418 99 90

3. *Aerosol products, except medical aerosols*

Food products:

CN codes

0404 90 21 – 0404 90 89

1517 90 10 – 1517 90 99

2106 90 92

2106 90 98

Paints and varnishes, prepared water pigments and dyes:

CN codes

3208 10 10 – 3208 10 90

3208 20 10 – 3208 20 90

3208 90 11 – 3208 90 99

3209 10 00 – 3209 90 00

3210 00 10 – 3210 00 90

3212 90 90

Perfumery, cosmetic or toilet preparations:

CN codes

3303 00 10 – 3303 00 90

3304 30 00

3304 99 00

3305 10 00 – 3305 90 90

3306 10 00 – 3306 90 00

3307 10 00 – 3307 30 00

3307 49 00

3307 90 00

Surface-active preparations:

CN codes

3402 20 10 – 3402 20 90

Lubricating preparations:

CN codes

2710 00 81

2710 00 97

3403 11 00

3403 19 10 – 3403 19 99

3403 91 00

3403 99 10 – 3403 99 90

Household preparations:

CN codes

3405 10 00

3405 20 00

3405 30 00

3405 40 00

3405 90 10 – 3405 90 90

Articles of combustible materials:

CN codes

3606 10 00

Insecticides, rodenticides, fungicides, herbicides, etc.:

CN codes

3808 10 10 – 3808 10 90

3808 20 10 – 3808 20 80

3808 30 11 – 3808 30 90

3808 40 10 – 3808 40 90

3808 90 10 – 3808 90 90

Finishing agents, etc.:

CN codes

3809 10 10 – 3809 10 90

3809 91 00 – 3809 93 00

Preparations and charges for fire-extinguishers; charged fire-extinguishing grenades:

CN codes

3813 00 00

Organic composite solvents, etc.:

CN codes

3814 00 10 – 3814 00 90

Prepared de-icing fluids:

CN codes

3820 00 00

Products of the chemical or allied industries:

CN codes

3824 90 10

3824 90 35

3824 90 40

3824 90 45 – 3824 90 95

Silicones in primary forms:

CN codes

3910 00 00

Arms:

CN codes

9304 00 00

4. *Portable fire extinguishers*

CN codes

8424 10 10 – 8424 10 99

5. *Insulation boards, panels and pipe covers*

CN codes

3917 21 10 – 3917 40 90
3920 10 23 – 3920 99 90
3921 11 00 – 3921 90 90
3925 10 00 – 3925 90 80
3926 90 10 – 3926 90 99

6. *Pre-polymers*

CN codes

3901 10 10 – 3911 90 99

ANNEX VI

Processes in which controlled substances are used as processing agents

— Use of carbon tetrachloride for the elimination of nitrogen trichloride in the production of chlorine and caustic soda,

— Use of carbon tetrachloride in the recovery of chlorine in tail gas from production of chlorine,

— Use of carbon tetrachloride in the manufacture of chlorinated rubber,

— Use of carbon tetrachloride in the manufacture of isobutyl acetophenone (ibuprofen-analgesic),

— Use of carbon tetrachloride in the manufacture of polyphenyleneterephtalamide,

— Use of CFC-11 in manufacture of fine synthetic polyolefin fibre sheet,

— Use of CFC-113 in the manufacture of vinorelbine (pharmaceutical product),

— Use of CFC-12 in the photochemical synthesis of perfluoropolyetherpolyperoxide precursors of Z-perfluoropolyethers and difunctional derivatives,

— Use of CFC-113 in the reduction of perfluoropolyetherpolyperoxide intermediate for production of perfluoropolyether diesters,

— Use of CFC-113 in the preparation of perfluoropolyether diols with high functionality,

— Use of carbon tetrachloride in the production of tralomethrine (insecticide).

Also the use of HCFCs in the above processes when used to replace CFC or carbon tetrachloride.

ANNEX VII

Critical uses of halon

Use of halon 1301:

— in aircraft for the protection of crew compartments, engine nacelles, cargo bays and dry bays,

— in military land vehicles and naval vessels for the protection of spaces occupied by personnel and engine compartments,

— for the making inert of occupied spaces where flammable liquid and/or gas release could occur in the military and oil, gas and petrochemical sector, and in existing cargo ships,

— for the making inert of existing manned communication and command centres of the armed forces or others, essential for national security,

— for the making inert of spaces where there may be a risk of dispersion of radioactive matter,

— in the Channel Tunnel and associated installations and rolling stock.

Use of halon 1211:

— in hand-held fire extinguishers and fixed extinguisher equipment for engines for use on board aircraft,

— in aircraft for the protection of crew compartments, engine nacelles, cargo bays and dry bays,

— in fire extinguishers essential to personal safety used for initial extinguishing by fire brigades,

— in military and police fire extinguishers for use on persons.

REGULATION (EC) No 2038/2000 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 28 September 2000

amending Regulation (EC) No 2037/2000 on substances that deplete the ozone layer, as regards metered dose inhalers and medical drug pumps

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE SOCIAL COMMITTEE,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the opinion of the Economic and Social Committee [1],

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty [2],

Whereas:

(1) Exports of metered dose inhalers to developing countries and exports of medical drug pumps containing chlorofluorocarbons are not allowed under Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer [3]. However, the export of these health products, the use of which is permitted in the Community market, should not be restricted.

(2) Regulation (EC) No 2037/2000 should, therefore, be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

The following point shall be added to Article 11(1) of Regulation (EC) No 2037/2000:

'(f) metered dose inhalers and delivery mechanisms containing chlorofluorcarbons for hermetically sealed devices for implantation in the human body for delivery of measured doses of medication which, under Article 4(1), may be given a temporary authorisation in accordance with the procedure referred to in Article 18(2).'

Article 2

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

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

Done at Brussels, 28 September 2000.

For the European Parliament	*For the Council*
The President	*The President*
N. FONTAINE	P. MOSCOVICI

[1] Opinion given on 20 September 2000 (not yet published in the Official Journal).

[2] Opinion of the European Parliament of 7 September 2000 (not yet published in the Official Journal) and Council of 28 September 2000.

[3] See page 1 of this Official Journal.

REGULATION (EC) No 2039/2000 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 28 September 2000

amending Regulation (EC) No 2037/2000 on substances that deplete the ozone layer, as regards the base year for the allocation of quotas of hydrochlorofluorocarbons

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the opinion of the Economic and Social Committee [1],

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty [2],

Whereas:

(1) Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer [3], takes 1996 as the base year for allocating quotas of hydrochlorofluorocarbons (HCFCs). Since 1996 the HCFC market has changed considerably with respect to importers and the maintenance of 1996 would result in a large number of importers being deprived of their import quota. As a general rule, quotas should be based on the most recent and representative figures available, in this case those for 1999, and so the maintenance of 1996 could be considered arbitrary and might even result in a breach of the principles of non-discrimination and legitimate expectations.

(2) Regulation (EC) No 2037/2000 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

In Article 4(3)(i)(h) of Regulation (EC) No 2037/2000 the words 'its percentage market share in 1996' shall be replaced by 'the percentage share assigned to it in 1999'.

Article 2

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

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

Done at Brussels, 28 September 2000.

For the European Parliament	*For the Council*
The President	*The President*
N. FONTAINE	P. MOSCOVICI

[1] Opinion given on 20 September 2000 (not yet published in the Official Journal).

[2] Opinion of the European Parliament of 21 September 2000 (not yet published in the Official Journal) and Council Decision of 28 September 2000.

[3] See page 1 of this Official Journal. Regulation as amended by Regulation (EC) No 2038/2000 (see page 25 of this Official Journal).

COUNCIL REGULATION (EC) No 2040/2000
of 26 September 2000
on budgetary discipline

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 37, 279 and 308 thereof,

Having regard to the proposal of the Commission [1],

Having regard to the opinion of the European Parliament [2],

Having regard to the opinion of the Court of Auditors [3],

Whereas:

(1) The European Council meeting in Berlin on 24 and 25 March 1999 agreed that the Union's expenditure must respect both the imperative of budgetary discipline and efficient expenditure.

(2) On 6 May 1999 the European Parliament, the Council and the Commission concluded an Interinstitutional Agreement on budgetary discipline and improvement of the budgetary procedure [4]. This Interinstitutional Agreement, all the provisions of which apply in full, stresses that budgetary discipline covers all expenditure and is binding on all the institutions involved in its implementation. It establishes a financial perspective intended to assure that, in the medium term, European Union expenditure, broken down by broad category, develops in an orderly manner and within the limits of own resources:

(3) The institutions agreed that calculation of the agricultural guideline would remain unchanged. However, with a view to simplification, a recent reference basis should be adopted and the statistical concepts should be consistent with those which it is envisaged to adopt in the future Council Decision, concerning the system of the European Communities' own resources.

(4) The European Council concluded that the agricultural guideline would from now on cover expenditure under the reformed common agricultural policy, the new rural development measures, veterinary and plant-health measures, expenditure in connection with the agricultural pre-accession instrument and the amounts available for accession.

(5) The mechanisms for the depreciation of stocks formed during the budget year should be retained.

(6) The European Council, meeting in Berlin on 24 and 25 March 1999, taking account of the actual levels of spending and aiming to stabilise agricultural expenditure in real terms over the period 2000 to 2006, considered that the reform of the common agricultural policy could be implemented within a financial framework which it had determined. It requested the Commission and the Council to pursue additional savings to ensure that total expenditure, excluding rural development and veterinary measures, in the period 2000 to 2006 would not overshoot an annual average amount it had fixed. In the light of its decisions, it considered that the amounts to be entered in heading 1 of the financial perspective should not exceed certain annual levels, to which the European Parliament, the Council and the Commission subscribed by way of the Interinstitutional Agreement of 6 May 1999.

(7) The ceilings for the 'Common agricultural policy' and the 'Rural development and accompanying measures' subheadings are set in the financial perspective forming an integral part of the Interinstitutional Agreement of 6 May 1999. They can be revised only by a joint decision of both arms of the budgetary authority, acting on a proposal from the Commission, in accordance with the relevant provisions of the Interinstitutional Agreement.

(8) When the Council amends agricultural legislation and whenever it deems it to be necessary, the Commission should therefore point out to the Council, if appropriate, that there is a considerable risk that the expenditure arising, in its opinion, from the application of agricultural legislation, may exceed the ceiling for subheading 1 of the financial perspective.

(9) Without prejudice to point 19 of the Interinstitutional Agreement of 6 May 1999, as such overexpenditure cannot be taken into account in any proposal for a review of the ceiling for subheading 1a of the financial perspective, it is necessary for the Council to be given the opportunity to adjust agricultural legislation in good time to ensure that the ceiling is observed.

(10) Budgetary discipline requires that all legislative measures proposed and, if appropriate, adopted, and, throughout the budgetary procedure and when implementing the budget, appropriations requested, authorised or implemented comply with the amounts laid down in the financial perspective for expenditure on the common agricultural policy excluding rural development, which constitutes compulsory expenditure, and for expenditure on rural development and accompanying measures.

(11) It is possible that savings may have to be made in the short term to ensure compliance with the ceilings laid down for heading 1. In order to comply with the principle of the protection of legitimate confidence, it is necessary to warn the parties concerned to enable them

[1] OJ C 21 E, 25.1.2000, p. 37.
[2] OJ C 189, 7.7.2000, p. 80.
[3] OJ C 334, 23.11.1999, p. 1.
[4] OJ C 172, 18.6.1999, p. 1.

to adjust their legitimate expectations to meet this contingency. Such measures must be taken sufficiently far in advance and may take effect only from the start of the following marketing year in each of the sectors concerned.

(12) In addition, in view of the need to respect the legitimate expectations of the parties concerned, such measures as might prove necessary should be taken sufficiently early and, for this purpose, the medium-term budgetary situation should be examined annually in the light of forecasts which are constantly being improved.

(13) If this examination indicates that there is a considerable risk that the amounts entered under heading 1 of the financial perspective will be exceeded, the Commission should take the appropriate measures to remedy the situation under the management powers at its disposal and, if it is unable to take sufficient measures, it should propose other measures to the Council which, as the marketing year of several common market organisations commences on 1 July, should act before that date. If the Commission subsequently considers that there is still a considerable risk and it is unable to take sufficient measures under the management powers at its disposal, it should at the earliest opportunity propose other measures to the Council, which should act as soon as possible.

(14) When implementing the budget, the Commission should implement a monthly early-warning and monitoring system for each chapter involving agricultural expenditure, so that, if there is a risk of the ceiling for subheading 1a being exceeded, the Commission may at the earliest opportunity take the appropriate measures under the management powers at its disposal, and then, if these measures prove insufficient, propose other measures to the Council, which should act as soon as possible.

(15) The exchange rate used by the Commission in drawing up budgetary documents that it submits to the Council should, allowance being made for the period required between the drafting and submission by the Commission of these documents, reflect the latest possible information.

(16) It is necessary for the provisions governing the monetary reserve to be brought into line with the Interinstitutional Agreement of 6 May 1999. With the gradual implementation of the reform of the common agricultural policy, expenditure is likely to be less sensitive to changes in the eurodollar rate and the monetary reserve can therefore be gradually phased out.

(17) Provision should be made for the possibility of reducing or temporarily suspending the monthly advances when the information communicated by the Member States does not enable the Commission to confirm that the Community rules applicable have been observed and indicates a clear misuse of Community funds.

(18) The institutions have agreed that a reserve relating to loans and loan guarantees to non-member countries and in those countries must be entered in the budget in the form of provisional appropriations so that the Guarantee Fund for external actions set up by Regulation (EC, Euratom) No 2728/94 [1], may be funded and any calls on guarantees exceeding the amount available under the Fund may be met.

(19) The institutions have agreed that a reserve should be entered in the budget in the form of provisional appropriations to permit a rapid response to specific emergency aid requirements in non-member countries resulting from unforeseeable events, with priority being given to humanitarian operations.

(20) The institutions have agreed that the conditions for calling in and mobilising funds should be the same for the monetary reserve, the reserve relating to loan guarantees and the reserve for emergency aid, according to the detailed rules which the institutions laid down in the Interinstitutional Agreement of 6 May 1999.

(21) For reasons of clarity, Council Decision 94/729/EC of 31 October 1994 on budgetary discipline [2] should be repealed and replaced by this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Budgetary discipline shall apply to all expenditure. Such discipline shall be applied, as appropriate, by the Financial Regulation, this Regulation and the Interinstitutional Agreement of 6 May 1999.

I. **EAGGF Guarantee Section expenditure**

Article 2

The agricultural guideline, which constitutes for each budget year the ceiling on agricultural expenditure defined in Article 4(1), must be respected each year. For each budget year, the Commission shall submit the agricultural guideline at the same time as the preliminary draft budget.

Article 3

1. The reference base from which the agricultural guideline is to be calculated shall be equal to EUR 36 394 million for 1995, that is to say the total corresponding to the calculation made on the previous base for 1988.

2. The agricultural guideline for a given year shall be equal to the reference base laid down in paragraph 1 plus:

(a) the base multiplied by the product of:

— 74 % of the rate of increase in GNP between 1995 (base year) and the year in question, and

— the GNP deflator estimated by the Commission for the same period;

[1] OJ L 293, 12.11.1994, p. 1. Regulation as amended by Regulation (EC, Euratom) No 1149/1999 (OJ L 139, 2.6.1999, p. 1.)

[2] OJ L 293, 12.11.1994, p. 14.

(b) forecasts of expenditure in the year in question on disposal of ACP sugar, food aid refunds, payments by producers in respect of levies provided for by the common organisation of the sugar market and any other revenue raised from the agricultural sector in the future.

3. The statistical base for GNP shall be as defined in Council Directive 89/130/EEC, Euratom, of 13 February 1989 on the harmonisation of the compilation of gross national product at market prices [1].

4. For the purposes of this Regulation the GNP shall be defined as the gross national income (GNI) for the year at market prices, as determined by the Commission pursuant to the ESA 95, in accordance with Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community [2].

Article 4

1. The agricultural guideline shall cover the sum of:

— the amounts to be entered under Titles 1 to 4 of subsection B1 of Section III of the budget according to the nomenclature adopted for the 2000 budget,

— the amounts provided for in respect of the agricultural pre-accession instrument under heading 7 of the financial perspective,

— the amounts relating to agriculture which are available for accession under the financial perspective.

2. Each year Titles 1 and 2 of subsection B1 of the budget shall contain the appropriations necessary for financing all costs relating to the depreciation of stocks formed during the budget year.

Article 5

1. All the legislative measures proposed by the Commission or adopted by the Council or by the Commission under the common agricultural policy shall comply with the amounts laid down in the financial perspective under the subheading for expenditure on the common agricultural policy (subheading 1a) and under the subheading for rural development and accompanying measures (subheading 1b).

2. Throughout the budgetary procedure and when implementing the budget the appropriations for common agricultural policy expenditure must fall within the amount fixed for subheading 1a and the appropriations relating to rural development and accompanying measures must fall within the amount fixed for subheading 1b.

3. The European Parliament, the Council and the Commission shall use their respective powers in such a way as to comply with these annual expenditure ceilings during each budgetary procedure and when implementing the budget for the year concerned.

4. With a view to ensuring that the amounts set for subheading 1a are complied with, the Council, acting in accordance with the procedure laid down in Article 37 of the Treaty, may decide in good time to adjust the level of the support measures applicable as from the start of the following marketing year in each of the sectors concerned.

Article 6

1. The Commission shall examine the medium-term budget situation when the preliminary draft budget is established for each year. It shall submit to the European Parliament and the Council, together with the preliminary draft budget for financial year N, its forecast by product for the financial years N–1, N and N+1. At the same time, it shall submit an analysis of the differences between initial forecasts and actual expenditure for the financial years N–2 and N–3 and the measures taken to improve the quality of forecasts.

2. If, when the preliminary draft budget is established for a financial year N it appears that the amounts for subheadings 1a or 1b of the financial perspective for financial year N may be exceeded, the Commission shall take appropriate measures to remedy the situation under the management powers at its disposal.

3. If it is unable to take sufficient measures, the Commission shall propose other measures to the Council, if appropriate when setting the levels of support measures, to ensure that the amounts referred to in Article 5(2) are observed. The Council shall take a decision on the measures necessary, according to the procedure and under the conditions laid down in Article 5(4), by 1 July of financial year N–1. The European Parliament shall deliver its opinion in time for the Council to take note of it and act within the time limit set.

4. If the Commission subsequently considers that there is a risk that the amounts for subheadings 1a or 1b of the financial perspective for the financial years N or N+1 will be exceeded and if it is unable to take sufficient measures to remedy the situation under the management powers at its disposal, it shall propose other measures to the Council to ensure that the amounts referred to in Article 5(2) are observed. The Council shall take a decision on the measures necessary for financial year N, according to the procedure and under the conditions laid down in Article 5(4), within two months of receiving the proposal from the Commission. The European Parliament shall deliver its opinion in time for the Council to take note of it and act within the time limit set.

Article 7

1. In order to ensure that the ceilings for subheadings 1a and 1b of the financial perspective are not exceeded, the Commission shall implement a monthly early warning and monitoring system for each chapter involving expenditure of the type referred to in Titles 1 to 4 of subsection B1 of the budget.

2. Before the start of each financial year the Commission shall define for this purpose profiles of monthly expenditure for each budget chapter, based, where appropriate, on the average monthly expenditure of the three preceding years.

[1] OJ L 49, 21.2.1989, p. 26.
[2] OJ L 310, 30.11.1996, p. 1.

3. To monitor expenditure under Title 4 of subsection B1, the Commission shall also carry out a control to ensure compliance with the amount referred to in Article 5(2), as defined in Commission Regulation (EC) No 1750/1999 of 23 July 1999 laying down detailed rules for the application of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) ([1]).

4. The statements of expenditure submitted to the Commission by the Member States every month in accordance with Article 3(3) of Commission Regulation (EC) No 296/96 ([2]) shall be sent by the Commission to the European Parliament and to the Council for information.

The Commission shall submit to the European Parliament and to the Council, as a general rule within 30 days of receiving the information, monthly reports on the development of actual expenditure in relation to the profiles, including an evaluation of foreseeable implementation for the financial year.

5. If it concludes from the examination that there is a risk of the ceiling for subheading 1a set for year N being exceeded, the Commission shall take appropriate measures to redress the situation under the management powers at its disposal. If these measures prove to be insufficient, the Commission shall propose other measures to the Council to ensure that the amounts referred to in Article 5(2) are observed. The Council shall take a decision on the measures necessary, according to the procedure and under the conditions laid down in Article 5(4), within two months of receiving the proposal from the Commission. The European Parliament shall deliver its opinion in time for the Council to take note of it and act within the time limit set.

Article 8

1. When the Commission adopts the preliminary draft budget or a letter of amendment to the preliminary draft budget concerning agricultural expenditure, it shall use, in order to draw up the budget estimates for Titles 1 to 3 of subsection B 1, the average euro-dollar market rate over the most recent three-month period ending at least 20 days before adoption by the Commission of the budget document.

2. When the Commission adopts a preliminary draft supplementary and amending budget or a letter of amendment thereto, in so far as these documents concern the appropriations under Titles 1 to 3 of subsection B1 of the budget, it shall use:

— the euro/dollar market exchange rate actually recorded from 1 August of the previous financial year to the end of the most recent three-month period ending at least 20 days before adoption by the Commission of the budget document and on 31 July of the current financial year at the latest,

— as a forecast for the remainder of the year, the average rate recorded over the most recent three-month period ending at least 20 days before adoption by the Commission of the budget document.

Article 9

1. The sum of EUR 500 million shall be entered in a reserve in the general budget of the European Union, known as 'the monetary reserve', as a provision to cover the developments caused by movements in the eurodollar market rate in relation to the rate used in the budget referred to in Article 10

2. For financial year 2002 the monetary reserve shall be reduced to EUR 250 million. The monetary reserve shall be abolished with effect from financial year 2003.

3. These appropriations shall not be covered by the agricultural guideline and shall not come under subheading 1a of the financial perspective.

Article 10

By no later than the end of October each year, the Commission shall report to the budgetary authority on the impact of movements in the average eurodollar rate on expenditure under Titles 1 to 3 subsection B1 of the budget.

Article 11

1. Savings or additional costs resulting from movements in the eurodollar rate shall be treated in symmetrical fashion. Where the dollar strengthens against the euro compared with the rate used in the budget, savings in the Guarantee Section of up to EUR 500 million in 2000 and 2001 and EUR 250 million in 2002 shall be transferred to the monetary reserve. Where additional budgetary costs are engendered by a fall in the dollar against the euro compared with the budget rate, the monetary reserve shall be drawn on and transfers shall be made to the EAGGF Guarantee Section headings affected by the fall in the dollar. Where necessary, these transfers shall be proposed at the same time as the report referred to in Article 10.

2. There shall be a neutral margin of EUR 200 million. Savings or additional costs below this amount arising from the movements referred to in paragraph 1 will not necessitate transfers to or from the monetary reserve. Savings or additional costs above this amount shall be paid into, or met from, the monetary reserve. The neutral margin shall be reduced to EUR 100 million from 2002.

Article 12

1. Funds shall be taken from the reserve only if the additional costs cannot be met from the budget appropriations intended to cover the expenditure referred to in subheading 1 a of the financial perspective for the year in question.

([1]) OJ L 214, 13.8.1999, p. 31.
([2]) Commission Regulation (EC) No 296/96 of 16 February 1996 on data to be forwarded by the Member States and the monthly booking of expenditure financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) and repealing Regulation (EEC) No 2776/88. OJ L 39, 17.2.1996, p. 5.

2. The necessary own resources shall be called up, in accordance with Council Decision 94/728/EC, Euratom of 31 October 1994 on the system of the European Communities' own resources [1] and the provisions adopted pursuant thereto, to finance the corresponding expenditure.

3. Any savings made in the EAGGF Guarantee Section which have been transferred to the monetary reserve in accordance with Article 11(1) and which remain in the monetary reserve at the end of the financial year shall be cancelled and entered as a revenue item in the budget for the coming year by means of a letter of amendment to the preliminary draft budget for the following year.

Article 13

Articles 9 to 12 shall apply only up to and including financial year 2002.

Article 14

1. Payment of the monthly EAGGF Guarantee Section advances by the Commission shall be effected on the basis of the information supplied by the Member States in regard to expenditure in each chapter.

2. If the declarations of expenditure or the information submitted by a Member State do not enable the Commission to establish whether the commitment of funds is in conformity with the relevant Community rules, the Commission shall request the Member State to supply further information within a period which it shall determine according to the seriousness of the problem and which may not normally be less than thirty days.

3. In the event of a reply which is deemed unsatisfactory or which indicates manifest non-compliance with the rules and a clear misuse of Community funds, the Commission may reduce or provisionally suspend the monthly advances to the Member States.

4. Such reductions and suspensions shall be without prejudice to the decisions which will be taken in connection with the clearance of accounts.

5. The Commission shall inform the Member State concerned before taking its decision. The Member State shall make its position known within two weeks. The Commission's decision, stating the reasons on which it is based, shall be taken after the EAGGF Committee has been consulted and must be in keeping with the principle of proportionality.

II. **Reserves for external operations**

1. Reserve relating to loans and loan guarantees

Article 15

1. Each year a reserve shall be entered in the general budget of the European Union as a provision intended to cover:

(a) the requirements of the Guarantee Fund for external actions;

(b) where necessary, activated guarantees exceeding the amount available in the Fund so that these amounts may be charged to the budget.

2. The amount of that reserve shall be the same as that in the financial perspective that forms part of the Interinstitutional Agreement of 6 May 1999. The arrangements for using this reserve are those set out in that Interinstitutional Agreement.

2. Reserve for emergency aid

Article 16

1. A reserve for emergency aid to non-member countries shall be entered each year in the general budget of the European Union as a provision. The purpose of this reserve shall be to permit a rapid response to specific emergency aid requirements in non-member countries resulting from unforeseeable events, with priority being given to humanitarian operations.

2. The amount of that reserve shall be the same as that adopted in the financial perspective contained in the Interinstitutional Agreement of 6 May 1999. The detailed rules for the use of the reserve shall be as laid down in the said Interinstitutional Agreement.

3. Common provisions

Article 17

The reserves shall be used by means of transfers to the budget headings concerned in accordance with the provisions of the Financial Regulation.

Article 18

The own resources necessary for financing the reserves shall not be called in from the Member States until the reserves are used in accordance with Article 17. The own resources necessary shall be made available to the Commission as provided in Council Regulation (EEC, Euratom) No 1150/2000 of 22 May 2000 implementing Decision 94/728/EC, Euratom on the system of the Community own resources [2].

III. **Final provisions**

Article 19

Decision 94/729/EC is hereby repealed.

Article 20

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

It applies from 1 October 2000.

[1] OJ L 293, 12.11.1994, p. 9.

[2] OJ L 130, 31.5.2000, p. 1.

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

Done at Brussels, 26 September 2000.

For the Council
The President
C. TASCA

COUNCIL REGULATION (EC) No 2041/2000

of 26 September 2000

amending Regulation (EC) No 5/96 imposing definitive anti-dumping duties on imports of microwave ovens originating in the People's Republic of China, the Republic of Korea, Malaysia and Thailand

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community [1], and in particular Article 11(3) thereof,

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

Whereas:

A. **PROCEDURE**

1. **Previous procedure**

(1) Following an investigation initiated in December 1993 (hereinafter referred to as the 'original investigation') under Article 7 of Regulation (EEC) No 2423/1988 [2], the Council imposed definitive anti-dumping duties in January 1996, pursuant to Regulation (EC) No 5/96 [3], on imports of microwave ovens ('MWOs') originating, inter alia, in the Republic of Korea. The duties applied to all Korean exporting producers and ranged from 3,3 % to 24,4 %.

(2) In December 1996, the Commission initiated an investigation into whether these duties had been absorbed by the exporting producers [4]. Commission Decision 98/225/EC [5] terminated this review, however, in March 1998 without changing the anti-dumping measures in force.

2. **Request for a review**

(3) A request for a partial interim review of the anti-dumping duty in force against it was made in February 1999 by the Korean exporting producer, LG Electronics Inc. The request was limited in scope to an examination of whether the continued imposition of the duty at its current level was necessary to offset dumping for the company concerned.

(4) The company alleged that the circumstances had changed significantly in its particular case subsequent to the imposition of the original measure due to, inter alia, reductions in its manufacturing costs leading to lower normal values and that this had led to a situation where the duty was no longer necessary to offset dumping. The company also claimed that the lower costs were the result of structural changes of a lasting nature and that there would be no likelihood of dumping recurring in the future.

3. **Investigation**

(5) Having determined, after consulting the Advisory Committee, that the evidence was sufficient, the Commission initiated a partial interim review [6] (hereinafter referred to as 'the review'), pursuant to Article 11(3) of Regulation (EC) No 384/96 (hereinafter referred to as the 'basic Regulation').

(6) This notice also allowed other exporting producers in Korea to request a review of their rates of anti-dumping duty, provided that they could submit, within the deadline specified therein, sufficient evidence that the continued imposition of the duty imposed against them at the current level was no longer necessary to offset dumping.

(7) Only one Korean exporting producer, Daewoo Electronics Co. Ltd, made such a request within the deadline and submitted the prima facie evidence required. Accordingly, this company was admitted to the review.

(8) The Commission also officially advised the representative association of the producers in the Community of the initiation of the review and the representatives of the exporting country. All parties directly concerned 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.

(9) In order to obtain the information deemed necessary for its investigation and for the purposes of determining whether dumping was likely to continue or recur, the Commission sent questionnaires to the two Korean exporting producers concerned and, where appropriate, to their subsidiaries in the Community.

(10) Visits to verify the replies to the questionnaires were carried out at the premises of the following companies:

Producers in the Republic of Korea:

— LG Electronics Inc, Seoul ('LGE')

— Daewoo Electronics Co. Ltd, Seoul ('DWE')

[1] OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 905/98 (OJ L 128, 30.4.1998, p. 18).
[2] OJ L 209, 2.8.1988, p. 1.
[3] OJ L 2, 4.1.1996, p. 1.
[4] OJ C 19, 18.1.1997, p. 3.
[5] OJ L 85, 20.3.1998, p. 29.
[6] OJ C 167, 15.6.1999, p. 5.

Importers in the Community:

— Daewoo Electronics Benelux b.v, Dordrecht, Netherlands

— Daewoo Electronics S.A, Paris, France

— Daewoo Electronics Sales UK Ltd, Wokingham, UK

(11) The investigation concerning whether dumping had continued following the imposition of the definitive duties in the original investigation was based on information pertaining to the period from 1 April 1998 to 31 March 1999 (the 'review investigation period').

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

1. Product under consideration

(12) The product under consideration in this review is the same as in the two previous investigations, namely microwave ovens ('MWOs'), currently classifiable under CN code 8516 50 00.

2. Like product

(13) As in the two previous investigations, it was established that MWOs produced in Korea and sold domestically had sufficiently similar characteristics and functions to those exported to the Community for them to be considered as like products within the meaning of Article 1(4) of the basic Regulation.

C. DUMPING

1. Preliminary remark

(14) The purpose of the review is, pursuant to Article 11(3) of the basic Regulation, to determine whether or not the continued imposition of the anti-dumping duties against each exporting producer is necessary to offset dumping.

(15) This is done by determining whether either company had continued to dump after the adoption of the anti-dumping measures in the original investigation and whether there would be a likelihood of the dumping continuing or recurring if the anti-dumping duties were to be removed or varied.

(16) Accordingly, an examination was first made as to whether the two Korean exporting producers were dumping during the review investigation period.

2. Normal value

(17) In order to establish normal value, it was first determined whether the total domestic sales of MWOs of each exporting producer concerned were representative in terms of volume, that is to say, whether they accounted for 5 % or more of the total sales volume of MWOs exported by each producer to the Community (cf Article 2(2) of the basic Regulation). In this regard, it was found that both exporting producers had sold substantially more MWOs in Korea than to the Community.

(18) It was then determined whether the total domestic sales of each MWO model which was identical or equivalent to the model exported to the Community constituted 5 % or more of the export sales volume of that model.

(19) As one exporting producer was found to have made sufficient domestic sales of models equivalent to those exported to meet the 5 % test, it was then established whether these sales had also been made in the ordinary course of trade (cf. Article 2(4) of the basic Regulation). It was found that the volume of domestic sales above unit production cost represented at least 80 % of the sales of each model, therefore normal value was established on the basis of the weighted average price actually paid for all domestic sales of the model concerned.

(20) The other exporting producer was found to have made no domestic sales of models which were identical or equivalent to those models exported to the Community. Consideration was therefore given to establishing normal value for this company on the domestic selling prices of the other cooperating producer in Korea (cf. Article 2(1) of the basic Regulation). However, given the often significant differences in the physical and technical characteristics of the MWOs of the two exporting producers and the need to make substantial adjustments to prices to take account of such differences, this approach was considered to be neither reasonable nor practical.

(21) Instead, normal value was constructed on the basis of the cost of manufacturing incurred by the second producer for each of the exported models in question, plus a reasonable amount for selling, general and administrative costs ('SG&A costs') and profit (cf. Articles 2(3), 2(5) and 2(6) of the basic Regulation).

(22) The SG&A costs added to the cost of manufacturing of the exported models concerned were based on such costs incurred by the exporting producer with regard to all its sales of MWOs on the Korean market which, as mentioned above, were found to be representative for this purpose.

(23) As concerns the profit margin used, this was calculated on the basis of the weighted average profit margin of the company for those MWO models sold in Korea in the ordinary course of trade in sufficient quantities.

3. **Export price**

(24) In cases where export sales were made directly to independent importers in the Community, export prices were determined on the basis of the prices paid or payable by these unrelated importers (cf. Article 2(8) of the basic Regulation).

(25) However, where exports were made to importers in the Community which were related to the exporting producer in Korea, the prices charged were considered unreliable (cf. Article 2(9) of the basic Regulation). Instead, export prices were constructed on the basis of the price at which the product was resold by the related importer to an independent buyer, adjusted for all costs incurred between importation and resale (including customs duties and anti-dumping duties paid), and a reasonable margin for profit.

(26) In the absence of any new information that profitability in this business sector had changed, where export prices were constructed, it was considered reasonable to retain the profit margin of 5 % used in the two previous investigations.

4. **Comparison**

(27) For the purpose of ensuring a fair comparison, and in accordance with Article 2(10) of the basic Regulation, adjustments were made as appropriate for each exporting producer to allow for differences claimed in respect of physical characteristics, import charges, discounts, rebates, level of trade, transport and other related costs, packing, credit and after-sales costs, commissions and currency conversions costs, which were found to affect prices and price comparability.

(28) The ex-factory normal values established by model for each company were compared at ex-factory level to the export prices established by model of each company on a weighted average to weighted average basis (cf. Article 2(11) of the basic Regulation).

5. **Dumping margin**

(29) The comparison between the normal values and the export prices, expressed as a percentage of the cif, free-at-Community-frontier price, showed the following dumping margins:

LG Electronics Inc.	0,0 %
Daewoo Electronics Co. Ltd	0,0 %

D. **LIKELIHOOD OF RECURRENCE OF DUMPING**

1. **Introductory remark**

(30) Although it was established that neither exporting producer involved in the review investigation was dumping during the review investigation period, as mentioned previously, a reasoned forecast also had to be made as to whether dumping would recur if the anti-dumping duties imposed against either of these companies were to be removed or varied.

(31) In this regard, the question of spare production capacity in Korea was considered, as well as the MWO sales trends of the two companies in Korea, the Community and export markets other than the Community. In addition, an examination of whether such sales to non-Community markets were non-profitable or dumped was carried out, together with an analysis of the possible incentives for the two exporting producers to dump again on the Community market.

2. **Capacity utilisation**

(32) Analysis of data provided, together with information received and verified during the on-spot visits, showed that the MWO production facilities in Korea of the two exporting producers concerned were operating almost to their maximum installed capacities, with little scope for extra production.

3. **Sales**

a) *Volume*

(33) The investigation also established that between 1997 and the review investigation period, LGE and DWE both suffered declining sales volumes in Korea, apparently due to oversupply and falling demand on that market.

(34) As concerns exports, LGE reduced its sales volumes to the Community following the imposition of the provisional and definitive anti-dumping measures. The company therefore needed to find alternative markets for its Korean-made MWOs. In this regard it was successful, as its export sales volumes to countries outside the Community increased almost to the same levels as those previously achieved in Korea and the Community.

(35) With regard to DWE, it was noticeable that the company's exports to non-Community markets declined slightly between 1997 and the review investigation period; however, unlike LGE, it increased its exports to the Community following the imposition of provisional anti-dumping duties to a point where such sales almost entirely offset the company's reduced sales volumes in Korea and export markets outside the Community.

b) *Prices*

(36) In order to assess if there would be any incentive for the companies to switch their exports from non-Community countries to the Community at dumped prices if the anti-dumping duties were to be removed or varied, a price analysis was also made in respect of a representative sample of MWO models manufactured in Korea and exported by each company to such markets.

(37) For almost all the models selected it was established that the average sales price to independent customers in countries outside the Community was above the cost of production of the particular model concerned. Taken overall, the level of profit achieved on these MWO models was found to be significant.

(38) In addition, using the general methodology outlined above concerning whether or not exports to the Community were dumped in the review investigation period, an examination was also carried out as to whether sales to non-Community destinations were at dumped levels. Significantly, such an analysis also failed to show the presence of dumping on these other markets by either of the two companies concerned.

4. **Conclusion concerning likelihood of recurrence of dumping**

a) *LGE*

(39) With regard to its reasons for requesting the review, LGE has not hidden the fact that it would export higher quantities of MWOs to the Community if the current anti-dumping duty were to be reduced. The issue, therefore, which has had to be assessed is whether such increased exports would continue to be at non-dumped levels.

(40) In making such an assessment, it is necessary to take into account whether the company will make use of its limited spare production capacity in Korea to source such sales and/or divert production and sales of MWOs currently exported to non-Community countries.

(41) In this regard, the investigation showed that LGE's Korean factory is now geared towards producing so called 'high-end models', which are more sophisticated and contain more technical features than cheaper, higher volume 'low-end' MWOs (which it also used to produce in Korea in the original investigation period). An examination of the dumping calculations in the original investigation was carried out within the framework of the current investigation revealed that LGE's high-end MWO models with high export prices tended either not to be dumped when exported to the Community, or dumped at much lower levels than the low-end models.

(42) This trend continued into the review investigation period, where the findings of the investigation, as determined above, showed that the high-end MWO models produced by LGE were not being sold on the Community market at dumped price levels.

(43) In addition, if the company were to increase production in Korea, it is considered that further economies of scale could be achieved, leading to lower unit production costs, with even less likelihood of dumping recurring in the future.

(44) With regard to whether LGE has any incentive to switch exports of Korean-made MWOs from other third countries to the Community if the anti-dumping duty were removed or varied, it should be recalled that such exports to these countries were both profitable, and at non-dumped levels. Although the possibility exists that the company might divert such MWOs to the Community, in order for them to be dumped, LGE would have to reduce their prices significantly and, therefore, their profits, a course of action for which there seems little economic justification.

(45) In addition, the fact that LGE is a major producer of MWOs in the Community must also be taken into account when assessing the likelihood of the company dumping again in the Community. Given that its production in the Community currently accounts for between 10 and 20 % of all MWOs sold in the Community with EU origin, it is considered that LGE will be less inclined in the future to destabilise prevailing prices or otherwise cause injury to the Community market, in which it is now a major player, by exporting from Korea at low prices.

(46) In view of all the above, it is therefore considered unlikely that the company's future exports to the Community would be at dumped prices.

b) *DWE*

(47) As with LGE, the question which the Commission has had to consider is whether DWE's sales volumes of MWOs at current, or even increased levels, would continue to be at non-dumped price levels if the current anti-dumping duty were to be removed or varied.

(48) Significantly, the investigation showed that the company expanded its export sales to the Community at profitable, non-dumped price levels, at a time when it had an anti-dumping duty in force against it. In addition, it maintained high capacity utilisation in Korea and also made profitable, non-dumped export sales on non-Community markets.

(49) As also concerns the question of whether or not there would be a likelihood of recurrence of dumping by DWE in the future if the anti-dumping duty currently in force against it were to be removed or varied, this company is also among the largest producers of MWOs in the Community with production and sales volume levels in the Community of MWOs with EU origin of a similar magnitude to LGE.

(50) In conjunction with the apparent lack of economic incentives to revert to its previous dumping practises, it is considered that DWE will, like LGE, be less inclined in the future to dump from its Korean operation and destabilise or otherwise cause injury to the Community market, in which it has a major economic presence.

E. **INJURY AND COMMUNITY INTEREST**

(51) Given that the original request for a review by LGE (and subsequent application to participate in the review by DWE) in the current investigation was limited to an examination and possible revision of the dumping margin applicable to each company under Article 11(3) of the basic Regulation, it was not necessary to carry out an examination of injury or Community interest.

F. **CONCLUSION**

(52) On the basis of the above facts and considerations, and in view of the information available at the present time, it is considered reasonable to conclude that dumping by LGE or DWE is unlikely to recur if the anti-dumping duties currently imposed against the two companies were to be reduced to the level of the dumping margins established for each of them in the present review, namely 0,0 %. In any event, the two exporting producers may, in the future, be subjected to further review, if such a course of action is considered necessary.

(53) All parties concerned were informed of the essential facts and considerations on the basis of which the modification to the existing duties for the two exporting producers would be based. No submissions were made, however, by any of these parties.

(54) This review does not affect the date on which Regulation (EC) No 5/96 will expire (cf. Article 11(2) of the basic Regulation), nor the rights of importers to request reimbursement of anti-dumping duties collected (cf. Article 11(8) of the basic Regulation),

HAS ADOPTED THIS REGULATION:

Article 1

The table in Article 1(2) of Regulation (EC) No 5/96 shall, with regard to the Republic of Korea, be replaced by the following:

'Country	Products manufactured by	Rate of duty (%)	TARIC additional code
Republic of Korea	— Daewoo Electronics Co. Ltd	0,0	8829
	— LG Electronics Inc.	0,0	8830
	— Korea Nishin Co. Ltd	24,4	8831
	— Samsung Electronics Co. Ltd	3,3	8832
	— Other companies	24,4	8833'

Article 2

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

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

Done at Brussels, 26 September 2000.

For the Council
The President
C. TASCA

COUNCIL REGULATION (EC) No 2042/2000

of 26 September 2000

imposing a definitive anti-dumping duty on imports of television camera systems originating in Japan

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

A. PROCEDURE

1. Previous investigations

(1) In April 1994, further to an anti-dumping investigation initiated in March 1993 ('the original investigation'), the Council, by Regulation (EC) No 1015/94 [2] ('definitive Regulation'), imposed a definitive anti-dumping duty on imports of television camera systems ('TCS') originating in Japan. The original investigation covered the period from 1 July 1991 to 31 December 1992.

(2) In October 1997, further to an investigation ('the anti-absorption investigation') pursuant to Article 12 of Council Regulation (EC) No 384/96 (the 'basic Regulation'), the Council, by Regulation (EC) No 1952/97 [3], raised the rates of the definitive anti-dumping duty for two companies concerned, namely for Sony Corporation ('Sony') and Ikegami Tsushinki & Co Ltd to 108,3 % and 200,3 % respectively.

(3) In June 1998, the Commission, by Regulation (EC) No 1178/98 [4] initiated, pursuant to Article 13 of the basic Regulation, an investigation concerning the alleged circumvention of the anti-dumping measures in force by the assembly of parts and modules of TCS in the Community ('the anti-circumvention investigation'). Subsequently the complaining Community industry withdrew its complaint and the proceeding was terminated in February 1999. On the basis of the evidence found during this investigation, the Commission initiated a proceeding pursuant to Article 5 of the basic Regulation concerning the imports of certain parts of TCS originating in Japan [5] ('the parts investigation').

(4) In addition, an anti-dumping investigation pursuant to Article 5 of the basic Regulation was initiated in January 1999 concerning the imports of TCS originating in the United States of America (US) [6] ('the US investigation'). This investigation was terminated on 1 February 2000, without the imposition of any measures following the closure of the production facilities of the single US exporting producer of TCS, a company related to a major Japanese exporting producer of TCS.

2. Present investigation

2.1. *Expiry review*

(5) Following the publication of a notice of impending expiry [7] of the anti-dumping measures in force on imports of TCS originating in Japan, the Commission received a request to review these measures pursuant to Article 11(2) of the basic Regulation.

(6) The request was lodged on 28 January 1999 by Philips Digital Video Systems and Thomson Broadcast Systems (the 'applicant Community producers' or the 'Community industry'), whose collective output of TCS constitutes 100 % of the Community production of this product pursuant to Articles 4(1) and 5(4) of the basic Regulation.

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

(8) Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of an expiry review, the Commission initiated the present investigation pursuant to Article 11(2) of the basic Regulation by the publication of a notice in the *Official Journal of the European Communities* on 30 April 1999 [8].

[1] OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 905/98 (OJ L 128, 30.4.1998, p.18).
[2] OJ L 111, 30.4.1994, p.106. Regulation as last amended by Council Regulation (EC) No 176/2000 (OJ L 22, 27.1.2000, p. 29).
[3] OJ L 276, 9.10.1997, p. 20.
[4] OJ L 163, 6.6.1998, p. 20.
[5] OJ C 38, 12.2.1999, p. 2.
[6] OJ C 17, 22.1.1999, p. 4.
[7] OJ C 334, 31.10.1998, p. 15.
[8] OJ C 119, 30.4.1999, p. 11.

3. **Investigation**

(9) The Commission officially advised the applicant Community producers, the exporting producers in Japan and the representatives of the government of the exporting country, of the initiation of the review. The Commission sent questionnaires to all these parties and to those who made themselves known within the time limit set in the Notice of Initiation. The Commission also gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.

(10) The applicant Community producers replied to the questionnaire. Only one Japanese exporting producer and no unrelated importer replied to the questionnaire. Fifteen users replied to the questionnaire, although some of them did so only partially, and an association of users provided certain information.

(11) The Commission sought and verified all information it deemed necessary for the purpose of a determination of the likelihood of continuation or recurrence of dumping and injury and of the Community interest. Verification visits were carried out at the premises of the following companies:

(a) *applicant Community producers:*

— Philips BTS Broadcast Television Systems b.v., Breda ('Philips')

— Thomson Broadcast Systems, Cergy St Christophe ('Thomson').

(b) *Exporting producers in Japan*

— Hitachi Denshi, Ltd.

(12) The investigation of the likelihood of a continuation and/or recurrence of dumping covered the period from 1 January 1998 to 31 December 1998 (the 'investigation period' or 'IP'). The examination of trends relevant for the assessment of any continuation and/or recurrence of injury covered the period from 1 January 1995 to 31 December 1998 (hereinafter referred to as 'IIP').

B. **PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT**

1. **Product under consideration**

(13) The product under consideration is television camera systems (TCS) currently classified under CN-codesexex 8525 30 90, ex 8537 10 91, ex 8537 10 99, ex 8529 90 81, ex 8529 90 88, ex 8543 89 95, ex 8528 21 14, ex 8528 21 16 and ex 8528 21 90 originating in Japan.

(14) As set out in the definitive Regulation, TCS may consist of the following parts, imported either together or separately:

— a camera head with three or more sensors (12 mm or more charge-coupled pick-up devices) with more than 400 000 pixels each, which can be connected to a rear adapter, and having a specification of the signal to noise ratio of 55 dB or more at normal gain; either in one piece with the camera head and the adapter in one housing, or separate;

— a viewfinder (diagonal of 38 mm or more);

— a base station or camera control unit (CCU) connected to the camera by a cable;

— an operational control panel (OCP) for camera control (i.e. for colour adjustment lens opening or iris) of single cameras;

— a master control panel (MCP) or master set-up unit (MSU) with selected camera indication, for the overview and for adjustment of several remote cameras.

(15) Products not covered by the above-definition are:

— Lenses;

— Video tape recorders;

— Camera heads with the recording unit in the same, inseparable, housing;

— Professional cameras which cannot be used for broadcast purposes;

— Professional cameras listed in the Annex (TARIC additional code: 8786).

(16) During the course of the investigation it was found that a new model of TCS had been developed as from 1997, i.e. a broadcasting camera head which is connected to a videotape recorder ('camcorder'). The investigation has shown that both the Community industry and the exporting producers offer their television camera heads, in general, with different configurations, either connected to a triax adapter or to a recording unit. As indicated above, videotape recorders and camera heads with a recording unit in the same housing are excluded from the product scope of the current proceeding. However, camcorders may also consist of a camera head docked with a videotape recorder without both being within the same housing. On this basis it was concluded that such type of camera head falls into the definition of the product under consideration made in the definitive Regulation. Furthermore, it has been established that on the basis of the definition of the product under consideration mentioned above the recording unit alone does not fall under it.

(17) The investigation has also shown that analogue broadcast TCS have been gradually replaced by a new type of TCS, digital broadcast TCS ('digital TCS') which have been introduced in the Community market as from 1997. These digital TCS fall into the definition of the product under consideration in the definitive Regulation.

2. **Like product**

(18) It was found that there were no basic differences in the physical and technical characteristics and uses of the TCS manufactured by Japanese exporting producers and sold in the Community, and the product manufactured and sold on the domestic market of the exporting country.

(19) Furthermore, the product concerned manufactured by Japanese exporting producers and sold in the Community and the product manufactured and sold by the applicant Community producers on the Community market use the same basic technology and are both conform with world-wide applicable industry standards. These products also have the same applications and uses, they consequently have similar physical and technical characteristics, are interchangeable and competing with each other. Furthermore, both the applicant Community producers and the Japanese exporting producers manufacture digital products and camcorders, which have been the latest technological developments related to the product concerned as compared with the original investigation. Therefore, TCS manufactured by Japanese exporting producers and sold in the Community and TCS manufactured and sold by the complaining Community industry in the Community market are alike within the meaning of Article 1(4) of the basic Regulation.

C. LIKELIHOOD OF RECURRENCE OR CONTINUATION OF DUMPING

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

1. Level of cooperation

(21) As compared to previous investigations, the level of cooperation in the present investigation by the Japanese exporting producers was particularly low. Only one of the smaller producers of TCS cooperated and reported a marginal number of exports of the product concerned to the Community. The remaining three companies which had made themselves known in the original investigation refused to provide any cooperation although it is widely known that they have their head offices, main production and R&D facilities in Japan and that, for at least two of them, TCS with their brand name have been sold in the Community during the IP in substantial quantities.

2. Likelihood of continuation of dumping

(22) Given the low degree of cooperation and the fact that the statistical information available from Eurostat in this respect was considered not to be reliable (the CN codes also cover products not concerned), it could not be established with certainty whether there were imports of TCHs as such from Japan. However, it is recalled that during the IP, important parts of TCS were imported into the Community. Moreover, it was established that TCS produced in the US by a subsidiary of Sony were imported into the Community in significant quantities. On balance, it was therefore considered prudent to conclude that the current import volumes of TCS originating in Japan were low when compared with import volumes during the original investigation period. Hence, no conclusion was made regarding the likelihood of continuation of dumping.

3. Likelihood of recurrence of dumping

(23) In the absence of cooperation from the main Japanese exporting producers, and in accordance with Article 18 of the basic Regulation, findings had to be established on the basis of facts available. Consequently, and in the absence of any other reliable source, the analysis regarding the likelihood of recurrence of dumping, should the measures be allowed to expire, was based on information provided in the request for a review as well as information obtained in the course of the investigation from the Community industry and users of TCS.

(24) According to the request, the level of dumping for the camera head alone is 30,6 %. The corresponding calculation contains a number of conservative estimates. For instance, other elements of a TCS have not been taken into consideration for the purpose of the aforementioned calculation although they are sometimes supplied free of charge. This indicates that the actual level of dumping in case of a repeal of the duty would most likely be higher than 30,6 %.

(25) The request also shows that dumping margins would reach at least at the level found in the original investigation should measures be repealed.

(26) On this basis, and in the absence of any more appropriate information, it has been concluded that, should measures be repealed, the dumping margins would resume at significant levels.

(27) As far as the likely future volume of exports of TCS to the Community is concerned, it was found that according to the information available, production capacity of TCS in Japan has remained at least at the same level as that found in the original investigation and it is large enough to allow for the resumption of considerable exports to the Community if the anti-dumping duty was to expire. This is confirmed by the fact that the sales of TCS assembled in the Community and in third countries, which usually incorporate valuable and crucial TCS parts originating in Japan, indicate that the production capacity was basically unchanged.

(28) Furthermore, given the mobile nature of the production, production capacity for these products may be expanded if necessary within months. Indeed, the fact that the manufacturing facilities of one of the Japanese exporting producers were transferred from the US to the Community in a time period of some months clearly shows that production capacity for the product

concerned may be created/expanded or reduced in a short period of time. Should the anti-dumping measures expire, manufacturing activities for TCS in the Community could be transferred to Japan and production capacity in Japan could be easily expanded in order to resume the exports to the Community.

(29) During the IIP, with the exception of Sony, all Japanese exporting producers manufactured their TCS for the US and Latin American markets in Japan. Furthermore, on the basis of the information available, it has been established that TCS destined for the Japanese and Asian markets were being manufactured in Japan by all exporting producers. Furthermore, R&D activities for these products were also located in Japan since an important part of these activities benefit not only TCS but also professional cameras as well as other products. The Japanese exporting producers were able to adapt to the changing demand by increasing their production in Japan when the market expanded. This led to the conclusion that there was free production capacity left in Japan which was used when the consumption both in the Community and worldwide expanded. Therefore, should the anti-dumping measures expire, an increase in production of the Japanese exporting producers is likely.

(30) It has been concluded that the existing production capacity, as well as the possibility to increase it if necessary, constituted a potential for Japanese exporting producers to raise their production and export volumes to the Community in case the anti-dumping measure were to lapse. Considering that their R&D facilities as well as the manufacturing facilities for the main part of the components of the TCS were located in Japan, this would result in an improvement of the economies of scales of the Japanese exporting producers.

(31) It should also be noted that the two Japanese exporting producers which set up assembly facilities for TCS in the Community maintained the production for export to the Community of products not subject to anti-dumping duties in Japan, i.e. video tape recorders, camera heads with the recording unit in the same, inseparable housing and professional cameras that cannot be used for broadcast purposes. Although, as mentioned above, these products are not covered by the present investigation, the production lines and related capacity needed to produce them are also appropriate for the production of TCS. On this basis and in the absence of any other information due to the lack of cooperation from the exporting producers concerned, it was concluded that although the imposition of anti-dumping duties has led to a change in the organisation of the production of TCS by the exporting producers concerned, an expiry of the anti-dumping measures would be likely to reverse this situation.

4. **Conclusion**

(32) It results from the above that the Japanese exporting producers have the potential to raise their production in Japan and their export volumes of TCS to the Community at significantly dumped prices.

(33) The investigation revealed no facts showing that the situation regarding normal value, export prices and consequently the dumping margins established in the original investigation, the anti-absorption investigation and the anti-circumvention investigation have significantly changed. It is therefore concluded that, should the measures be repealed, there is a likelihood of recurrence of dumping.

D. **DEFINITION OF THE COMMUNITY INDUSTRY**

(34) The investigation confirmed that the collective output of the two applicant Community producers accounts for 100 % of the Community production of TCS. The two producers are therefore deemed to constitute the Community industry within the meaning of Article 4(1) and Article 5(4) of the basic Regulation.

(35) As to the other economic operators in the Community related to the Japanese exporting producers, given the low degree of cooperation, the nature of their activities within the Community could not be investigated in detail, i.e. whether these activities are simple assembly operations or if there is a certain value added in the Community. Therefore it could not be determined whether these assembly operations are sufficient in order to qualify them as companies manufacturing the product under consideration in the Community. Furthermore, given their relation with the Japanese exporting producers, it was considered that they should be excluded from the Community industry in accordance with Article 4(1)(a) of the basic Regulation.

E. **ANALYSIS OF THE SITUATION IN THE COMMUNITY MARKET** [1]

1. **Preliminary remarks**

(36) As described above, the product under consideration in the current proceeding is TCS which consist of a camera head with three or more sensors, a view finder, a base station or camera control unit (CCU), an operational control panel (OCP) and a master control panel (MCP) or master set-up unit (MSU). In practice these components can be sold and therefore also imported either together or separately.

[1] Given that there are only a very limited number of market participants, the figures relating to them had to be indexed for confidentiality reasons.

(37) The investigation confirmed that while TCS do not always consist of all of the above elements, they all necessarily include a camera head. Therefore, in line with the approach taken in the original investigation, it was decided to express the economic indicators relating to the situation of the Community industry and the situation on the Community market in terms of numbers of television camera heads ('TCHs').

2. **Consumption**

(38) As mentioned above, only one of the Japanese exporting producers cooperated in the present investigation. Thus, as regards the other Japanese exporting producers that did not cooperate and for which the investigation has shown that they are still operating on the Community market, the Commission made use of best facts available, in accordance with Article 18 of the basic Regulation.

(39) Therefore, the apparent Community consumption of TCHs was assessed on the basis of:

— the volume of sales in the Community as provided by the Community industry and

— information on the sales volume of Japanese exporting producers in the Community submitted by the Community industry and established on the basis of contracts and tenders lost by the Community industry to all Japanese exporting producers on the Community market. This information was considered reliable given the transparent nature of the market in terms of size and number of market participants, it being largely supplied via tenders. Moreover, the information provided by users confirmed the information supplied by the Community industry on the activity of the Japanese exporting producers.

(40) Given the low degree of cooperation and the fact that the statistical information available from Eurostat in this respect was considered not to be reliable, it could not be established whether TCHs were imported as such from Japan. However, regardless of their origin, these TCHs have been effectively sold under the respective brand names on the Community market and have to be therefore included in the Community consumption for this product.

(41) On this basis, the investigation has shown that, whereas consumption was stable in 1995 and 1996, there was an overall expansion in 1997, which continued during the investigation period. This was due, amongst other reasons, to the sales of TCHs for broadcasting the football World Cup held in France in 1998 and to the introduction of a new type of TCH, i.e. camcorders, in the market which started from 1997. In overall terms, from 1995 to the investigation period, Community consumption increased by 54 %, reaching around 1 500 units during the investigation period.

3. **Imports and sales of TCHs by the Japanese exporting producers in the Community**

(42) Further to the imposition of the definitive anti-dumping duty on imports of TCHs originating in Japan in 1994, these imports have in any event decreased significantly. As confirmed by the abovementioned anti-circumvention, parts and US investigations, these imports have been replaced by imports of certain parts of TCS originating in Japan which are being subsequently assembled in the Community by certain Japanese exporting producers and, in the case of one Japanese exporting producer, with incomplete TCHs imported from the US. Indeed, the current investigation has shown that Japanese exporting producers have continued to sell TCHs on the Community market under their brand names.

(43) Thus, the decrease of imports of TCHs originating in Japan has to be seen as a consequence of the anti-dumping duty in force since 1994. The fact that these imports have been replaced by sales of TCHs assembled in the Community incorporating parts originating in Japan shows already that, as explained below, there is a likelihood that imports from the country concerned would take place at the same levels as in the original investigation in case anti-dumping measures are not maintained.

4. **Economic situation of the Community industry**

(44) Pursuant to Article 3(5) of the basic Regulation, all relevant economic factors and indices having a bearing on the state of the Community industry were examined.

(45) The economic indicators relating to the situation of the Community industry have to be seen in the light of previous investigations concerning TCS originating in Japan, i.e. the original investigation in 1994 and the subsequent anti-absorption investigation which led to an increase of the rates of that anti-dumping duty. The present investigation has shown that the latter had a positive effect on the situation of the Community industry. In addition, two other factors linked to technological development also had an impact on some of the indicators below, i.e. the above mentioned introduction of the camcorders, a new kind of TCHs, in the market as from 1997 and the development of the new generation of digital TCHs which also started in 1997.

4.1. *Production*

(46) Total production of TCHs of the Community industry significantly decreased between 1995 and 1996, i.e. by 32 %, then increasing again steadily between 1997 and the investigation period, without recovering however the levels of 1995. In this respect, production has followed the evolution of the Community market since 1997.

4.2. *Production capacity and capacity utilisation*

(47) The production capacity of the Community industry remained stable during the IIP. Capacity utilisation for TCHs went down between 1995 and 1996, i.e. by 32 %, increasing again towards the investigation period. This development likewise reflects the above mentioned increase in production volumes as from 1997.

4.3. *Sales volume*

(48) The sales of the Community industry decreased between 1995 and 1996 by 10 % and they increased from then to 1997 and the investigation period, i.e. in overall terms they went up by 21 % between 1995 and the investigation period reaching around 850 units, without, however, matching the expansion of the Community consumption, which substantially increased, i.e. by 54 %, during the same period of time.

4.4. *Market shares*

(49) The steady decrease of the market share of the Community industry between 1995 and the investigation period by more than 16 percentage points, reaching around 60 % during the investigation period, shows that the Community industry did not benefit from the expansion of the Community consumption or from the favourable market conditions from 1997 which resulted from the conclusion of the anti-absorption investigation.

4.5. *Employment*

(50) Employment has remained stable as from 1996, in which year it had increased by 20 %, as a result of the introduction of the camcorders and the new generation of digital TCS.

4.6. *Investment*

(51) Investments decreased substantially between 1995 and 1996, i.e. by 21 %, following the negative evolution of production and sales of the Community industry. They then increased substantially in 1997, by around 100 %, due, amongst other reasons, to the R&D investments linked to the development of the new generation of digital TCS but sharply decreased again in the investigation period.

4.7. *Profitability*

(52) In 1995 and especially in 1996, the Community industry suffered significant losses which only diminished as from 1997 at a time when, amongst other things, the rate of the anti-dumping duty imposed on TCS originating in Japan was raised and camcorders were successfully introduced on the market. Throughout this period, however, sales of the Community industry remained loss-making. These losses were still at a level of around −10 % on net sales during the investigation period.

5. **Conclusion on the situation in the Community market**

(53) The investigation has shown that anti-dumping duties have very rarely been paid during the IIP. Indeed, as from the imposition of an anti-dumping duty on imports of TCHs originating in Japan, they have been replaced by imports of parts of TCHs originating in Japan, which have been subject to anti-circumvention and anti-dumping investigations as from 1998. However, the development of the market after the imposition of the measures reveals that Japanese exporting producers have continued to sell TCHs on the Community market.

(54) As concerns the pricing behaviour of the Japanese exporting producers, the anti-absorption investigation concluded in 1997 showed that export prices of the Japanese exporting producers had gone below the level of 1994.

(55) After the imposition of the anti-dumping measures in 1994, and during the whole IIP, the situation of the Community industry improved as regards some of the economic indicators examined. Continued efforts to rationalise the production process and new investments were made, showing an industry that is still viable. However, the overall assessment of the economic indicators during the IIP does not show such a favourable development. Indeed, during the IIP, the Community industry's sales volume did not follow the growing trend of the market and only increased by 21 % whilst the Community consumption expanded by 54 %. These opposing trends resulted in a loss of market share by the Community industry by 16 percentage points. Furthermore, even though its losses diminished during the IIP, the Community industry continued to suffer losses of around −10 % during the investigation period whereas in such an industry, a profit level of 15 % must be considered necessary to finance the investment needed to keep up to date with technological development.

(56) On the basis of the above, it is therefore concluded that, in spite of the measures in force, due to the continued price pressure exerted by the Japanese exporting producers, the Community industry remained in a difficult economic situation. This price pressure prevented the Community industry from fully recovering from the effects of the previous and ongoing dumping practices.

F. **LIKELIHOOD OF CONTINUATION AND/OR RECURRENCE OF INJURIOUS DUMPING**

(57) In order to assess the likely effect of the expiry of the measures in force, and taking into account that the Community industry is still in a difficult situation, the following elements were considered, in addition to those already mentioned above.

(58) The current investigation has shown that Japanese exporting producers have continued to sell TCHs on the Community market under their brand names [1].

(59) Indeed, sales of TCHs by Japanese exporting producers in the Community increased considerably in terms of volume between 1995 and the investigation period, i.e. by 157 %, reaching around 600 units during the investigation period.

(60) With respect to the development of their market share, the overall trend shows a constant and significant increase between 1995 and the investigation period, i.e. by more than 16 percentage points, reaching a level of around 40 % during the investigation period.

(61) As regards sales prices of the Japanese exporting producers for TCHs sold on the Community market, the investigation has shown that they were significantly below the Community industry's sales prices.

(62) The Japanese exporting producers provided no information on sales prices. However, it was established that sales made via tenders both by the Community industry and the Japanese exporting producers represented an important part of the overall sales of TCHs during the IP (around 40 %). On the basis of tenders for which information was available from the Community industry and users, prices offered by the exporting producers were, in general, lower than prices offered by the Community industry both for the total tender [2] and for TCHs taken in isolation. In one of the tenders analysed, the global price offered by a Japanese exporting producer was 37 % lower than the one offered by the Community producer. In this tender, the Community producer had to grant an additional discount of more than 40 % in order to win the tender. Another tender in a different Member State showed that, in the second round of negotiations and despite having granted significant discounts between the first and the second round, the final offer of the Japanese exporting producer was still around 20 % lower than the offer of the Community producer participating in the tender. In these circumstances, the latter lost the tender.

(63) It was likewise established that the low prices offered during a tender necessarily influence all prices negotiated in follow-up transactions and in subsequent tenders held in the same Member State. It follows that the price behaviour in tenders actually influenced a significantly higher share of the Community market than the 40 % of it that were governed directly by tenders. Thus, the analysis of the tenders has not only shown the extent to which the prices offered by the Community industry have been undercut by those offered by exporting producers during the tenders (up to 37 %) but also the depressive effect of the dumped imports on the sales prices of the Community industry.

(64) These price differences should be seen bearing in mind that the market for TCS was found to be price-sensitive and transparent, with a small number of players, and that the Community industry suffered losses of around 10 %, whereas in this kind of high-technology industry a profit of 15 % must be deemed appropriate so that an industry can keep up with the pace of technological developments.

(65) On this basis, should the measures be repealed, it can be expected that the Japanese exporting producers would manufacture again complete TCS in Japan, where, as mentioned above, the production capacity exists, their R&D departments are located and where they could benefit from economies of scale. Moreover, it was considered that the exporting producers would be likely to continue to sell their products on the Community market at prices significantly lower than those of the Community industry, thus contributing to the continuation of the injurious situation of the Community industry.

(66) As to the pricing behaviour of the Japanese exporting producers on third countries, on the basis of the information made available by the Community industry, a parallel was drawn between the behaviour of Japanese exporting producers in the US and in the Community. In both markets, Japanese prices were, in general, lower than those of the Community industry and this during the whole of the IIP, but more in particular in 1998.

(67) More specifically, when analysing the information available on tenders on the North American markets, it was found that the Japanese exporting producers were granting discounts up to 70 % off their price lists and that prices offered by them were consequently up to

[1] The origin of these TCS remains unclear since it could not be determined whether they were imported as such from Japan or if, as mentioned above, only parts thereof were imported in order to be subsequently assembled in the Community.

[2] Calls for tenders usually include complete TCS and not only TCHs.

50 % lower than prices offered by the Community industry. In addition, certain elements of a TCS or even other equipment sold in combination with TCS in the same tender, were sometimes offered free of charge or with high discounts such as the already mentioned 70 %.

(68) Furthermore, on the basis of the information available on tenders held in Latin-America, prices offered by the Japanese exporting producers were also lower than those of the Community industry in similar proportions and the same behaviour as to discounts and products offered free of charge existed.

(69) From the above, it was concluded that, in the absence of measures, prices of Japanese exporting producers could at least remain at the current levels found on the Community market which are significantly lower than those of the Community industry and could even potentially fall to levels comparable to the prices for imports originating in Japan into the US, Canadian and Latin-American markets or to the level of prices found in the original investigation.

Conclusion on the recurrence of injurious dumping

(70) In view of the above, namely of the following factors:

— despite the measures in force, the Community industry was still in a difficult economic situation;

— the sales of TCHs manufactured by the Japanese exporting producers held an exceptionally strong position on the Community market and were made at extremely low prices by comparison with the prices of the Community industry;

— the prices which Japanese exporting producers might charge in the absence of anti-dumping measures were determined as potentially very low if one considers the producers' behaviour in the North American and Latin-American markets, where their prices were lower than those of the Community industry;

— the information available on the production capacity in Japan as well as on the possibility to expand it when necessary in order to react to an expansion of demand gave an indication that the Japanese exporting producers had the potential to raise their production and export volumes;

— even though a high anti-dumping duty reaching up to 200 % was in force, the Japanese exporting producers were able to offer prices which were lower than those of the Community industry, thus giving an indication that they are fully capable of maintaining an aggressive pricing policy in spite of the measures in force;

it is concluded that, should the measures be repealed, there is a likelihood of recurrence of injurious dumping and that the measures currently in force should therefore be maintained.

G. **COMMUNITY INTEREST**

1. **Introduction**

(71) According to Article 21 of the basic Regulation, the Commission examined whether a prolongation of the existing anti-dumping measures would be against the interest of the Community as a whole. The determination of the Community interest was based on an appreciation of all the various interests involved.

(72) In order to assess the likely impact of a continuation or non-continuation of the measures, the Commission requested information from the Community industry and users of TCS. The Commission sent questionnaires to more than sixty users of the product concerned. Fifteen replies were received, although the information provided was incomplete in many cases.

(73) It should be recalled that, in the previous investigation, the adoption of measures was considered not to be against the interest of the Community. Furthermore, it should be noted that the present investigation is a review, thus analysing a situation in which anti-dumping measures are already in place. Consequently, the current investigation should enable the assessment of any undue negative impact the current anti-dumping measures may have had in the past on the parties concerned.

(74) On this basis it was examined, whether, despite the conclusions on the likely continuation and/or recurrence of injurious dumping, compelling reasons exist which would lead to the conclusion that it is not in the Community interest to maintain measures in this particular case.

2. **Interests of the Community industry**

(75) It is considered that without maintaining the anti-dumping measures established in the previous investigation, injurious dumping is likely to continue or recur and the situation of the Community industry, which is still fragile, will further deteriorate.

(76) As shown above, the Community industry has been affected by the low priced sales of TCHs by Japanese exporting producers in the Community during the IIP. It is therefore considered that the objective of the anti-dumping measures under review, i.e. to re-establish fair competition in the Community market between the Community producers and their exporting counterparts in third countries, has not been fully met.

(77) The Community industry has proven to be a structurally viable and successful industry, able to adapt its product range to the changing competitive conditions on the market and even to gain some technological lead in the development of the digital technology, this being confirmed in particular by its investment during the IIP.

(78) However, it cannot be excluded that this industry would reduce its manufacturing activities for the product concerned in the Community if the anti-dumping measures were not maintained. This conclusion is justified in view of the duration of the negative profitability situation (during the investigation period, the Community industry has suffered around 10 % losses). As mentioned above, without anti-dumping measures, imports of TCHs originating in Japan would likely restart and their price-depressive effect will continue to frustrate all efforts of the Community industry to regain a satisfactory margin of profitability, which is especially needed to keep up with the pace of technological development in this kind of industry. In addition, since certain operations of the TCHs production are labour intensive, it is highly possible that they would be de-located to low labour cost countries in order to reduce such costs.

(79) Indeed, should the deteriorated economic situation of the Community industry continue, it might be forced to reduce its manufacturing activities in the Community, and around 250 jobs directly linked to the product concerned would be endangered. Should however anti-dumping duties be maintained, this industry will be able to maintain and further develop its activities in the Community. Also, a further number of jobs linked indirectly to the production of TCS, mainly in R&D would be secured. Thus, overall employment in the Community in relation to TCS would be secured and can even be expected to rise should anti-dumping measures be maintained.

(80) As to R&D developments, the production of television camera systems has spin-off effects which are mainly related to the development of a part of the TCHs, i.e. the CCD block, since its components are used as well for other applications such as security systems, medical, industrial and telecommunications applications. Furthermore, the existence of a Community industry manufacturing TCS has an impact on the entire television industry, i.e. from the development and manufacturing of broadcast equipment to the production of television sets and recorders, but it may also have an influence on the standards set for the Community television sector in the near future.

(81) Given the above, it was concluded that to prolong the existing measures in order to ward off the adverse effects of dumped imports which could endanger the existence of the Community industry and consequently a number of jobs was necessary. It has also to be considered that if this high-technology industry disappears, there would be a negative impact on the television industry in general.

3. **Interests of related importers and economic operators in the Community**

(82) As regards the economic operators in the Community related to Japanese exporting producers, it is likely that the decision to maintain the anti-dumping measures would have positive effects with regard to production and employment in the Community, since some of the manufacturing activities of TCS which took place in the Community would even become more important as evidenced following the initiation of the US investigation and would not be relocated to Japan.

4. **Interests of users**

(83) Users of TCS were mainly licensed broadcasting companies that broadcast their own programmes by using their own equipment. However, there were also licensed broadcasters which did not broadcast their own programmes as well as facility companies which supply equipment including camera systems as well as crews to their customers and, finally, rental companies which provide camera and other equipment to various customers. All these users of TCS usually purchased directly from the TCS producers.

(84) Only fifteen out of the sixty users to which the questionnaire was sent by the Commission replied and partially cooperated. The low level and degree of cooperation is in itself an indication that this sector did not suffer any substantial negative effect on its economic situation as a result of the anti-dumping measures.

(85) This conclusion was in line with findings in earlier proceedings where it was found that TCS were not a significant cost factor for the users, since in relation to their production of broadcast programmes, they only accounted for a small proportion of their total costs. Indeed, when looking only at equipment costs of the users, the cost of a TCS represented around 10 % in a studio and reached up to 20 % in a small outside broadcasting vehicle. However, when looking at the total costs of a broadcasting company, and not only at the equipment, the percentage decreased since there were other more important costs such as programme production, personnel, overheads, etc. which were well above the mere cost of a TCS. In addition, the average life time of a TCS has been estimated by the cooperating users at around eight years reaching, exceptionally, more than fifteen years, which means that TCS were far from being a recurrent cost factor for the users.

(86) Likewise, in general terms, the effects on either category of users were relatively limited when compared to the size of the global turnover of broadcasting companies and of other companies dealing with TCS, i.e. the purchase of a TCS represents around 0,1 % of the total turnover of broadcasting companies and around 1 % of the turnover of production and rental companies.

(87) The investigation has also shown, as mentioned above, that prices of TCS in the Community in no way significantly increased following the imposition of an anti-dumping duty concerning imports of TCS originating in Japan. Indeed, certain users continued, and even started, to purchase TCS manufactured by the Japanese exporting producers in spite of the measures in force. These measures therefore did not constitute a deterrent for TCS users to change their sources of supply. Thus, any increase of the import price was apparently not such as to constitute any significant inconvenience.

(88) On the basis of the above, it can be ruled out that the anti-dumping measures had any significant negative influence on the cost situation and on the profitability of the users of the product concerned. Thus, the result of the anti-dumping measures in force has not been to close the Community market to TCS manufactured by Japanese exporting producers, but rather to counter the unfair trade practices and to remedy to some extent the distorting effects of dumped imports.

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

5. **Competition and trade distorting effects**

(90) With respect to the effects on competition in the Community, some interested parties have argued that, should the anti-dumping duties be maintained, this would lead to the disappearance of the exporting producers concerned from the Community market, thus considerably weakening competition, and to an increase of the prices for TCS.

(91) However, it appears more likely that the Japanese exporting producers will continue to sell TCS albeit at non-injurious prices, as they have a solid technological basis, a strong market position and manufacturing facilities in the Community. This conclusion is confirmed by the developments further to the imposition of the anti-dumping duty in 1994 and to the increase of the rate in 1997, which did not lead to any harmful effects for the competition on the Community market.

(92) Given the rapid technological development in this sector, competition will, without any doubt, remain strong after the continuation of anti-dumping-measures. Given also the fact that a number of actors in the market for TCS have nowadays established their manufacturing facilities for these products in the Community, they will be able to satisfy the user's demand and to offer a wide range of models. Thus, the continuation of the anti-dumping measures in force will not limit the user's choice or weaken competition.

6. **Conclusion on Community interest**

(93) Based on the above, it is concluded that there are no compelling reasons on grounds of Community interest against the prolongation of the existing anti-dumping measures.

H. **ANTI-DUMPING MEASURES**

(94) All parties concerned were informed of the essential facts and considerations on the basis of which it was intended to recommend the maintenance of the existing anti-dumping duty in respect of imports of TCS originating in Japan. They were also granted a period within which to make representations subsequent to this disclosure. No comments were received which were of a nature to change the above conclusions.

(95) It follows from the above that, as provided for by Article 11(2) of the basic Regulation, the anti-dumping duty currently in force with regards to imports of TCS originating in Japan imposed by Council Regulation (EC) No 1015/94, as amended by Council Regulation (EC) No 1952/97, should be maintained.

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of television camera systems and parts thereof, falling within CN codes ex 8525 30 90 (TARIC code: 8525 30 90 10), ex 8537 10 91 (TARIC code 8537 10 91 91), ex 8537 10 99 (TARIC code 8537 10 99 91), ex 8529 90 81 (TARIC code 8529 90 81 38), ex 8529 90 88 (TARIC code 8529 90 88 32), ex 8543 89 95 (TARIC code 8543 89 95 39), ex 8528 21 14 (TARIC code 8528 21 14 10), ex 8528 21 16 (TARIC code 8528 21 16 10) and ex 8528 21 90 (TARIC code 8528 21 90 10), originating in Japan.

2. The television camera systems may consist of a combination of the following parts, imported either together or separately:

(a) camera head with three or more sensors (12 mm or more charge-coupled device pick-up devices) with more than 400 000 pixels each, which can be connected to a rear adapter, and having a specification of the signal-to-noise ratio of 55 dB or more at normal gain; either in one piece, with the camera head and the adapter in one housing, or separate;

(b) a view finder (diagonal, of 38 mm or more);

(c) a base station or camera control unit (CCU) connected to the camera by a cable;

(d) an operational control panel (OCP) for camera control (i.e. for colour adjustment, lens opening or iris) of single cameras;

(e) a master control panel (MCP) or master set-up unit (MSU) with selected camera indication, for the overview and for adjustment of several remote cameras.

3. The duty shall not apply to:

(a) lenses;

(b) video tape recorders;

(c) camera-heads with a recording unit in the same, inseparable housing;

(d) professional cameras which cannot be used for broadcast purposes;

(e) professional cameras listed in the Annex (TARIC additional code: 8786).

4. When the television camera system is imported with the lens the free-at-Community-frontier value used in applying the anti-dumping duty shall be that of the television camera systems without the lens. If this value is not specified on the invoice the importer shall declare the value of the lens at the time of release for free circulation and shall submit appropriate evidence and information on that occasion.

5. The rate of the anti-dumping duty shall be 96,8 % of the net, free-at-Community-frontier price, before duty (TARIC additional code: 8744) except for the products manufactured by the following companies for which the rate shall be as follows:

— Ikegami Tsushinki Co. Ltd: 200,3 % (TARIC additional code: 8741),

— Sony Corporation: 108,3 % (TARIC additional code: 8742),

— Hitachi Denshi Ltd: 52,7 % (TARIC additional code: 8743).

6. The provisions in force concerning customs duties shall apply.

Article 2

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

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

Done at Brussels, 26 September 2000.

For the Council

The President

C. TASCA

ANNEX

List of professional camera systems not qualified as broadcast camera systems which are exempted from the measures

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adaptors
Sony	DXC-M7PK	DXF-3000CE	CCU-M3P	RM-M7G	—	CA-325P
	DXC-M7P	DXF-325CE	CCU-M5P			CA-325AP
	DXC-M7PH	DXF-501CE	CCU-M7P			CA-325B
	DXC-M7PK/1	DXF-M3CE				CA-327P
	DXC-M7P/1	DXF-M7CE				CA-537P
	DXC-M7PH/1	DXF-40CE				CA-511
	DXC-327PK	DXF-40ACE				CA-512P
	DXC-327PL	DXF-50CE				CA-513
	DXC-327PH	DXF-601CE				VCT-U14 [1]
	DXC-327APK	DXF-40BCE				
	DXC-327APL	DXF-50BCE				
	DXC-327AH	DXF-701CE				
	DXC-537PK	DXF-WSCE [1]				
	DXC-537PL					
	DXC-537PH					
	DXC-537APK					
	DXC-537APL					
	DXC-537APH					
	EVW-537PK					
	EVW-327PK					
	DXC-637P					
	DXC-637PK					
	DXC-637PL					
	DXC-637PH					
	PVW-637PK					
	PVW-637PL					
	DXC-D30PF					
	DXC-D30PK					
	DXC-D30PL					
	DXC-D30PH					
	DSR-130PF					
	DSR-130PK					
	DSR-130PL					
	PVW-D30PF					
	PVW-D30PK					
	PVW-D30PL					
	DXC-327BPF					
	DXC-327BPK					
	DXC-327BPL					
	DXC-327BPH					
	DXC-D30WSP [1]					

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adaptors
Ikegami	HC-340 HC-300 HC-230 HC-240 HC-210 HC-390 LK-33 HDL-30MA HDL-37 HC-400 (1) HC-400W (1)	VF15-21/22 VF-4523 VF15-39 VF15-46 (1) VF5040 (1) VF5040W (1)	MA-200/230 MA-200A (1)	RCU-240 RCU-390 (1)	—	CA-340 CA-300 CA-230 CA-390 CA-400 (1)
Hitachi	SK-H5 SK-H501 DK-7700 DK-7700SX HV-C10 HV-C11 HV-C10F Z-ONE (L) Z-ONE (H) Z-ONE Z-ONE A (L) Z-ONE A (H) Z-ONE A (F) Z-ONE A Z-ONE B (L) Z-ONE B (H) Z-ONE B (F) Z-ONE B Z-ONE B (M) Z-ONE B (R) FP-C10 (B) FP-C10 (C) FP-C10 (D) FP-C10 (G) FP-C10 (L) FP-C10 (R) FP-C10 (S) FP-C10 (V) FP-C10 (F) FP-C10 FP-C10 A FP-C10 A (A) FP-C10 A (B)	GM-5 (A) GM-5-R2 (A) GM-5-R2 GM-50 GM-8A (1)	RU-C1 (B) RU-C1 (D) RU-C1 RU-C1-S5 RU-C10 (B) RU-C10 (C) RC-C1 RC-C10 RU-C10 RU-Z1 (B) RU-Z1 (C) RU-Z1 RC-C11 RU-Z2 RC-Z1 RC-Z11 RC-Z2 RC-Z21 RC-Z2A (1) RC-Z21A (1)	—	—	CA-Z1 CA-Z2 CA-Z1SJ CA-Z1SP CA-Z1M CA-Z1M2 CA-Z1HB CA-C10 CA-C10SP CA-C10SJA CA-C10M CA-C10B CA-Z1A (1) CA-Z31 (1) CA-Z32 (1)

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adaptors
Hitachi *(cont'd)*	FP-C10 A (C) FP-C10 A (D) FP-C10 A (F) FP-C10 A (G) FP-C10 A (H) FP-C10 A (L) FP-C10 A (R) FP-C10 A (S) FP-C10 A (T) FP-C10 A (V) FP-C10 A (W) Z-ONE C (M) Z-ONE C (R) Z-ONE C (F) Z-ONE C HV-C20 HV-C20M Z-ONE-D Z-ONE-D (A) Z-ONE-D (B) Z-ONE-D (C) Z-ONE.DA (1) V-21 (1) V-21W (1)					
Matsushita	WV-F700 WV-F700A WV-F700SHE WV-F700ASHE WV-F700BHE WV-F700ABHE WV-F700MHE WV-F350 WV-F350HE WV-F350E WV-F350AE WV-F350DE WV-F350ADE WV-F500HE (*) WV-F565HE AW-F575HE	WV-VF65BE WV-VF40E WV-VF39E WV-VF65BE (*) WV-VF40E (*) WV-VF42E	WV-RC700/B WV-RC700/G WV-RC700A/B WV-RC700A/G WV-RC36/B WV-RC36/G WV-RC37/B WV-RC37/G WV-CB700E WV-CB700AE WV-CB700E (*) WV-CB700AE (*) WV-RC700/B (*) WV-RC700/G (*) WV-RC700A/B (*) WV-RC700A/G (*) WV-RC550/G WV-RC550/B	—	—	WV-AD700SE WV-AD700ASE WV-AD700ME WV-AD250E WV-AD500E (*) AW-AD500AE AW-AD700BSE

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adaptors
JVC	KY-35E KY-27ECH KY-19ECH KY-17FITECH KY-17BECH KY-F30FITE KY-F30BE KY-27CECH KH-100U KY-D29ECH KY-D29WECH (1)	VF-P315E VF-P550E VF-P10E VP-P115E VF-P400E VP-P550BE VF-P116 VF-P116WE (1) VF-P550WE (1)	RM-P350EG RM-P200EG RM-P300EG RM-LP80E RM-LP821E RM-LP35U RM-LP37U RM-P270EG			KA-35E KA-B35U KA-M35U KA-P35U KA-27E KA-20E KA-P27U KA-P20U KA-B27E KA-B20E KA-M20E KA-M27E
Olympus	MAJ-387N MAJ-387I		OTV-SX2 OTV-S5 OTV-S6			
	Camera OTV-SX					

(*) Also called master set up unit (MSU) or master control panel (MCP).
(1) Models exempted under the condition that the corresponding triax system or triax-adaptor is not sold on the EC-market.

COMMISSION REGULATION (EC) No 2043/2000

of 28 September 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 September 2000.

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

Done at Brussels, 28 September 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 September 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	052	86,3
	999	86,3
0707 00 05	052	91,1
	628	145,8
	999	118,5
0709 90 70	052	71,5
	999	71,5
0805 30 10	052	63,9
	388	63,7
	524	71,0
	528	63,6
	999	65,6
0806 10 10	052	85,4
	064	58,3
	400	200,3
	999	114,7
0808 10 20, 0808 10 50, 0808 10 90	388	86,1
	400	57,3
	512	87,9
	800	123,0
	804	62,4
	999	83,3
0808 20 50	052	95,4
	064	59,1
	999	77,3
0809 30 10, 0809 30 90	052	139,9
	624	192,1
	999	166,0
0809 40 05	052	93,4
	060	69,5
	064	54,0
	066	94,9
	400	140,1
	624	170,3
	999	103,7

(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 2044/2000

of 28 September 2000

establishing the quantity of certain poultrymeat and eggs sector products available for the fourth quarter of 2000 pursuant to Regulation (EC) No 1866/95

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1866/95 of 26 July 1995 laying down detailed rules for the application in the poultrymeat and eggs sector of the arrangements provided for in the free trade agreements between the Community, of the one part and Latvia, Lithuania and Estonia, of the other part [1], as last amended by Regulation (EC) No 1429/2000 [2], and in particular Article 4(4) thereof,

Whereas:

In order to ensure distribution of the quantities available, the quantities carried forward from the period 1 October to 31 December 2000 should be added to the quantities available for the period 1 July to 30 September 2000,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity available for the period 1 October to 31 December 2000 pursuant to Regulation (EC) No 1866/95 is set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 2000.

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

Done at Brussels, 28 September 2000.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

(t)

Group No	Total quantity available for the period 1 October to 31 December 2000
50	312,50
60	312,50
70	312,50
75	62,50
78	50,00

[1] OJ L 179, 29.7.1995, p. 26.
[2] OJ L 161, 1.7.2000, p. 49.

COMMISSION REGULATION (EC) No 2045/2000

of 28 September 2000

establishing the quantity of certain poultrymeat sector products available for the fourth quarter of 2000 pursuant to Regulation (EC) No 1396/98

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1396/98 of 30 June 1998 laying down procedures for applying in the poultrymeat sector Council Regulation (EC) No 779/98 on the import into the Community of agricultural products originating in Turkey, repealing Regulation (EEC) No 4115/86 and amending Regulation (EC) No 3010/95 [1], and in particular Article 4(5) thereof,

Whereas:

In order to ensure distribution of the quantities available, the quantities carried forward from the period 1 July to 30 September 2000 should be added to the quantities available for the period 1 October to 31 December 2000,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity available for the period 1 October to 31 December 2000 pursuant to Regulation (EC) No 1396/98 is set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 2000.

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

Done at Brussels, 28 September 2000.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

(t)

Group No	Total quantity available for the period 1 October to 31 December 2000
T1	1 000,00

[1] OJ L 187, 1.7.1998, p. 41.

COMMISSION REGULATION (EC) No 2046/2000

of 28 September 2000

establishing the quantity of certain poultrymeat sector products available for the fourth quarter of 2000 pursuant to Regulation (EC) No 2497/96

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2497/96 of 18 December 1996 laying down rules for the application in the poultrymeat sector of the system provided for by the Association Agreement and the Interim Agreement between the European Community and the State of Israel [1], as amended by Regulation (EC) No 1514/97 [2], and in particular Article 4(5) thereof,

Whereas:

In order to ensure distribution of the quantities available, the quantities carried forward from the period 1 July to 30 September 2000 should be added to the quantities available for the period 1 October to 31 December 2000,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity available for the period 1 October to 31 December 2000 pursuant to Regulation (EC) No 2497/96 is set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 2000.

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

Done at Brussels, 28 September 2000.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

(t)

Group No	Total quantity available for the period 1 October to 31 December 2000
T1	1 400,00

[1] OJ L 338, 28.12.1996, p. 48.
[2] OJ L 204, 31.7.1997, p. 16.

COMMISSION REGULATION (EC) No 2047/2000
of 28 September 2000
temporarily suspending the lodging of applications for export licences for certain milk products

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 17 May 1999 on the common organisation of the market in milk and milk products [1], as last amended by Regulation (EC) No 1670/2000 [2],

Having regard to Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products [3], as last amended by Regulation (EC) No 1998/2000 [4], and in particular Article 10(3) thereof,

Whereas:

(1) Uncertainty is a feature of the market in certain milk products. It is necessary to prevent speculative applications that may lead to a distortion in competition between traders. The lodging of applications for export licences for the products concerned should be temporarily suspended.

(2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The lodging of applications for export licences for milk products falling within CN code 0402 10 is hereby suspended for the period from 1 to 15 October 2000, excluding licences for destination '970'.

Article 2

This Regulation shall enter into force on 1 October 2000.

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

Done at Brussels, 28 September 2000.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 160, 26.6.1999, p. 48.
[2] OJ L 193, 29.7.2000, p. 10.
[3] OJ L 20, 27.1.1999, p. 8.
[4] OJ L 238, 22.9.2000, p. 28.

COMMISSION REGULATION (EC) No 2048/2000

of 28 September 2000

fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ([1]), as last amended by Regulation (EC) No 1666/2000 ([2]), and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ([3]), as last amended by Regulation (EC) No 1667/2000 ([4]), and in particular Article 13(3) thereof,

Whereas:

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

(2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ([5]), specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.

(3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.

(4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. Whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. Whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

([1]) OJ L 181, 1.7.1992, p. 21.
([2]) OJ L 193, 29.7.2000, p. 1.
([3]) OJ L 329, 30.12.1995, p. 18.
([4]) OJ L 193, 29.7.2000, p. 3.
([5]) OJ L 177, 15.7.2000, p. 1.

(5) Now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC ([6]), it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.

(6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000 provides that 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 1722/93 ([7]), as last amended by Commission Regulation (EC) No 87/1999 ([8]), for the basic product in question, used during the assumed period of manufacture of the goods.

(7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark stipulates that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

([6]) OJ L 275, 29.9.1987, p. 36.
([7]) OJ L 159, 1.7.1993, p. 112.
([8]) OJ L 9, 15.1.1999, p. 8.

Article 2

Where a refund certificate issued before 14 July 2000 is used, and with regard to the goods listed in the Annex to Regulation (EEC) No 1722/1993, a reduced rate of refund which takes account of the amount of the production refund shall apply.

However, if, at the time the export declaration is accepted and, in support of his application for payment of the export refund, the operator provides proof that, with regard to the basic products used to manufacture the goods to be exported, the production refund provided for under Regulation (EEC) No 1722/93 has not been and will not be applied for, the rate of refund which does not take account of the amount of the production refund shall apply.

The proof referred to in the previous paragraph shall consist of the presentation by the exporter of a declaration by the processor of the basic product in question which attests that, with regard to this product, the production refund provided for under Regulation (EEC) No 1722/93 has not been and will not be applied for. This declaration shall be verified in accordance with Article 16(1) of Regulation (EC) No 1520/2000.

Article 3

This Regulation shall enter into force on 29 September 2000.

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

Done at Brussels, 28 September 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

to the Commission Regulation of 28 September 2000 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description of products (1)	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies (2)	—	—
	– – where the first paragraph of Article 2 applies	—	—
	– – where goods falling within subheading 2208 (3) are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	4,024	4,024
1003 00 90	Barley		
	– where goods falling within subheading 2208 (3) are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	3,094	3,094
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies (2)	2,278	2,278
	– – where the first paragraph of Article 2 applies	2,278	2,278
	– – where goods falling within subheading 2208 (3) are exported	1,270	1,270
	– – in other cases	3,296	3,296
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 (4):		
	– – where Article 4(5) of Regulation (EC) No 1520/2000 applies (2)	1,454	1,454
	– – where the first paragraph of Article 2 applies	1,454	1,454
	– – where goods falling within subheading 2208 (3) are exported	0,953	0,953
	– – in other cases	2,472	2,472
	– where goods falling within subheading 2208 (3) are exported	1,270	1,270
	– other (including unprocessed)	3,296	3,296
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 4(5) of Regulation (EC) No 1520/2000 applies (2)	2,278	2,278
	– – where the first paragraph of Article 2 applies	2,278	2,278
	– – where goods falling within subheading 2208 (3) are exported	1,270	1,270
	– in other cases	3,296	3,296

(EUR/100 kg)

CN code	Description of products (1)	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly-milled rice:		
	– round grain	12,500	12,500
	– medium grain	12,500	12,500
	– long grain	12,500	12,500
1006 40 00	Broken rice	3,300	3,300
1007 00 90	Sorghum	—	—

(1) As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).
(2) The goods concerned fall under CN code 3505 10 50, unless Article 2 applies.
(3) Goods listed in Annex B of Council Regulation (EEC) No 1766/92 or referred to in Article 2 of Regulation (EEC) No 2825/93.
(4) For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 2049/2000
of 28 September 2000
fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals [1], as last amended by Regulation (EC) No 1666/2000 [2], and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice [3], as last amended by Regulation (EC) No 1667/2000 [4], and in particular Article 13(3) thereof,

Whereas:

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

[1] OJ L 181, 1.7.1992, p. 21.
[2] OJ L 193, 29.7.2000, p. 1.
[3] OJ L 329, 30.12.1995, p. 18.
[4] OJ L 193, 29.7.2000, p. 3.
[5] OJ L 147, 30.6.1995, p. 55.
[6] OJ L 312, 23.12.1995, p. 25.

Article 2

This Regulation shall enter into force on 29 September 2000.

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

Done at Brussels, 28 September 2000.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 28 September 2000 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 (1)	A00	EUR/t	46,14
1102 20 10 9400 (1)	A00	EUR/t	39,55
1102 20 90 9200 (1)	A00	EUR/t	39,55
1102 90 10 9100	A00	EUR/t	0,00
1102 90 10 9900	A00	EUR/t	0,00
1102 90 30 9100	A00	EUR/t	55,69
1103 12 00 9100	A00	EUR/t	55,69
1103 13 10 9100 (1)	A00	EUR/t	59,33
1103 13 10 9300 (1)	A00	EUR/t	46,14
1103 13 10 9500 (1)	A00	EUR/t	39,55
1103 13 90 9100 (1)	A00	EUR/t	39,55
1103 19 10 9000	A00	EUR/t	40,24
1103 19 30 9100	A00	EUR/t	0,00
1103 21 00 9000	A00	EUR/t	0,00
1103 29 20 9000	A00	EUR/t	0,00
1104 11 90 9100	A00	EUR/t	0,00
1104 12 90 9100	A00	EUR/t	61,88
1104 12 90 9300	A00	EUR/t	49,50
1104 19 10 9000	A00	EUR/t	0,00
1104 19 50 9110	A00	EUR/t	52,74
1104 19 50 9130	A00	EUR/t	42,85
1104 21 10 9100	A00	EUR/t	0,00
1104 21 30 9100	A00	EUR/t	0,00
1104 21 50 9100	A00	EUR/t	0,00
1104 21 50 9300	A00	EUR/t	0,00
1104 22 20 9100	A00	EUR/t	49,50
1104 22 30 9100	A00	EUR/t	52,60
1104 23 10 9100	A00	EUR/t	49,44
1104 23 10 9300	A00	EUR/t	37,90
1104 29 11 9000	A00	EUR/t	0,00
1104 29 51 9000	A00	EUR/t	0,00
1104 29 55 9000	A00	EUR/t	0,00
1104 30 10 9000	A00	EUR/t	0,00
1104 30 90 9000	A00	EUR/t	8,24
1107 10 11 9000	A00	EUR/t	0,00
1107 10 91 9000	A00	EUR/t	0,00
1108 11 00 9200	A00	EUR/t	0,00
1108 11 00 9300	A00	EUR/t	0,00
1108 12 00 9200	A00	EUR/t	52,74
1108 12 00 9300	A00	EUR/t	52,74
1108 13 00 9200	A00	EUR/t	52,74
1108 13 00 9300	A00	EUR/t	52,74
1108 19 10 9200	A00	EUR/t	50,16
1108 19 10 9300	A00	EUR/t	50,16
1109 00 00 9100	A00	EUR/t	0,00
1702 30 51 9000 (2)	A00	EUR/t	51,66
1702 30 59 9000 (2)	A00	EUR/t	39,55
1702 30 91 9000	A00	EUR/t	51,66
1702 30 99 9000	A00	EUR/t	39,55
1702 40 90 9000	A00	EUR/t	39,55
1702 90 50 9100	A00	EUR/t	51,66
1702 90 50 9900	A00	EUR/t	39,55
1702 90 75 9000	A00	EUR/t	54,14
1702 90 79 9000	A00	EUR/t	37,57
2106 90 55 9000	A00	EUR/t	39,55

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

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

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Regulation (EC) No 2543/1999 (OJ L 307, 2.12.1999, p. 46).

COMMISSION REGULATION (EC) No 2050/2000
of 28 September 2000
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals [1], as last amended by Regulation (EC) No 1666/2000 [2], and in particular Article 13(3) thereof,

Whereas:

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

(2) Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice [3] in Article 2 lays down general rules for fixing the amount of such refunds.

(3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

(4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.

(5) However, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 29 September 2000.

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

Done at Brussels, 28 September 2000.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 181, 1.7.1992, p. 21.
[2] OJ L 193, 29.7.2000, p. 1.
[3] OJ L 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 28 September 2000 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

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

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	A00	EUR/t	32,96
Cereal products excluding maize and maize products	A00	EUR/t	0,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

COMMISSION REGULATION (EC) No 2051/2000
of 28 September 2000
fixing production refunds on cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organisation of the market in cereals [1], as last amended by Regulation (EC) No 1666/2000 [2], and in particular Article 7 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice [3], as last amended by Regulation (EC) No 1667/2000 [4], and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors [5], as last amended by Regulation (EC) No 87/1999 [6], and in particular Article 3 thereof,

Whereas:

(1) Regulation (EEC) No 1722/93 establishes the conditions for granting the production refund; whereas the basis for the calculation is established in Article 3 of the said Regulation; whereas the refund thus calculated must be fixed once a month and may be altered if the price of maize and/or wheat changes significantly.

(2) The production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount payable.

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

HAS ADOPTED THIS REGULATION:

Article 1

The refund referred to in Article 3(2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, barley, oats, potatoes, rice or broken rice, shall be EUR 12,32/t.

Article 2

This Regulation shall enter into force on 29 September 2000.

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

Done at Brussels, 28 September 2000.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 181, 1.7.1992, p. 21.
[2] OJ L 193, 29.7.2000, p. 1.
[3] OJ L 329, 30.12.1995, p. 18.
[4] OJ L 193, 29.7.2000, p. 3.
[5] OJ L 159, 1.7.1993, p. 112.
[6] OJ L 9, 15.1.1999, p. 8.

COMMISSION REGULATION (EC) No 2052/2000

of 28 September 2000

fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1701/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals [1], as last amended by Regulation (EC) No 1666/2000 [2],

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

Whereas:

(1) An invitation to tender for the refund on exportation of common wheat to all third countries with the exclusion of certain ACP States was opened pursuant to Commission Regulation (EC) No 1701/2000 [5], as amended by Regulation (EC) No 2019/2000 [6].

(2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 22 to 28 September 2000, pursuant to the invitation to tender issued in Regulation (EC) No 1701/2000, the maximum refund on exportation of common wheat shall be EUR 0,00/t.

Article 2

This Regulation shall enter into force on 29 September 2000.

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

Done at Brussels, 28 September 2000.

For the Commission

Franz FISCHLER

Member of the Commission

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[1] OJ L 181, 1.7.1992, p. 21.
[2] OJ L 193, 29.7.2000, p. 1.
[3] OJ L 147, 30.6.1995, p. 7.
[4] OJ L 313, 21.11.1998, p. 16.
[5] OJ L 195, 1.8.2000, p. 18.
[6] OJ L 241, 26.9.2000, p. 37.

COMMISSION REGULATION (EC) No 2053/2000

of 28 September 2000

fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 2014/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals [1], as last amended by Regulation (EC) No 1666/2000 [2],

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

Whereas:

(1) An invitation to tender for the refund for the export of common wheat to certain ACP States was opened pursuant to Commission Regulation (EC) No 2014/2000 [5].

(2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 26 to 28 September 2000, pursuant to the invitation to tender issued in Regulation (EC) No 2014/2000, the maximum refund on exportation of common wheat shall be EUR 3,00/t.

Article 2

This Regulation shall enter into force on 29 September 2000.

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

Done at Brussels, 28 September 2000.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 181, 1.7.1992, p. 21.
[2] OJ L 193, 29.7.2000, p. 1.
[3] OJ L 147, 30.6.1995, p. 7.
[4] OJ L 313, 21.11.1998, p. 16.
[5] OJ L 241, 26.9.2000, p. 23.

COMMISSION REGULATION (EC) No 2054/2000

of 28 September 2000

concerning tenders notified in response to the invitation to tender for the export of rye issued in Regulation (EC) No 1740/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals [1], as last amended by Regulation (EC) No 1666/2000 [2],

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

Whereas:

(1) An invitation to tender for the refund for the export of rye to all third countries was opened pursuant to Commission Regulation (EC) No 1740/2000 [5].

(2) Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 22 to 28 September 2000 in response to the invitation to tender for the refund for the export of rye issued in Regulation (EC) No 1740/2000.

Article 2

This Regulation shall enter into force on 29 September 2000.

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

Done at Brussels, 28 September 2000.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 181, 1.7.1992, p. 21.
[2] OJ L 193, 29.7.2000, p. 1.
[3] OJ L 147, 30.6.1995, p. 7.
[4] OJ L 313, 21.11.1998, p. 16.
[5] OJ L 199, 5.8.2000, p. 3.

COMMISSION REGULATION (EC) No 2055/2000
of 28 September 2000
fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals [1], as last amended by Regulation (EC) No 1666/2000 [2], and in particular Article 13 (8) thereof,

Whereas:

(1) Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund.

(2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals [3], as last amended by Regulation (EC) No 2513/98 [4], allows for the fixing of a corrective amount for the products listed in Article 1(1) (c) of Regulation (EEC) No 1766/92; that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

(3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.

(4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.

(5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 2000.

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

Done at Brussels, 28 September 2000.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 181, 1.7.1992, p. 21.
[2] OJ L 193, 29.7.2000, p. 1.
[3] OJ L 147, 30.6.1995, p. 7.
[4] OJ L 313, 21.11.1998, p. 16.

ANNEX

to the Commission Regulation of 28 September 2000 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	A00	0	–1,00	–2,00	–3,00	–4,00	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	A00	0	–1,00	–2,00	–3,00	–4,00	—	—
1002 00 00 9000	A00	0	0,00	0,00	0,00	0,00	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	0	–1,00	–2,00	–3,00	–4,00	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	–1,00	–2,00	–3,00	–4,00	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	—	—	—	—	—	—	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	A00	0	–1,37	–2,74	–4,11	–5,48	—	—
1101 00 15 9130	A00	0	–1,28	–2,56	–3,84	–5,12	—	—
1101 00 15 9150	A00	0	–1,18	–2,36	–3,54	–4,72	—	—
1101 00 15 9170	A00	0	–1,09	–2,18	–3,27	–4,36	—	—
1101 00 15 9180	A00	0	–1,02	–2,04	–3,06	–4,08	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0,00	0,00	0,00	0,00	—	—
1102 10 00 9700	A00	0	0,00	0,00	0,00	0,00	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	–1,50	–3,00	–4,50	–6,00	—	—
1103 11 10 9400	A00	0	–1,34	–2,68	–4,02	–5,36	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	–1,37	–2,74	–4,11	–5,48	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2543/1999 (OJ L 307, 2.12.1999, p. 46).

COMMISSION REGULATION (EC) No 2056/2000
of 28 September 2000
fixing the corrective amount applicable to the refund on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals [1], as last amended by Regulation (EC) No 1666/2000 [2], and in particular Article 13(8),

Whereas:

(1) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.

(2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals [3], as last amended by Regulation (EC) No 2513/98 [4], allows for the fixing of a corrective amount for the malt referred to in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

(3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.

(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

The corrective amount referred to in Article 13(4) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 2000.

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

Done at Brussels, 28 September 2000.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ L 181, 1.7.1992, p. 21.
[2] OJ L 193, 29.7.2000, p. 1.
[3] OJ L 147, 30.6.1995, p. 7.
[4] OJ L 313, 21.11.1998, p. 16.

ANNEX

to the Commission Regulation of 28 September 2000 fixing the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Destination	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	−1,27	−2,54	−3,81	−5,08	−6,35
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	−1,27	−2,54	−3,81	−5,08	−6,35
1107 20 00 9000	A00	0	−1,49	−2,98	−4,47	−5,96	−7,45

(EUR/t)

Product code	Destination	6th period 4	7th period 5	8th period 6	9th period 7	10th period 8	11th period 9
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	−7,62	−8,89	−10,16	−11,43	−12,70	−13,97
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	−7,62	−8,89	−10,16	−11,43	−12,70	−13,97
1107 20 00 9000	A00	−8,94	−10,43	−11,92	−13,41	−14,90	−16,39

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2543/1999 (OJ L 307, 2.12.1999, p. 46).

COMMISSION DIRECTIVE 2000/57/EC

of 22 September 2000

amending the Annexes to Council Directives 76/895/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and on fruit and vegetables and certain products of plant origin, including fruit and vegetables respectively

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/895/EEC of 23 November 1976 on the fixing of maximum levels for pesticide residues in and on fruit and vegetables ([1]), as last amended by Commission Directive 2000/24/EC ([2]), and in particular Article 5 thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in certain products of plant origin, including fruit and vegetables ([3]), as last amended by Directive 2000/42/EC ([4]),

Having regard to Council Directive 91/414/EEC of 15 July 1991 on the placing of plant protection products on the market ([5]), as last amended by Commission Directive 2000/10/EC ([6]), and in particular Article 7 thereof,

Whereas:

(1) In accordance with the provisions of Directive 91/414/EEC, authorisations of plant protection products for use on specific crops are the responsibility of the Member States. Such authorisations are required to be based on the evaluation of effects on human and animal health and influence on the environment. Elements to be taken into account in such evaluations include operator and bystander exposure and impact on the terrestrial, aquatic and aerial environments, as well as impact on humans and animals through consumption of residues on treated crops.

(2) For products of plant origin, including fruit and vegetables, maximum residue levels generally reflect the use of minimum quantities of pesticides to achieve effective protection of plants, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically acceptable, in particular in view of the protection of the environment and in terms of estimated dietary intake.

(3) Maximum residue levels are fixed at the lower limit of analytical determination where authorised uses of plant protection products do not result in detectable levels of pesticide residue in or on the food product, or where there are no authorised uses, or where uses which have been authorised by Member States have not been supported by the necessary data, or where uses in third countries resulting in residues in or on food products which may enter into circulation in the Community market have not been supported with such necessary data.

(4) Maximum residue levels for pesticides should be kept under review. The levels may be changed to take account of new uses, new information and data and, in particular, should be urgently reconsidered with a view to reduction if concerns about dietary exposure of consumers, based on new or reviewed information, are brought to the attention of the Commission, in particular in implementation of Article 4 of Directive 76/895 and Article 8 of Directive 90/642/EEC.

(5) Information on new or changed uses of the pesticides covered by this Directive have been notified to the Commission. The information supporting these uses has been evaluated and it is appropriate to modify the existing maximum residue limits in the Annexes of the Directives.

(6) The lifetime exposure of consumers to these pesticides via food products that may contain residues of these pesticides, has been assessed and evaluated in accordance with the procedures and practices used within the European Community, taking account of guidelines published by the World Health Organistion ([7]) and it has been calculated that the maximum residue levels fixed in this Directive do not give rise to an exceedence of the acceptable daily intakes.

(7) Where appropriate, the acute exposure of consumers to these pesticides via each of the food products that may contain residues of these pesticides has been assessed and evaluated in accordance with the procedures and practices currently used within the European Community, taking account of recommendations published by the World Health Organisation, and no acute intake concerns have been identified.

([1]) OJ L 340, 9.12.1976, p. 26.
([2]) OJ L 107, 4.5.2000, p. 28.
([3]) OJ L 350, 14.12.1990, p. 71.
([4]) OJ L 158, 30.6.2000, p. 51.
([5]) OJ L 230, 19.8.1991, p. 1.
([6]) OJ L 57, 2.3.2000, p. 28.

([7]) 'Guidelines for predicting dietary intake of pesticide residues' (revised), prepared by the GEMS/Food programme in collaboration with the Codex Committee on Pesticide Residues, published by the World Health Organisation 1997 (WHO/FSF/FOS/97.7).

(8) Article 4 of Commission Directive 98/82/EC [1], on the setting of maximum residue levels, fixed temporary maximum residue levels for vinclozolin for some commodities in advance of the adoption for all agricultural products of reviewed maximum residue levels on the basis of the evaluation works under the provisions of Article 8(2) of Directive 91/414/EEC. This evaluation is not yet complete. It is nonetheless appropriate to reduce the exposure of consumers to residues of vinclozolin by reducing the maximum residue levels of vinclozolin for certain commodities. It is also appropriate that these revised levels be fixed on a temporary basis pending the completion of the said evaluation work.

(9) All of the pesticides for which maximum residue limits are being fixed by this Directive need to be evaluated in the framework of Directive 91/414/EEC. The maximum residue limits fixed by this Directive for each pesticide will need to be reviewed case by case on the basis of eventual Commission decisions following the evaluation work carried out under Article 8(2) of Directive 91/414/EEC.

(10) The Community's trading partners have been consulted about the levels set out in this Directive through the World Trade Organisation and their comments on these levels have been considered. The possibility of fixing import tolerance maximum residue levels for specific pesticide/crop combinations will be examined by the Commission on the basis of the submission of acceptable data.

(11) The opinions of the Scientific Committee for Plants, in particular advice and recommendations concerning the protection of consumers of food products treated with pesticides, have been taken into account.

(12) This Directive is in accordance with the opinion of the Standing Committee on Plant Health;

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Annex II of Directive 76/895/EEC the entry of '3' for folpet in wine grapes is replaced by '10'.

Article 2

Annex II of Directive 90/642/EEC is modified as follows:

1. the entry of '1' for maleic hydrazide in carrots and in parsnips is replaced by '30';

2. the entry of '0,1' for glyphosate in cottonseed is replaced by '10';

3. the entries of '0,05' for the dithiocarbamates maneb, mancozeb, metiram, propineb and zineb in olives are replaced by '5';

4. a new entry is made for the pesticide residue diphenylamine with the following maximum residue limits:

apples:	5 mg/kg,
pears:	10 mg/kg,
all other commodities:	0,05* mg/kg where this is the lower limit of analytical determination;

5. The entries for vinclozolin of '3' and '2' for tomatoes and peaches are replaced by '0,05*' and '0,05*' respectively. These revised values are fixed on a temporary basis.

Article 3

This Directive enters into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 March 2001 at the latest. They shall forthwith inform the Commission thereof.

They shall apply these provisions as of 1 April 2001.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 22 September 2000.

For the Commission

David BYRNE

Member of the Commission

[1] OJ L 290, 29.10.1998, p. 25.

COMMISSION DIRECTIVE 2000/58/EC

of 22 September 2000

amending the Annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC on the fixing of maximum levels for pesticide residues in and on cereals, foodstuffs of animal origin and certain products of plant origin, including fruit and vegetables respectively

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals ([1]), as last amended by Commission Directive 2000/48/EC ([2]), and in particular Article 10 thereof,

Having regard to Council Directive 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin ([3]), as last amended by Commission Directive 2000/42/EC ([4]), and in particular Article 10 thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin including fruit and vegetables ([5]), as last amended by Directive 2000/57/EC ([6]), and in particular Article 7 thereof,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ([7]), as last amended by Commission Directive 2000/10/EC ([8]), and in particular Article 4(1)(f) thereof,

Whereas:

(1) The new active substance, kresoxim-methyl, was included in Annex I to Directive 91/414/EEC by Commission Directive 1999/1/EC ([9]) for use as fungicide only, without specifying particular conditions having an impact on crops which may be treated with plant protection products containing kresoxim methyl.

(2) The said inclusion in Annex I was based on assessment of the information submitted concerning proposed use as fungicide on cereals, pome fruit and vines. Information relating to other uses has been submitted by certain Member States in accordance with the requirements of Article 4(1)(f) of Directive 91/414/EEC. The information available has been reviewed and is sufficient to fix certain maximum residue levels.

(3) Where no Community maximum residue level or provisional MRL exists Member States shall establish a national provisional maximum residue level in accordance with Article 4(1)(f) of Directive 91/414/EEC. The information available has been reviewed and is sufficient to fix certain maximum residue levels.

(4) At the inclusion in Annex I to Directive 91/414/EEC, the technical and scientific evaluation of kresoxim methyl was finalised on 16 October 1998 in the format of the Commission review report for kresoxim methyl. In this review report the acceptable daily intake (ADI) for kresoxim methyl was set at 0,4 mg/kg of body weight. The lifetime exposure of consumers of food products treated with kresoxim methyl has been assessed and evaluated in accordance with the procedures and practices used within the European Community, taking account of guidelines published by the World Health Organisation ([10]) and it has been calculated that the maximum residue levels fixed in this Directive do not give rise to an exceeding of this ADI.

(5) Acute toxic effects requiring the setting of an acute reference dose were not noted during the evaluation and discussion that preceded the inclusion of kresoxim methyl in Annex I to Directive 91/414/EEC.

(6) For certain agricultural products the use conditions for kresoxim methyl were already defined in a manner which permits the establishing of definitive maximum residue levels.

(7) To ensure that the consumer is adequately protected from exposure to residues in or on products for which no authorisations have been granted, it is prudent to set provisional maximum residue levels at the lower limit of analytical determination for all those products covered by Directives 86/362/EEC, 86/363/EEC and 90/642/EEC. The setting at Community level of such provisional maximum residue levels does not prevent the Member States from establishing provisional maximum residue levels for kresoxim methyl in accordance with Article 4(1)(f) of Directive 91/414/EEC and in accordance with Annex VI to Directive 91/414/EEC in particular Part B, Section 2.4.2.3 to this Annex. Four years is considered a sufficient period of time during which to establish most further uses of kresoxim methyl. After that period these provisional maximum residue levels should become definitive;

([1]) OJ L 221, 7.8.1986, p. 37.
([2]) OJ L 197, 3.8.2000, p. 26.
([3]) OJ L 221, 7.8.1986, p. 43.
([4]) OJ L 158, 30.6.2000, p. 51.
([5]) OJ L 350, 14.12.1990, p. 71.
([6]) See page 76 of this Official Journal.
([7]) OJ L 230, 19.8.1991, p. 1.
([8]) OJ L 57, 2.3.2000, p. 28.
([9]) OJ L 21, 28.1.1999, p. 21.
([10]) Guidelines for predicting dietary intake of pesticide residues (revised), prepared by the GEMS/Food Programme in collaboration with the Codex Committee on pesticide residues, published by the World Health Organsiation 1997 (WHO/FSF/FOS/97.7).

(8) The Community's trading partners have been consulted aobut the levels set out in this Directive through the World Trade Organisation and their comments on these levels have been considered. The possibility of fixing import tolerance maximum residue levels for specific pesticide/crop combinations will be examined by the Commission on the basis of the submission of acceptable data.

(9) The opinions of the Scientific Committee for Plants, in particular advice and recommendations concerning the protection of consumers of food products treated with pesticides, have been taken into account.

(10) This Directive is in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The following is added to Part A of Annex II to Directive 86/362/EEC:

Pesticide residue	Maximum level in mg/kg
'Kresoxim Methyl	0,05 (*) (p) cereals

(*) Indicates lower limit of analytical determination.
(p) Indicates provisional maximum residue level.'

Article 2

The following is added to Part of Annex II to Directive 86/363/EEC:

Pesticide residue	Maximum level in mg/kg
'Kresoxim methyl (residue 490M9 ([1]) for milk and 490 M1 ([2]) for meat, liver, fat and kidney expressed as kresoxim methyl)	0,05 (*) (p) Milk 0,02 (*) (p) Meat, liver, fat 0,05 (p) Kidney
Kresoxim methyl	0,02 (*) (p) Eggs

(*) Indicates lower limit of analytical determination.
(p) Indicates provisional maximum residue level.
([1]) 490M9 = 2-[2-(4-hydroxy-2-methylphenoxymethyl)phenyl]-2-methoxy-imino-acetic acid.
([2]) 490M1 = 2-methoxyimino-2-[2-(o-tolyloxymethyl)phenyl]acetic acid.'

Article 3

The maximum residue levels for kresoxim methyl in the Annex to this Directive are added to Annex II to Directive 90/642/EEC.

Article 4

1. Where the maximum residue levels for kresoxim methyl are indicated as '(p)', this means that they are provisional (p) in accordance with the provisions of Article 4(1)(f) of Directive 91/414/EEC.

2. Four years after the entry into force of this Directive, provisional maximum residue levels for kresoxim methyl in the Annexes cease to be provisional and become definitive in the sense of Article 4(1) of Directives 86/362/EEC and 86/363/EEC or Article 3 of Directive 90/642/EEC respectively.

Article 5

This Directive enters into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 March 2001 at the latest. They shall forthwith inform the Commission thereof.

They shall apply these provisions as of 1 April 2001.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 22 September 2000.

For the Commission
David BYRNE
Member of the Commission

ANNEX

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)
	Kresoxim methyl
1. **Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts**	
(i) CITRUS FRUIT	0,05 (p) (*)
Grapefruit	
Lemons	
Limes	
Mandarins (including clementines and other hybrids)	
Oranges	
Pomelos	
Others	
(ii) TREE NUTS (SHELLED OR UNSHELLED)	0,1 (p) (*)
Almonds	
Brazil nuts	
Cashew nuts	
Chestnuts	
Coconuts	
Hazelnuts	
Macadamia	
Pecans	
Pine nuts	
Pistachios	
Walnuts	
Others	
(iii) POME FRUIT	0,2 (p)
Apples	
Pears	
Quinces	
Others	
(iv) STONE FRUIT	0,05 (p) (*)
Apricots	
Cherries	
Peaches (including nectarines and similar hybrids)	
Plums	
Others	
(v) BERRIES AND SMALL FRUIT	
(a) Table and wine grapes	1 (p)
Table grapes	
Wine grapes	
(b) Strawberries (other than wild)	0,05 (p) (*)
(c) Cane fruit (other than wild)	0,05 (p) (*)
Blackberries	
Dewberries	
Loganberries	
Raspberries	
Others	

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)
	Kresoxim methyl
(d) Other small fruit and berries (other than wild)	0,05 (p) (*)
Bilberries	
Cranberries	
Currants (red, black and white)	
Gooseberries	
Others	
(e) Wild berries and wild fruit	0,05 (p) (*)
(vi) MISCELLANEOUS	
Avocados	
Bananas	
Dates	
Figs	
Kiwi	
Kumquats	
Litchis	
Mangoes	
Olives	0,2 (p)
Passion fruit	
Pineapples	
Pomegranates	
Others	0,05 (p) (*)
2. **Vegetables, fresh or uncooked, frozen or dry**	
(i) ROOT AND TUBER VEGETABLES	0,05 (p) (*)
Beetroot	
Carrots	
Celeriac	
Horseradish	
Jerusalem artichokes	
Parsnips	
Parsley root	
Radishes	
Salsify	
Sweet potatoes	
Swedes	
Turnips	
Yam	
Others	
(ii) BULB VEGETABLES	0,05 (p) (*)
Garlic	
Onions	
Shallots	
Spring onions	
Others	
(iii) FRUITING VEGETABLES	
(a) Solanacea	
Tomatoes	0,5 (p)
Peppers	1 (p)
Aubergines	0,5 (p)
Others	0,05 (p) (*)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)
	Kresoxim methyl
(b) Cucurbits — edible peel	0,05 (p) (*)
Cucumbers	
Gherkins	
Courgettes	
Others	
(c) Cucurbits — inedible peel	0,2 (p)
Melons	
Squashes	
Watermelons	
Others	
(d) Sweetcorn	0,05 (p) (*)
(iv) BRASSICA VEGETABLES	0,05 (p) (*)
(a) Flowering brassica	
Broccoli	
Cauliflower	
Others	
(b) Head brassica	
Brussels sprouts	
Head cabbage	
Others	
(c) Leafy brassica	
Chinese cabbage	
Kale	
Others	
(d) Kohlrabi	
(v) LEAF VEGETABLES AND FRESH HERBS	0,05 (p) (*)
(a) Lettuce and similar	
Cress	
Lamb's lettuce	
Lettuce	
Scarole	
Others	
(b) Spinach and similar	
Spinach	
Beet leaves (chard)	
Others	
(c) Watercress	
(d) Witloof	
(e) Herbs	
Chervil	
Chives	
Parsley	
Celery leaves	
Others	
(vi) LEGUME VEGETABLES (fresh)	0,05 (p) (*)
Beans (with pods)	
Beans (without pods)	
Peas (with pods)	
Peas (without pods)	
Others	

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)
	Kresoxim methyl
(vii) STEM VEGETABLES (fresh) Asparagus Cardoons Celery Fennel Globe artichokes Leeks Rhubarb Others	0,05 (p) (*)
(viii) FUNGI (a) Cultivated mushrooms (b) Wild mushrooms	0,05 (p) (*)
3. **Pulses** Beans Lentils Peas Others	0,05 (p) (*)
4. **Oil seeds** Linseed Peanuts Poppy seeds Sesame seeds Sunflower seed Rape seed Soya bean Mustard seed Cotton seed Others	0,1 (p) (*)
5. **Potatoes** Early potatoes Ware potatoes	0,05 (p) (*)
6. **Tea** (leaves and stems dried, fermented or otherwise, from the leaves of Camellia sinensis)	0,1 (p) (*)
7. **Hops** (dried), including hop pellets and unconcentrated powder	0,1 (p) (*)

(*) Indicates lower limit of analytical determination.
(p) Indicates provisional maximum residue level.

CORRIGENDA

Corrigendum to Council Regulation (EC) No 32/2000 of 17 December 1999 opening and providing for the administration of Community tariff quotas bound in GATT and certain other Community tariff quotas and establishing detailed rules for adjusting the quotas, and repealing Regulation (EC) No 1808/95

(Official Journal of the European Community L 5 of 8 January 2000)

On page 6, Annex I:

Serial number 09.0006, 'CN code' column:

for: '0304 10 91',

read: '0304 10 97';

against serial number 09.0007, 'Description of goods' column, second indent:

the indent: '— salted but not dried or smoked and in brine'

should be placed opposite CN code 'ex 0305 62 00' so as to cover the following codes up to CN code '0305 69 10'.

On page 7, Annex I, against serial number 09.0048, 'Taric subdivision' column:

for: '30',

read: '20'.

On page 17, Annex IV, against serial number 09.0106, CN code '5704 90 00' (introductory wording, line 2):

for: 'whetherr',

read: 'whether'.

On page 21, Annex IV, against order No 09.0104, 'CN code' column:

for: '9406 99 30',

read: '6406 99 30'.

On pages 21 and 22, Annex IV, against order No 09.0104, CN codes '9503 49 10', '9503 90 10' and '9503 90 99', 'Taric code' column:

for: '11
19',

read: '10'.

On page 23, Annex IV, against order No 09.0106, 'CN code' column:

for: '6204 90 10',

read: '6214 90 10'.

On page 24, Annex V:

Add the following footnote references as follows:

1. after the title: '([1])';
2. after the countries listed above the table: '([2])';
3. in the table, after 'CN code': '([3])';
4. add the following footnotes after the table:

'([1]) "Handlooms" shall mean looms for the manufacture of cloth which are moved exclusively by hand or foot.
([2]) The list of the competent authorities in the beneficiary countries was last published in OJ C 122, 4.5.1999, p. 3.
([3]) See attached list for Taric codes.'