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Legislation

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 132/2001
of 22 January 2001**

imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ammonium nitrate originating in Poland and Ukraine, and terminating the anti-dumping proceeding in respect of imports originating in Lithuania

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 thereof,

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

Whereas:

A. PROVISIONAL MEASURES

- (1) The Commission, by Regulation (EC) No 1629/2000 ⁽²⁾ (the 'provisional Regulation') imposed a provisional anti-dumping duty on imports of ammonium nitrate falling within CN codes 3102 30 90 and 3102 40 90 and originating in Poland and Ukraine.
- (2) In the same Regulation, it was provisionally concluded that no anti-dumping duty should be imposed on imports of the product concerned originating in Lithuania, also subject to the same investigation, since these imports were found not to have been dumped.

B. SUBSEQUENT PROCEDURE

- (3) Subsequent to the disclosure of the essential facts and considerations on the basis of which it was decided to impose provisional measures on imports of ammonium nitrate originating in Poland and Ukraine, several interested parties submitted comments in writing. The parties who so requested were also granted an opportunity to be heard orally.
- (4) The Commission continued to seek and verify all information it deemed necessary for its definitive findings.

- (5) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping duties and the definitive collection of amounts secured by way of provisional duties. They were also granted a period within which they could make representations subsequent to this disclosure.
- (6) The oral and written comments submitted by the parties were considered, and, where appropriate, the provisional findings have been modified accordingly.

C. PRODUCT CONCERNED AND LIKE PRODUCT

- (7) Since no new arguments regarding the product concerned and the like product were put forward by any of the interested parties, the facts and findings as set out in recitals 7 and 8 of the provisional Regulation are hereby confirmed.

D. DUMPING

1. Lithuania

(a) Normal value

- (8) The complainant, the European Fertiliser Manufacturers Association (EFMA), made a number of comments on the provisional findings under this heading:
 - the percentage of profitable domestic sales achieved by the cooperating exporting producer should have been near to zero because dumped Russian imports over much of the investigation period (IP) had depressed prices in Lithuania;
 - the lowest possible constructed normal value, based on the complainant's information, was above export prices and therefore there must have been dumping;
 - the Lithuanian producer's record of low profitability cast doubt on its future over the medium term. Its sales should not, therefore, have been considered as being in the ordinary course of trade.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2238/2000 (OJ L 257, 11.10.2000, p. 2).

⁽²⁾ OJ L 187, 26.7.2000, p. 12.

(9) All these comments were closely examined. With regard to the cost of production, it should be noted that it had been verified and found not to be unreliable or underestimated. As far as the level of profitable sales was concerned, this had been determined on the basis of those sales prices found to be above the unit cost of production, in accordance with Article 2(4) of Regulation (EC) No 384/96 (the 'basic Regulation'). The precise level of profitable sales cannot be disclosed for reasons of confidentiality but it was still substantial and could, in accordance with the aforementioned provision, be used as a basis for determining normal value. As far as the impact of Russian imports on prices was concerned, this had indeed been reflected in lower sales prices which, if unprofitable, had been excluded from the calculation of normal value.

(b) Export price, comparison

(10) In the absence of any comments under these headings, the provisional findings, as set out in recitals 11 and 12 of the provisional Regulation are confirmed.

(c) Dumping margin

(11) The complainant argued that the transaction-to-transaction methodology should have been used to establish the dumping margin, because the weighted average to weighted average method masked the Lithuanian producer's pricing strategy (which was allegedly designed to avoid anti-dumping measures) and did not reflect the full degree of dumping.

(12) The normal method used to establish whether there is dumping is to compare the weighted average normal value with the weighted average of all export transactions, in accordance with Article 2(11) of the basic Regulation. The transaction-to-transaction method had not been used because of the very large number of transactions (several thousand) and the insurmountable practical difficulties involved in matching individual normal values with individual export prices. This claim was therefore rejected. However, it is noted that even a comparison of the weighted average normal value with individual export prices, which was based on a regional pattern found in the export prices, showed a dumping margin below the *de minimis* level.

(13) The complainant argued further that as the number of transactions was very large, sampling should have been applied taking 5 000 tonne export shipments and comparing them with similar sales to domestic customers.

(14) For the purpose of establishing the dumping margin, sampling of transactions may be considered appropriate in cases where the product concerned covers a large number of types/models or where the number of transactions is large, providing the sample is statistically valid or represents the largest possible volume of sales, in accordance with Article 17(1) of the basic Regulation. In this case, there was only one single type of product, and

only one of the transactions on the export side equalled or exceeded 5 000 tonnes (none on the domestic side), whereas the total volume sold was several hundred thousand tonnes. Sampling, therefore, was not considered an appropriate method.

(15) The dumping margin (0 %) established in recital 13 of the provisional Regulation is therefore confirmed.

2. Poland

(a) Normal value, export price

(16) In the absence of any comments under these headings, the provisional findings, as set out in recitals 15 to 18 of the provisional Regulation, are confirmed.

(b) Comparison

(17) At the provisional stage, the level of trade claim concerning the price difference between sales to traders and dealers had been rejected. Since then, the exporting producer in question has been able to clarify the situation. Export sales were made to traders while domestic sales were (with one unrepresentative exception) made to dealers. On this basis, a downward adjustment to the price to dealers was granted. In order to quantify this adjustment, a lump-sum corresponding to 10 % of the gross margin (selling, general and administrative costs plus profit on dealers' sales) was deducted from the normal value. This lump-sum constitutes a surrogate for the dealers' mark-up. It was also found that the same adjustment should be granted to the other exporting producer.

(18) At the provisional stage, the in-season/off-season adjustment had been rejected. The producer then claimed that this was not justified because there was a pronounced seasonal effect on the prices of the product concerned in the Community market, but no such effect on the prices of ammonium nitrate in the Polish domestic market. Therefore, this difference affected the fair comparison between export price and normal value, and merited an adjustment in accordance with Article 2(10)(k) of the basic Regulation. This claim was also re-examined but had to be rejected because it was found that there was a seasonal effect on ammonium nitrate prices in the Polish market as well, since customers had not, as alleged, paid the same prices irrespective of the season. This had not therefore affected price comparability, within the meaning of Article 2(10)(k) of the basic Regulation.

(c) Dumping margin

(19) One users' association objected that the Commission had not taken into account the depreciation of around 15 % in the zloty against the euro during the IP. It is pointed out that average monthly exchange rates were used for the calculations and therefore any material impact of the exchange rate evolution was eliminated.

(20) In the absence of any other comments concerning the methodology used for the calculation of the dumping margin, the methodology described in recital 20 of the provisional Regulation is confirmed. On this basis, taking into account the adjustment for level of trade granted, the definitive dumping margins for the cooperating exporting producers, as well as the residual dumping margin, expressed as a percentage of the cif Community frontier price, are set out below:

Anwil SA	31,2 %
Zakłady Azotowe Pulawy SA	22,3 %
Residual dumping margin	41,6 %

3. Ukraine

(a) Analogue country, normal value, export price

(21) In the absence of any comments concerning the choice of Poland as market economy third country, the provisional conclusion as set out in recitals 22 to 24 of the provisional Regulation is confirmed.

(b) Comparison

(22) At the definitive stage, the basis of the comparison was changed from fob to ex-works, because of the significant distances between the factories and the frontier. Moreover, since these costs account for a very high proportion of the selling price of bulk products such as the product concerned, the fob comparison could give an undue advantage to Ukrainian companies. The appropriate adjustments were therefore made to the export price in respect of the costs for transport from ex-works to port and for port services. In parallel, the normal value was also established on an ex-works basis. The cooperating exporting producers did not make any comment on this change.

(c) Dumping margin

(23) One users' association objected that the Commission had not taken into account the substantial depreciation of the Ukrainian currency during the IP and that this had affected the dumping margin. It is noted that for the determination of the export price Eurostat figures were used. Information on export prices contained in Eurostat is expressed in euro and is compiled on the basis of monthly exchange rates. Any alleged impact of the depreciation on the method used by the Commission for the calculation of the dumping margin is therefore eliminated.

(24) In view of the change in the basis of comparison from fob to ex-works level, the countrywide dumping margin, expressed as a percentage of the cif Community frontier price, is 67,6 %.

E. INJURY

1. Definition of the Community industry

(25) In the absence of new information the provisional findings concerning the definition of the Community industry, as described in recital 28 of the provisional Regulation are confirmed.

2. Imports from Poland and Ukraine

(a) Cumulative assessment

(26) One Polish exporting producer argued that imports of ammonium nitrate originating in Poland should not be cumulated with those originating in Ukraine in view of differences existing in the conditions of competition. The claim was based on the grounds that while Ukrainian imports were on average undercutting the prices of the Community industry by 12,5 %, the Polish imports were on average undercutting those prices by only 2,1 %.

(27) In this respect it should be noted that undercutting was found for both Poland and Ukraine. Moreover, Article 3(4) of the basic Regulation does not require that the levels of undercutting are in the same range. Indeed, it has been confirmed that a cumulative assessment is appropriate since the margin of dumping is more than *de minimis*. Both countries' import volumes and market shares are of the same order of magnitude, substantial and increased compared to 1995, and having regard to the conditions of competition between the imports from Poland and Ukraine, it is to be noted that the downward trend in prices is similar. Both countries' export prices were well below the prices of the Community industry and both were using the same or similar channels of trade. Given the above, and in the absence of any other new arguments, the findings of recital 30 of the provisional Regulation concerning the conditions for a cumulative assessment of the imports from the countries concerned are confirmed.

(b) Volume of imports

(28) Two Ukrainian producers, who had stated at the provisional stage that they had not exported directly to the Community during the IP, claimed that the Eurostat figures used for establishing the export price were different from the data of the Ukrainian Ministry of Statistics, which reported a significantly lower volume for the same period. However, this claim was not substantiated by any evidence. Moreover, as these statistics are export statistics which means that not every sale shown therein will ultimately be shipped to the specified destination, it was concluded that the Eurostat import statistics provided a more accurate picture. In addition the latest Eurostat figures were reviewed and no discrepancy from the figures used at the provisional stage was found.

(c) Undercutting

- (29) As regards the price undercutting margins, one Polish exporting producer argued that the average profit margin of the importers used for the calculation of the ex quay customs duty paid (DEQ) export prices of the exporting producers in the Community, should be higher than as the one applied in the provisional calculation.
- (30) In this respect, the Commission's provisional findings were based on the verified information provided by the cooperating importers in the Community. Since no new or substantiated evidence was provided by the exporting producer in this respect, the importers' profit margin used for the provisional determination of price undercutting is confirmed.
- (31) The same exporting producer submitted that the unloading costs applied for the calculation of the DEQ export prices should amount to at least EUR 8,5 per tonne, and not to EUR 5,9, as used in the provisional calculation.
- (32) In this respect, the evidence submitted by the exporting producer in support of its claim contained some elements which did not constitute unloading costs. In fact, a corrected version of the evidence submitted supported the provisional findings of the Commission, which are therefore confirmed.
- (33) As regards the price difference between granular and prilled ammonium nitrate, the complainant submitted that after the IP, and in particular by the 2000/2001 season, the apparent price difference between prilled and granular ammonium nitrate had been eradicated in certain markets and therefore no allowance should be granted. One Polish exporting producer, however, claimed that the allowance for the price difference between granular and prilled ammonium nitrate should be EUR 10 per tonne, as in previous anti-dumping cases involving ammonium nitrate, and not EUR 5,8 per tonne, as used in the provisional calculation.
- (34) It should be noted that in accordance with Article 6(1) of the basic Regulation, information relating to a period after the IP should not normally be taken into account. In considering whether the alleged development of prices after the IP should be examined, it was concluded that, as no evidence had been provided that the latest price developments would be of a lasting nature which makes the imposition of measures at the level proposed manifestly unsuitable, this information should not be taken into account. As regards the allowance in respect of the price difference between granular and prilled ammonium nitrate, the Commission based its provisional findings on the facts available, and applied the

average price difference charged by the Community industry during the IP.

- (35) In the absence of new evidence, the findings of recital 33 of the provisional Regulation concerning the undercutting margin calculations are confirmed.

(d) Situation of the Community industry

- (36) In addition to the economic factors already analysed at the provisional stage, information relating to the impact of the magnitude of the margin of dumping, return on investments, cash flow, wages and the ability to raise capital has been examined for the period between 1995 and the IP. As regards return on investments and cash flow, the development was very much in line with that for profitability as established in recital 39 of the provisional Regulation. With respect to wages, they broadly followed the decline in the number of persons employed as established in recital 40 of the provisional Regulation. As concerns the ability to raise capital, fertiliser production companies form part of larger groups and no difficulties have been reported. As concerns the impact on the Community industry of the magnitude of the actual margin of dumping, given the volume and the prices of the imports from the countries concerned, this impact cannot be considered to be negligible.
- (37) On the basis of the above, the provisional findings as regards the material injury suffered by the Community industry during the IP are confirmed.

3. Causation

- (38) One Ukrainian producer argued that, on the basis of Eurostat figures, imports of the product concerned originating in Ukraine accounted for only 4 % of total consumption in the Community, it was alleged that this represented an insignificant quantity which could not cause injury to the Community industry.
- (39) In this respect, the effects of the imports originating in Ukraine have been assessed cumulatively with those originating in Poland, pursuant to Article 3(4) of the basic Regulation. In establishing whether the conditions for cumulation were met in this case (recital 30 of the provisional Regulation) the market share of the Ukrainian imports in the total Community consumption was found not to be negligible. The request was therefore rejected.
- (40) One Polish producer submitted that one cause of the material injury suffered by the Community industry was the fact that prices for cereals had been declining since 1996 and that this had resulted in price pressure exerted from farmers on the ammonium nitrate producers' selling prices.

- (41) Whilst there was a decline in cereal prices as from 1996, it is to be noted that ammonium nitrate is a commodity product with a high degree of price competition and, when compared with the role of factors such as the price depressive effects of the injurious dumping observed, any downward price pressure exercised by farmers could therefore not have had a decisive influence on market prices and could not in themselves have been the cause of the injury suffered. This argument therefore leads to the conclusion that there was no break in the causal link between the dumping and the injury found.
- (42) One users' association argued that the Commission had underestimated certain factors which had allegedly caused the decrease in ammonium nitrate prices and the subsequent injury suffered by the Community industry, such as a declining consumption and the allegedly insufficient efforts of rationalisation undertaken by the Community industry — evidenced, *inter alia*, by a low rate of capacity utilisation.
- (43) In addition, an importers' association submitted that the cause of the injury suffered by the Community industry was the global overcapacity in the industry.
- (44) With respect to the question of declining consumption, it was analysed in the provisional Regulation and in the absence of any new information, the findings of the provisional Regulation are confirmed.
- (45) As concerns the rationalisation efforts undertaken by the Community industry, it is to be noted that considerable investments were made, unrelated to the expansion of the production capacity of the product concerned, and a number of plants have recently been closed, which resulted in a reduction in the production capacity and the number of employees. It has been found that this demonstrates that sufficient rationalisation efforts have been made.
- (46) As concerns the capacity utilisation rate and the question of global overcapacity in the industry, it is recalled that at the provisional stage this indicator was not considered to be a meaningful indicator of the situation of the Community industry (see recital 35 of the provisional Regulation). Moreover, while there might be, nevertheless, still some overcapacity in the industry concerned, this element has not been found to have an impact such as to break the causal link established between the dumping and the injury suffered by the Community industry.
- (47) In the light of the above and in the absence of any new information, the provisional findings as described in recitals 46 to 49 of the provisional Regulation are confirmed.

4. Community interest

- (48) One users' association argued that anti-dumping measures would decrease the income of British farmers, thus putting them in a much more difficult economic situation.

- (49) In this respect, on the basis of information provided by the users' association, it was found that, during the IP, fertilisers represented on average 6 % of the total production costs for farmers.
- (50) Given that imports from the countries concerned only represented 9 % of ammonium nitrate consumption in the Community market (11 % in the UK market), the level of the anti-dumping duty, and the fact that only part of any resulting price increase is likely to be passed on to the users, any increase in farmers' production costs is likely to be minor. Moreover, were the Community industry to increase not only the volume of its sales but also its prices, any such price increase would be limited given the existence of other sources of supply, namely imports from third countries not subject to measures.
- (51) On the basis of the above, the limited impact on farmers was considered not to constitute a compelling reason against the imposition of anti-dumping measures.
- (52) On the basis of the above, the provisional findings in recital 53 of the provisional Regulation are confirmed.

F. ANTI-DUMPING MEASURES

1. Termination of the proceeding in respect of Lithuania

- (53) In view of the findings on imports originating in Lithuania, the proceeding in respect of this country should be terminated.

2. Injury elimination level

- (54) In accordance with Article 9(4) of the basic Regulation, the anti-dumping duty should correspond to the dumping margin unless the injury margin is lower. For the purposes of establishing the level of measures to be definitively imposed, an injury elimination level has been established.
- (55) It is to be noted that the arguments and the corresponding findings regarding the adjustments made for the price difference between granular and prilled ammonium nitrate in the context of the price undercutting calculation, equally refer to the injury margins calculation.
- (56) In addition, as regards specifically the injury margins calculation, the complainant reiterated its statement that the profit margin that the Community industry might achieve in the absence of injurious dumping should be at least 10 %. However, no new evidence was submitted in this respect. At the same time, a Polish exporting producer submitted that a profit margin of 5 % should be used as had been done in previous anti-dumping cases involving fertilisers. As set out in recital 56 of the provisional Regulation, given the high profits reached by the Community industry in the years 1995 and 1996 for the product under consideration in this proceeding, it was considered that a profit margin of 8 % could reasonably be reached in the absence of injurious dumping.

- (57) Subsequently, the methodology used for establishing the injury elimination level as described in recital 56 of the provisional Regulation is confirmed.

3. Form and level of definitive measures

- (58) The complainant submitted that there were indications of the emergence of new forms of ammonium nitrate, i.e. mixtures of ammonium nitrate with other products, whose only purpose is to circumvent possible anti-dumping measures concerning ammonium nitrate. The attention of the customs authorities is drawn to this issue.
- (59) In the light of the foregoing, it is considered that, in accordance with Article 9(4) of the basic Regulation, a definitive anti-dumping duty should be imposed at the level of the injury margins found, except for one Polish exporting producer for which a definitive anti-dumping duty should be imposed at the level of the dumping margin found.
- (60) In order to ensure the efficiency of the measures and to discourage the price manipulation which has been observed in some previous proceedings involving fertilisers, it is confirmed that the duties should be imposed in the form of a specific amount per tonne. These duties amount to:

Country	Basis for anti-dumping duty in %	Amount of duty (EUR per tonne)
Poland		
Anwil SA	25,2	23,13
Zakłady Azotowe Pulawy SA	22,3	20,65
All other companies	30,5	26,91
Ukraine		
All companies	43,4	33,25

- (61) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of the present investigation. Therefore, they reflect the situation found during that investigation with respect to these companies. These duty rates (as opposed to the country-wide duty applicable to 'all other companies') are thus exclusively applicable to imports of products originating in the country concerned and produced by the companies and thus by the specific legal entities mentioned. Imported products produced by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.
- (62) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission ⁽¹⁾ forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with e.g. that name change or that change in the production and sales entities. The Commission, if appropriate, will, after consultation of the Advisory Committee, amend the Regulation accordingly by updating the list of companies benefiting from individual duty rates.

⁽¹⁾ European Commission
 Directorate-General for Trade
 Directorate B
 TERV 0/10
 Rue de la Loi/Wetstraat 200
 B-1049 Brussels

4. Collection of provisional duties

- (63) In view of the magnitude of the dumping margins found and in the light of the level of the injury caused to the Community industry, it is considered necessary that the amounts secured by way of the provisional anti-dumping duty, imposed by the provisional Regulation, i.e. Regulation (EC) No 1629/2000, should be definitively collected at the rate of the duty definitively imposed,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of ammonium nitrate other than in aqueous solution and mixtures of ammonium nitrate with calcium carbonate or other inorganic non-fertilising substances, with a nitrogen content exceeding 28 % by weight, falling within CN codes 3102 30 90 and 3102 40 90 and originating in Poland and Ukraine.
2. The amount of duty in EUR per tonne shall be as shown below for the products manufactured by the following companies:

Country	Company	Amount of duty (EUR per tonne)	TARIC additional code
Poland	Anwil SA ul. Tourunska 222, 87-805 Wloclawek Poland	23,13	A174
	Zaklady Azotowe Pulawy SA Al. Tysiaclecia P.P. 13, 24-110 Pulawy Poland	20,65	A175
	All other companies	26,91	A999
Ukraine	All companies	33,25	

3. In cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value pursuant to Article 145 of Commission Regulation (EEC) No 2454/93 ⁽¹⁾, the amount of anti-dumping duty, calculated on the basis of the amounts set above, shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable.
4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.
5. The proceeding concerning imports of ammonium nitrate originating in Lithuania shall be terminated.

Article 2

The amounts secured by way of provisional anti-dumping duties pursuant to Regulation (EC) No 1629/2000 on imports of ammonium nitrate originating in Poland and Ukraine shall be collected at the rate of the duty definitively imposed. Amounts secured in excess of the definitive anti-dumping duty shall be released.

Article 3

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

⁽¹⁾ OJ L 253, 11.10.1993, p. 40.

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

Done at Brussels, 22 January 2001.

For the Council

The President

A. LINDH

COUNCIL REGULATION (EC) No 133/2001**of 22 January 2001****amending Regulation (EC) No 1567/97 as regards the date of application of certain anti-dumping measures applicable to imports of leather handbags originating in the People's Republic of China**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 233 thereof,

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 Articles 9 and 11 thereof,

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

Whereas:

- (1) By Judgment of 29 June 2000 ⁽²⁾, the Court of First Instance annulled Article 2 of Council Regulation (EC) No 2380/98 of 3 November 1998 amending Regulation (EC) No 1567/97 imposing a definitive anti-dumping duty on imports of leather handbags originating in the People's Republic of China ⁽³⁾ in so far as it applied to leather handbags produced by Lucci Creation Ltd and imported by Medici Grimm KG.

- (2) Consequently, Regulation (EC) No 1567/97 ⁽⁴⁾ should be amended with a view to making it applicable as from 3 August 1997 as far as such handbags are concerned,

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph shall be added to Article 3 of Regulation (EC) No 1567/97:

'As far as leather handbags produced by Lucci Creation Ltd and imported by Medici Grimm KG (Germany) (TARIC additional code A211) are concerned, the rate of duty of 0,0 % shall be applicable as from 3 August 1997.'

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, 22 January 2001.

For the Council

The President

A. LINDH

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2238/2000 (OJ L 257, 11.10.2000, p. 2).

⁽²⁾ Case T-7/99, *Medici Grimm v Council*.

⁽³⁾ OJ L 296, 5.11.1998, p. 1.

⁽⁴⁾ OJ L 208, 2.8.1997, p. 31.

COMMISSION REGULATION (EC) No 134/2001
of 24 January 2001
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 25 January 2001.

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

Done at Brussels, 24 January 2001.

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 24 January 2001 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	77,0
	204	40,1
	624	64,6
	999	60,6
0707 00 05	052	129,3
	624	193,9
	628	141,3
	999	154,8
0709 90 70	052	117,2
	204	83,3
	624	185,9
	999	128,8
0805 10 10, 0805 10 30, 0805 10 50	052	40,3
	204	56,7
	212	40,0
	624	31,7
	999	42,2
0805 20 10	204	103,4
	624	57,9
	999	80,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	72,2
	204	92,5
	624	81,0
	999	81,9
0805 30 10	052	61,9
	600	73,7
	999	67,8
0808 10 20, 0808 10 50, 0808 10 90	039	86,7
	400	66,3
	404	91,1
	720	92,4
	728	73,7
	999	82,0
0808 20 50	052	189,0
	388	138,4
	400	92,0
	720	106,1
	999	131,4

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2032/2000 (OJ L 243, 28.9.2000, p. 14). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 135/2001
of 24 January 2001**

**fixing the maximum export refund for white sugar for the 24th partial invitation to tender issued
within the framework of the standing invitation to tender provided for in Regulation (EC) No
1531/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾, and in particular the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1531/2000 of 13 July 2000 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1531/2000 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community

and world markets in sugar, for the partial invitation to tender in question.

- (3) Following an examination of the tenders submitted in response to the 24th partial invitation to tender, the provisions set out in Article 1 should be adopted.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 24th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1531/2000 the maximum amount of the export refund is fixed at 43,792 EUR/100 kg.

Article 2

This Regulation shall enter into force on 25 January 2001.

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

Done at Brussels, 24 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 175, 14.7.2000, p. 69.

COMMISSION REGULATION (EC) No 136/2001

of 24 January 2001

fixing the representative prices and the additional import duties for molasses in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the market in sugar ⁽¹⁾, as amended by Commission Regulation 1527/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽³⁾, and in particular Articles 1(2) and 3(1) thereof,

Whereas:

- (1) Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽⁴⁾. That price should be fixed for the standard quality defined in Article 1 of the above Regulation.
- (2) The representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality. The standard quality for molasses is defined in Regulation (EEC) No 785/68.
- (3) When the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States. Under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends.
- (4) The information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market. Offer prices which can be regarded as not representative of actual market trends must also be disregarded.

- (5) If information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68.
- (6) A representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price.
- (7) Where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (8) Application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 January 2001.

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 24 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,35	—	0
1703 90 00 ⁽¹⁾	9,89	—	0

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 137/2001

of 24 January 2001

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾, and in particular point (a) of the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Article 18 of Regulation (EC) No 2038/1999 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 2038/1999 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 19 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality; the latter is defined in Article 1 of Council Regulation (EC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽³⁾, as amended by Regulation (EC) No 3290/94 ⁽⁴⁾; furthermore, this refund should be fixed in accordance with Article 19(4) of Regulation (EC) No 2038/1999; candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995

laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽⁵⁾; the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination.
- (5) In special cases, the amount of the refund may be fixed by other legal instruments.
- (6) The refund must be fixed every two weeks; whereas it may be altered in the intervening period.
- (7) It follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 2038/1999, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 January 2001.

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

Done at Brussels, 24 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 89, 10.4.1968, p. 3.

⁽⁴⁾ OJ L 349, 31.12.1994, p. 105.

⁽⁵⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

to the Commission Regulation of 24 January 2001 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	37,34 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	33,09 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	37,34 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	33,09 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4059
1701 99 10 9100	A00	EUR/100 kg	40,59
1701 99 10 9910	A00	EUR/100 kg	40,76
1701 99 10 9950	A00	EUR/100 kg	40,76
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4059

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 19 (4) of Regulation (EC) No 2038/1999.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26.9.1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21.11.1985, p. 14).

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 2032/2000 (OJ L 243, 28.9.2000, p. 14).

**COMMISSION REGULATION (EC) No 138/2001
of 24 January 2001**

supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the 'Register of protected designations of origin and protected geographical indications' provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, as last amended by Commission Regulation (EC) No 2796/2000 ⁽²⁾, and in particular Article 6(3) and (4) thereof,

Whereas:

- (1) Under Article 5 of Regulation (EEC) No 2081/92, Italy has sent the Commission two applications for the registration of certain names as designations of origin or geographical indications.
- (2) In accordance with Article 6(1) of that Regulation, the applications have been found to meet all the requirements laid down therein and in particular to contain all the information required in accordance with Article 4 thereof.
- (3) No statements of objection have been received by the Commission under Article 7 of that Regulation in respect of the names given in the Annex to this Regulation following their publication in the *Official Journal of the European Communities* ⁽³⁾.

(4) The names should therefore be entered in the 'Register of protected designations of origin and protected geographical indications' and hence be protected throughout the Community as protected designations of origin or protected geographical indications.

(5) The Annex to this Regulation supplements the Annex to Commission Regulation (EC) No 2400/96 ⁽⁴⁾, as last amended by Regulation (EC) No 2446/2000 ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The names in the Annex hereto are added to the Annex to Regulation (EC) No 2400/96 and entered as protected designations of origin (PDO) or protected geographical indications (PGI) in the 'Register of protected designations of origin and protected geographical indications' provided for in Article 6(3) of Regulation (EEC) No 2081/92.

Article 2

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

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

Done at Brussels, 24 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 208, 24.7.1992, p. 1.

⁽²⁾ OJ L 324, 21.12.2000, p. 26.

⁽³⁾ OJ C 108, 14.4.2000, p. 2, and OJ C 131, 12.5.2000, p. 2.

⁽⁴⁾ OJ L 327, 18.12.1996, p. 11.

⁽⁵⁾ OJ L 281, 7.11.2000, p. 12.

ANNEX

PRODUCTS LISTED IN ANNEX I TO THE EC TREATY, INTENDED FOR HUMAN CONSUMPTION**Oils and fats — olive oil**

ITALY

Val di Mazara (PDO)

Sheepmeat

ITALY

Agnello di Sardegna (PGI)

**COMMISSION REGULATION (EC) No 139/2001
of 24 January 2001**

determining the extent to which applications lodged in January 2001 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 January to 31 March 2001 can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1486/95 of 28 June 1995 opening and providing for the administration of tariff quotas for certain products in the pigmeat sector ⁽¹⁾, as last amended by Regulation (EC) No 1378/2000 ⁽²⁾, and in particular Article 5(5) thereof,

Whereas:

- (1) The applications for import licences lodged for the first quarter of 2001 are for quantities less than the quantities available and can therefore be met in full.
- (2) The surplus to be added to the quantity available for the following period should be determined,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 2001 submitted pursuant to Regulation (EC) No 1486/95 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 April to 30 June 2001 applications may be lodged pursuant to Regulation (EC) No 1486/95 for import licences for a total quantity as referred to in Annex II.

Article 2

This Regulation shall enter into force on 26 January 2001.

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

Done at Brussels, 24 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 145, 29.6.1995, p. 58.

⁽²⁾ OJ L 156, 29.6.2000, p. 31.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 2001
G2	100
G3	100
G4	100
G5	100
G6	100
G7	100

ANNEX II

(t)

Group No	Total quantity available for the period 1 April to 30 June 2001
G2	31 207,0
G3	4 236,2
G4	2 832,4
G5	6 100,0
G6	15 000,0
G7	5 500,0

COMMISSION REGULATION (EC) No 140/2001**of 24 January 2001****determining the extent to which applications lodged in January 2001 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1432/94 of 22 June 1994 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products⁽¹⁾, as last amended by Regulation (EC) No 1377/2000⁽²⁾, and in particular Article 4(4) thereof,

Whereas:

- (1) The quantity available for the second quarter of 2001 should be determined.
- (2) It is appropriate to draw the attention of operators to the fact that licences may only be used for products

which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. During the first 10 days of the period 1 April to 30 June 2001, applications may be lodged pursuant to Regulation (EC) No 1432/94 for import licences for a total quantity as referred to in the Annex.

2. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 26 January 2001.

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

Done at Brussels, 24 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 156, 23.6.1994, p. 14.

⁽²⁾ OJ L 156, 29.6.2000, p. 30.

ANNEX

(t)

Group No	Total quantity available for the period 1 April to 30 June 2001
1	3 500

COMMISSION REGULATION (EC) No 141/2001
of 24 January 2001

determining the extent to which applications lodged in January 2001 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1898/97 of 29 September 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for by Council Regulations (EC) No 1727/2000, (EC) No 2290/2000, (EC) No 2433/2000, (EC) No 2434/2000, (EC) No 2435/2000 and (EC) No 2851/2000 and repealing Regulations (EEC) No 2698/93 and (EC) No 1590/94 ⁽¹⁾, as last amended by Regulation (EC) No 2866/2000 ⁽²⁾, and in particular Article 4(5) thereof,

Whereas:

- (1) The applications for import licences lodged for the first quarter of 2001 are for quantities less than the quantities available and can therefore be met in full.
- (2) The surplus to be added to the quantity available for the following period should be determined.
- (3) It is appropriate to draw the attention of operators to the fact that licences may only be used for products

which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 2001 submitted pursuant to Regulation (EC) No 1898/97 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 April to 30 June 2001 applications may be lodged pursuant to Regulation (EC) No 1898/97 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 26 January 2001.

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

Done at Brussels, 24 January 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 267, 30.9.1997, p. 58.

⁽²⁾ OJ L 333, 29.12.2000, p. 9.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 2001
1	100,0
2	100,0
3	100,0
4	100,0
H1	100,0
7	100,0
8	100,0
9	100,0
T1	100,0
T2	100,0
T3	100,0
S1	100,0
S2	100,0
B1	100,0
15	100,0
16	100,0
17	100,0

ANNEX II

(t)

Group No	Total quantity available for the period 1 April to 30 June 2001
1	5 105,2
2	465,5
3	947,0
4	21 660,7
H1	2 400,0
7	13 260,4
8	1 750,0
9	30 000,0
T1	1 500,0
T2	9 720,0
T3	2 297,0
S1	2 000,0
S2	200,0
B1	1 500,0
15	1 125,0
16	2 098,1
17	15 625,0

COMMISSION REGULATION (EC) No 142/2001**of 24 January 2001****determining the extent to which applications lodged in January 2001 for import licences for certain pigmeat products under the regime provided for by the Agreement concluded by the Community with Slovenia can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 571/97 of 26 March 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the Interim Agreement between the Community and Slovenia ⁽¹⁾, as amended by Regulation (EC) No 2868/2000 ⁽²⁾, and in particular Article 4(4) thereof,

Whereas:

- (1) The applications for import licences lodged for the first quarter of 2001 are for quantities less than the quantities available and can therefore be met in full.
- (2) The surplus to be added to the quantity available for the following period should be determined.
- (3) It is appropriate to draw the attention of operators to the fact that licences may only be used for products

which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 January to 31 March 2001 submitted pursuant to Regulation (EC) No 571/97 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 April to 30 June 2001 applications may be lodged pursuant to Regulation (EC) No 571/97 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 26 January 2001.

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

Done at Brussels, 24 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 85, 27.3.1997, p. 56.⁽²⁾ OJ L 333, 29.12.2000, p. 17.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 January to 31 March 2001
23	100,00
24	100,00
25	100,00
26	100,00

ANNEX II

(t)

Group No	Total quantity available for the period 1 April to 30 June 2001
23	196,0
24	64,5
25	65,5
26	450,0

COMMISSION REGULATION (EC) No 143/2001**of 24 January 2001****establishing the quantity of certain pigmeat products available for the second quarter of 2001 under the arrangements provided for by the free trade agreements between the Community, of the one part, and Latvia, Lithuania and Estonia, of the other part**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2305/95 of 29 September 1995 laying down detailed rules for the application in the pigmeat 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 2867/2000 ⁽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 January to 31

March 2001 should be added to the quantities available for the period 1 April to 30 June 2001,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity available for the period 1 April to 30 June 2001 pursuant to Regulation (EC) No 2305/95 is set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 January 2001.

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

Done at Brussels, 24 January 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 233, 30.9.1995, p. 45.

⁽²⁾ OJ L 333, 29.12.2000, p. 14.

ANNEX

(t)

Group	Total quantity available for the period 1 April to 30 June 2001
18	1 375,0
L1	150,0
19	1 250,0
20	150,0
21	1 250,0
22	600,0

COMMISSION REGULATION (EC) No 144/2001
of 24 January 2001
amending 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 organisation 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) The corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 9/2001⁽³⁾.
- (2) On the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered.

- (3) The corrective amount must be fixed according to the same procedure as the refund. It may be altered in the period between fixings,

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 the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 January 2001.

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

Done at Brussels, 24 January 2001.

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 2, 5.1.2001, p. 10.

ANNEX

to the Commission Regulation of 24 January 2001 altering the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 1	1st period 2	2nd period 3	3rd period 4	4th period 5	5th period 6	6th period 7
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	A00	0	0,00	-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	0,00	0,00	0,00	0,00	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	-1,00	-2,00	-3,00	-4,00	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	A00	0	0,00	0,00	0,00	0,00	—	—
1101 00 15 9130	A00	0	0,00	0,00	0,00	0,00	—	—
1101 00 15 9150	A00	0	0,00	0,00	0,00	0,00	—	—
1101 00 15 9170	A00	0	0,00	0,00	0,00	0,00	—	—
1101 00 15 9180	A00	0	0,00	0,00	0,00	0,00	—	—
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 2032/2000 (OJ L 243, 28.9.2000, p. 14).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 January 2001

establishing two reference methods of measurement for PCBs pursuant to Article 10(a) of Council Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCBs/PCTs)

(notified under document number C(2001) 107)

(2001/68/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 96/59/EC of 16 September 1996 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCBs/PCTs ⁽¹⁾), and in particular Article 10(a) thereof,

Whereas:

- (1) The Commission, by virtue of Article 10(a) of the Directive 96/59/EC has the obligation to fix the reference methods for measurement to determine the PCB content of contaminated materials.
- (2) For the time being it is possible to establish a reference method for the determination of PCBs in petroleum products and used oils as well as a reference measurement method for the determination of PCBs in insulating fluids.
- (3) The measures envisaged by this Decision are in accordance with the opinion expressed by the Committee established by Article 18 of Council Directive 75/442/EEC ⁽²⁾,

Article 1

European standards EN 12766-1 and prEN 12766-2 and subsequently upgraded versions shall be applied as the reference method for the determination of PCBs in petroleum products and used oils.

Article 2

European standard IEC 61619 and subsequently upgraded versions shall be applied as the reference method for the determination of PCBs in insulating liquids.

Article 3

This Decision shall enter into force on the 30th day following its publication in the *Official Journal of the European Communities*.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 16 January 2001.

For the Commission

Margot WALLSTRÖM

Member of the Commission

⁽¹⁾ OJ L 243, 24.9.1996, p. 31.

⁽²⁾ OJ L 78, 26.3.1991, p. 32.

COMMISSION DECISION
of 17 January 2001
for restocking the Community's bluetongue vaccine bank

(notified under document number C(2001) 115)

(2001/69/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Regulation (EC) No 1258/1999 ⁽²⁾, and in particular Article 6 and Article 8 thereof,

Whereas:

- (1) Bluetongue is an arthropod-borne viral disease of ruminants that can cause great economic losses to sheep production.
- (2) In October 2000, following the outbreaks of bluetongue in the Balearic Islands and Corsica, the 500 000 doses of serotype 2 of the emergency vaccine bank, established after the adoption of Commission Decision 2000/477/EC ⁽³⁾, have been sent to and used in the Member States concerned.
- (3) Pending a decision on the definitive vaccination strategy for next year, which could envisage a much larger commitment, it is at this stage necessary to restock this emergency vaccine bank.
- (4) 500 000 doses were not sufficient to respond adequately to the situation in the Balearic Islands and Corsica; therefore it has been proposed to restock the bank with 750 000 doses.
- (5) No bluetongue vaccine is produced by the pharmaceutical industry based in the Member States.
- (6) The Onderstepoort laboratory in South Africa is the only laboratory which may produce a monovalent serotype 2 attenuated vaccine.

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

HAS ADOPTED THIS DECISION:

Article 1

1. For emergency use the Director General of the Directorate General for Health and Consumer Protection shall be authorised to make arrangements with Onderstepoort laboratory in South Africa for the purchase of 750 000 doses of monovalent bluetongue vaccine (serotype 2).
2. The arrangements referred to in paragraph 1 shall include the storage of vaccines and airfreight in such a manner that they can be dispatched without delay to the Member States concerned.

Article 2

The maximum cost of the measures referred to in Article 1 shall be up to EUR 70 000.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 17 January 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 160, 26.6.1999, p. 103.

⁽³⁾ OJ L 187, 26.7.2000, p. 56.

**ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES
ON SOCIAL SECURITY FOR MIGRANT WORKERS**

**DECISION No 180
of 15 February 2000
on the model forms necessary for the application of Council Regulations (EEC) No 1408/71 and
(EEC) No 574/72 (E 211 — E 212)
(Text with EEA relevance)**

(2001/70/EC)

THE ADMINISTRATIVE COMMISSION OF THE EUROPEAN COMMUNITIES ON SOCIAL SECURITY FOR MIGRANT WORKERS,

Having regard to Article 81(a) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community ⁽¹⁾, pursuant to which it is the duty of the Administrative Commission to deal with all administrative matters arising from Regulation (EEC) No 1408/71 and subsequent Regulations,

Having regard to Article 2(1) of Council Regulation (EEC) No 574/72 ⁽²⁾, pursuant to which it is the duty of the Administrative Commission to draw up models of certificates, certified statements, declarations, applications and other documents necessary for the application of the Regulations,

Having regard to Decision No 158 of 27 November 1995 on the model forms necessary for the application of Regulations ⁽³⁾,

Whereas the entry into force of Council Regulation (EEC) No 1606/98 ⁽⁴⁾ amended Regulations (EEC) No 1408/71 and (EEC) No 574/72 with a view to extending them to cover special schemes for civil servants;

Whereas the entry into force of Council Regulation (EC) No 307/1999 ⁽⁵⁾ amended Regulations (EEC) No 1408/71 and (EEC) No 574/72 with a view to extending them to cover students;

Whereas the grounds and time-limits for appeals given in form E 212 must be adapted in order to take account of these extensions;

Whereas amendments relating to grounds and time-limits for appeal are frequently made to the different legislations;

Whereas according to Article 48(1) of Regulation (EEC) No 574/72 claimants must be informed of the grounds and time-limits allowed for appeals, the decisions taken by each of the institutions must specify the grounds and time-limits allowed for appeal provided for by the legislation concerned, and the investigating institution must notify the claimant by means of form E 211 — Summary of Decisions;

Whereas the current version of form E 212 and any possible update could not guarantee clear and full information for claimants concerning the procedures to be followed in the case of appeal;

⁽¹⁾ OJ L 149, 5.7.1971, p. 2.

⁽²⁾ OJ L 74, 27.3.1972, p. 1.

⁽³⁾ OJ L 336, 27.12.1996, p. 1.

⁽⁴⁾ OJ L 209, 25.7.1998, p. 1.

⁽⁵⁾ OJ L 38, 12.2.1999, p. 1.

Whereas it is therefore necessary to amend form E 211 — Summary of Decisions;

Whereas the Agreement on the European Economic Area of 2 May 1992, as adjusted by the Protocol of 17 March 1993, Annex VI, implements Regulations (EEC) No 1408/71 and (EEC) No 574/72 within the European Economic Area;

Whereas by Decision of the EEA Joint Committee the model forms necessary for the application of Regulations (EEC) No 1408/71 and (EEC) No 574/72 will be adapted and implemented within the European Economic Area;

Whereas for practical reasons identical forms should be used within the Community and within the European Economic Area;

Whereas the language in which the forms should be drawn up has been decided by Recommendation No 15 of the Administrative Commission,

HAS DECIDED AS FOLLOWS:

1. The model form E 211 printed in Decision No 158 shall be replaced by the model appended hereto.
2. The competent authorities of the Member States shall make available to the persons concerned (rightful claimants, institutions, employers, etc.) the form according to the attached model.
3. The form shall be available in the official languages of the Community and laid out in such manner that the different versions are perfectly superposable, thereby making it possible for each person or body to which a form is addressed (rightful claimant, institution, employer, etc.) to receive the form printed in their own language.
4. Form E 212 shall be withdrawn.
5. This Decision will be published in the *Official Journal of the European Communities*. It will enter into force on the first day of the month following its publication.

The President
of the Administrative Commission
Sebastião PINTO PIZARRO

- 7 If you do not agree with the decision or decisions taken, you may appeal. For this purpose you should, for each contested decision:
 - 1. clearly state the grounds for your appeal in a letter, which you must sign.
 - 2. if you cannot sign, you may make a cross and have the letter signed by two persons of full age, who must give their surnames, forenames and full addresses.
 - 3. in this letter you must give the references of the notification relating to the contested decision and attach a copy of the decision.
 - 4. the letter must be sent to the authority mentioned in the decision within the period indicated in the decision.
 - 5. in accordance with Article 48(1) of Regulation (EEC) No 574/72, this period commences on the date of receipt of the summarised statement.

IT IS ESSENTIAL TO COMPLY WITH THE TIME PERIODS INDICATED IN EACH DECISION.

- 6. In accordance with Article 86 of Regulation (EEC) No 1408/71, appeals which would have been submitted within the period stipulated by the legislation of one State are admissible if they are submitted within the same period to the corresponding authority of another State.

8.	Investigating institution
8.1. Name:
8.2. Address ⁽⁵⁾ :
8.3. Stamp:
	8.4 Date:
	8.5 Signature:

INSTRUCTIONS

Please complete this form in block letters, writing on the dotted lines only

NOTES

- (*) EEA Agreement on the European Economic Area, Annex VI, Social Security: for the purposes of this Agreement the present form shall also apply to Iceland, Liechtenstein and Norway.
- (1) Symbol of the country to which the investigating institution belongs : B = Belgium; DK = Denmark; D = Germany; GR = Greece; E = Spain; F = France; IRL = Ireland; I = Italy; L = Luxembourg; NL = the Netherlands; A = Austria; P = Portugal; FIN = Finland; S = Sweden; GB = United Kingdom; IS = Iceland; FL = Liechtenstein; N = Norway.
- (2) In the case of Spanish nationals state both names at birth.
In the case of Portuguese nationals state all names (forenames, surname, maiden name) in the order of civil status in which they appear on the identity card or passport.
- (3) In the case of Portuguese districts state also the parish and the local authority.
- (4) In the case of Spanish nationals state the number appearing on the national identity card (DNI), if it exists, even if the card is out of date. Failing this, state 'None'.
- (5) Street, number, post code, town, country, telephone number.
- (6) Indicate country and where necessary the scheme concerned.
- (7) Or cash compensation in Liechtenstein.
- (8) Where rates of pensions are upgraded by virtue of national legislation, the amount indicated above will be changed. The new amount will not be communicated to any other institution.
- (9) It is possible that this amount is reduced by taxes and contributions payable by the pensioner.