

English edition

Legislation

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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1469/2001
of 16 July 2001
amending Regulation (EC) No 772/1999 imposing definitive anti-dumping and countervailing duties
on imports of farmed Atlantic salmon originating in Norway

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 8 thereof,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community ⁽²⁾, and in particular Article 13 thereof,

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

Whereas:

A. PREVIOUS PROCEDURE

- (1) On 31 August 1996, by means of two separate notices published in the *Official Journal of the European Communities*, the Commission announced the initiation of an anti-dumping proceeding ⁽³⁾ and an anti-subsidy proceeding ⁽⁴⁾ in respect of imports of farmed Atlantic salmon originating in Norway.
- (2) These proceedings resulted in anti-dumping and countervailing duties being imposed by Council Regulations (EC) No 1890/97 ⁽⁵⁾ and 1891/97 ⁽⁶⁾ in September 1997 in order to eliminate the injurious effects of dumping and subsidisation.

- (3) In parallel, by Decision 97/634/EC ⁽⁷⁾, the Commission also accepted undertakings from 190 Norwegian exporters and imports of farmed Atlantic salmon originating in Norway exported to the Community by these companies were exempted from the anti-dumping and countervailing duties by Article 1(2) of those Regulations.
- (4) The form of the duties was later reviewed and Regulations (EC) No 1890/97 and 1891/97 were replaced by Regulation (EC) No 772/1999 ⁽⁸⁾.

B. FAILURE TO COMPLY WITH THE UNDERTAKING

- (5) The undertakings offered by the Norwegian companies oblige them, *inter alia*, to charge certain minimum prices when they export the product concerned to the Community and to provide detailed quarterly reports to the Commission of such sales.
- (6) During a series of visits in November 2000 to the premises of several Norwegian companies with undertakings to verify the data appearing on their sales reports, it was found that one of the exporters visited, Haafa Fish AS (UT No 1/60, TARIC Additional Code 8302, 'Haafa fisk AS'), had breached its undertaking by providing misleading information regarding certain sales and not respecting the minimum import prices.
- (7) The Commission's findings in this respect are set out more fully in Commission Decision 2001/544/EC ⁽⁹⁾.
- (8) As acceptance of the undertaking has been withdrawn by the Commission, definitive anti-dumping and anti-subsidy duties should be imposed forthwith against the company concerned.

⁽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 288, 21.10.1997, p. 1.

⁽³⁾ OJ C 253, 31.8.1996, p. 18.

⁽⁴⁾ OJ C 253, 31.8.1996, p. 20.

⁽⁵⁾ OJ L 267, 30.9.1997, p. 1.

⁽⁶⁾ OJ L 267, 30.9.1997, p. 19.

⁽⁷⁾ OJ L 267, 30.9.1997, p. 81. Decision as last amended by Decision 2000/744/EC (OJ L 301, 30.11.2000, p. 82).

⁽⁸⁾ OJ L 101, 16.4.1999, p. 1. Regulation as last amended by Regulation (EC) No 2606/2000 (OJ L 301, 30.11.2000, p. 61).

⁽⁹⁾ See page 50 of this Official Journal.

C. CHANGES OF NAME AND OWNERSHIP

- (9) One Norwegian exporter with an undertaking, Polar Seafood Norway AS (UT No 1/140, TARIC Additional Code 8247), advised the Commission that the group of companies to which it belonged had been re-organised and that another company within the group was now responsible for exports to the Community. The company therefore requested that its name be replaced by that of the related company on the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC.
- (10) Two other exporters, Hydro Seafood Norway AS (UT No 1/66, TARIC Additional Code 8159) and Hydro Seafood Rogaland AS (UT No 1/145, TARIC Additional Code 8256) advised the Commission that their ownership and names had changed, and requested that the list of companies from which undertakings are accepted be amended accordingly.
- (11) Having verified the nature of the requests, the Commission considered that they are all acceptable since the modifications did not entail any substantive changes which would affect the assessment of dumping or subsidisation. Nor do these changes affect any of the considerations on which the acceptance of the undertaking was based.
- (12) Consequently, the Commission Decision referred to at recital 7 changes the names of Polar Seafood Norway AS, Hydro Seafood Norway AS and Hydro Seafood Rogaland AS to Polar Salmon AS, Marine Harvest Norway AS and Marine Harvest Rogaland AS respectively on the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC.

D. CESSATION OF TRADING

- (13) The Commission was also advised that two Norwegian companies with undertakings, Delfa Norge A/S (UT No 1/36, TARIC Additional Code 8134) and OK-Fish Kvalheim AS (UT No 1/134, TARIC Additional Code 8239) had recently ceased trading and had been wound up, or were in the process of being wound up. Accordingly, the names of these companies have been deleted from the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC.

E. VOLUNTARY WITHDRAWAL OF AN UNDERTAKING

- (14) Following changes in its trading patterns, Nova Sea AS (UT No 1/130, TARIC Additional Code 8235), advised the Commission that it wished to withdraw its undertaking. Accordingly, the name of this company has been deleted from the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC.
- (15) In view, however, of the voluntary nature of the withdrawal, the company was advised that it could, if it so wished (and subject to certain conditions), offer an undertaking again in the future as a new exporter in accordance with Article 2 of Regulation (EC) No 772/1999.

F. AMENDMENT OF THE ANNEX TO REGULATION (EC) No 772/1999

- (16) In view of all the above, the Annex to Regulation (EC) No 772/1999 which lists the companies exempted from the anti-dumping and countervailing duties should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 772/1999 is hereby replaced by the Annex hereto.

Article 2

1. (a) Definitive countervailing and anti-dumping duties are hereby imposed on imports of farmed (other than wild) Atlantic salmon falling within CN codes ex 0302 12 00 (TARIC codes: 0302 12 00*21, 0302 12 00*22, 0302 12 00*23 and 0302 12 00*29), ex 0303 22 00 (TARIC codes: 0303 22 00*21, 0303 22 00*22, 0303 22 00*23 and 0303 22 00*29), ex 0304 10 13 (TARIC codes: 0304 10 13*21 and 0304 10 13*29) and ex 0304 20 13 (TARIC codes: 0304 20 13*21 and 0304 20 13*29) originating in Norway and exported by Haafa Fish AS.
- (b) These duties shall not apply to wild Atlantic salmon (TARIC codes: 0302 12 00*11, 0304 10 13*11, 0303 22 00*11 and 0304 20 13*11). For the purpose of this Regulation, wild salmon shall be that in respect of which the competent authorities of the Member States of landing are satisfied, by means of all customs and transport documents to be provided by interested parties, that it was caught at sea.

2. (a) The rate of the countervailing duty applicable to the net free-at-Community frontier price, before duty, shall be 3,8 %.
- (b) The rate of the anti-dumping duty applicable to the net free-at-Community frontier price, before duty, shall be EUR 0,32 per kilogram net product weight. However, if the free-at-Community-frontier price, including the countervailing and anti-dumping duties, is less than the relevant minimum price set out in paragraph 3, the anti-dumping duty to be collected shall be the difference between that minimum price and the free-at-Community-frontier price, including the countervailing duty.
3. For the purpose of paragraph 2, the following minimum prices shall apply per kilogram net product weight:

Presentation of salmon	Minimum price (EUR/kg net product weight)	TARIC code
Whole fish, fresh or chilled	2,925	0302 12 00*21
Gutted, head-on, fresh or chilled	3,25	0302 12 00*22
Gutted, headless, fresh or chilled	3,65	0302 12 00*23
Other, fresh or chilled, including 'steaks'	3,65	0302 12 00*29
Whole fish, frozen	2,925	0303 22 00*21
Gutted, head-on, frozen	3,25	0303 22 00*22
Gutted, headless, frozen	3,65	0303 22 00*23
Other, frozen, included 'steaks'	3,65	0303 22 00*29
Whole fish fillets, more than 300 g each, fresh or chilled	5,19	0304 10 13*21
Other fish fillets or fillet portions, 300 g or less each, fresh or chilled	6,55	0304 10 13*29
Whole fish fillets, more than 300 g each, frozen	5,19	0304 20 13*21
Other fish fillets or fillets portion, weighing 300 g or less each, frozen	6,55	0304 20 13*29

Article 3

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, 16 July 2001.

For the Council
The President
L. MICHEL

ANNEX

ANNEX

**LIST OF COMPANIES FROM WHICH UNDERTAKINGS ARE ACCEPTED AND THUS EXEMPTED FROM THE
DEFINITIVE ANTI-DUMPING AND COUNTERVAILING DUTIES**

UT No	Company Name	TARIC additional code
3	Rosfjord Seafood AS	8325
7	Aqua Export A/S	8100
8	Aqua Partner A/S	8101
11	Arctic Group International	8109
13	Artic Superior A/S	8111
15	A/S Aalesundfisk	8113
16	Austevoll Eiendom AS	8114
17	A/S Keco	8115
20	A/S Refsnes Fiskeindustri	8118
21	A/S West Fish Ltd	8119
22	Astor A/S	8120
24	Atlantic Seafood A/S	8122
26	Borkowski & Rosnes A/S	8124
27	Brødrene Aasjord A/S	8125
31	Christiansen Partner A/S	8129
32	Clipper Seafood A/S	8130
33	Coast Seafood A/S	8131
35	Dafjord Laks A/S	8133
39	Domstein Fish A/S	8136
41	Ecco Fisk & Delikatesse	8138
42	Edvard Johnsen A/S	8139
43	Fjord Seafood ASA	8140
44	Euronor AS	8141
46	Fiskeforsyningen AS	8143
47	Fjord Aqua Group AS	8144
48	Fjord Trading Ltd AS	8145
50	Fossen AS	8147

UT No	Company Name	TARIC additional code
51	Fresh Atlantic AS	8148
52	Fresh Marine Company AS	8149
58	Grieg Seafood AS	8300
61	Hallvard Lerøy AS	8303
62	Fjord Seafood Måløy A/S	8304
66	Marine Harvest Norway AS	8159
67	Hydrotech-gruppen AS	8428
72	Inter Sea AS	8174
75	Janas A/S	8177
76	Joh. H. Pettersen AS	8178
77	Johan J. Helland AS	8179
79	Karsten J. Ellingsen AS	8181
80	Kr Kleiven & Co. AS	8182
82	Labeyrie Norge AS	8184
83	Lafjord Group AS	8185
85	Leica Fiskeprodukter	8187
87	Lofoten Seafood Export AS	8188
92	Marine Seafood AS	8196
93	Marstein Seafood AS	8197
96	Memo Food AS	8200
98	Misundfisk AS	8202
100	Naco Trading AS	8206
101	Fjord Seafood Midt-Norge A/S	8207
104	Nergård AS	8210
105	Nils Williksen AS	8211
107	Nisja Trading AS	8213
108	Nor-Food AS	8214
111	Nordic Group ASA	8217
112	Nordreisa Laks AS	8218
113	Norexport AS	8223
114	Norfi Produkter AS	8227

UT No	Company Name	TARIC additional code
115	Norfood Group AS	8228
116	Norfra Eksport AS	8229
119	Norsk Akvakultur AS	8232
120	Norsk Sjømat AS	8233
121	Northern Seafood AS	8307
122	Nortrade AS	8308
123	Norway Royal Salmon Sales AS	8309
124	Norway Royal Salmon AS	8312
126	Frionor AS	8314
128	Norwell AS	8316
137	Pan Fish Sales AS	8242
140	Polar Salmon AS	8247
141	Prilam Norvège AS	8248
142	Pundslett Fisk	8251
144	Rolf Olsen Seafood AS	8254
145	Marine Harvest Rogaland AS	8256
146	Rørvik Fisk-og fiskematforretning AS	8257
147	Saga Lax Norge AS	8258
148	Prima Nor AS	8259
151	Sangoltgruppa AS	8262
153	Scanfood AS	8264
154	Sea Eagle Group AS	8265
155	Sea Star International AS	8266
156	Sea-Bell AS	8267
157	Seaco AS	8268
158	Seacom AS	8269
160	Seafood Farmers of Norway Ltd AS	8271
161	Seanor AS	8272
162	Sekkingstad AS	8273
164	Sirena Norway AS	8275
165	Kinn Salmon AS	8276
167	Fjord Domstein A/S	8278
168	SMP Marine Produkter AS	8279

UT No	Company Name	TARIC additional code
172	Stjernelaks AS	8283
174	Stolt Sea Farm AS	8285
175	Storm Company AS	8286
176	Superior AS	8287
178	Terra Seafood AS	8289
180	Timar Seafood AS	8294
182	Torris Products Ltd AS	8298
183	Troll Salmon AS	8317
188	Vikenco AS	8322
189	Wannebo International AS	8323
190	West Fish Norwegian Salmon AS	8324
191	Nor-Fa Fish AS	8102
192	Westmarine AS	8625
193	F. Uhrenholt Seafood Norway AS	A033
194	Mesan Seafood AS	A034
195	Polaris Seafood AS	A035
196	Scanfish AS	A036
197	Normarine AS	A049
198	Oskar Einar Rydbeck	A050
199	Emborg Foods Norge AS	A157
200	Helle Mat AS	A158
201	Norsea Food AS	A159
202	Salmon Company Fjord Norway AS	A160
203	Stella Polaris AS	A161
204	First Salmon AS	A205
205	Norlaks A/S	A206'

COUNCIL REGULATION (EC) No 1470/2001**of 16 July 2001****imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of integrated electronic compact fluorescent lamps (CFL-i) originating in the People's Republic of China**

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 255/2001⁽²⁾ ('provisional Regulation'), imposed provisional anti-dumping duties on imports of integrated electronic compact fluorescent lamps ('CFL-i') falling within CN code ex 8539 31 90 originating in the People's Republic of China ('PRC').

B. SUBSEQUENT PROCEDURE

- (2) 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 CFL-i originating in the PRC and following the publication of the provisional Regulation, several interested parties submitted comments in writing. The parties who so requested were also granted an opportunity to be heard orally.
- (3) The Commission continued to seek and verify all information it deemed necessary for its definitive findings.
- (4) 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.
- (5) The oral and written comments submitted by the parties were considered, and, where appropriate, the provisional findings have been modified accordingly.

C. THE INITIATION OF THE PROCEEDING

- (6) Some interested parties claimed that certain third countries, namely Poland and Hungary, should have been

included in the anti-dumping proceeding as the non-inclusion of these countries would be discriminatory.

- (7) In this respect, it is confirmed that no parallel proceeding could be initiated against Poland and Hungary since, on the basis of the information available at the stage of initiation, no evidence of injurious dumping by these imports was available to the Commission. This claim was therefore rejected.

D. PRODUCT CONCERNED AND LIKE PRODUCT

- (8) Some exporting producers submitted that CFL-i produced in the PRC were not comparable with those produced in the Community, as Chinese producers exported only CFL-i with a lifetime of less than 6000 hours, which were not produced by the Community industry.
- (9) In this respect, the investigation has shown that both Chinese and Community producers manufacture CFL-i with a lifetime of less than 6 000 hours, as well as CFL-i with a lifetime of more than 6000 hours. In addition, it is confirmed that comparisons made for the purpose of calculating injury and undercutting margins were based on CFL-i with comparable lifetimes. The claim was therefore rejected.

E. DUMPING**1. Normal value**

- (10) Various interested parties objected to the choice of Mexico as an appropriate market economy third country for the purpose of establishing normal value for the PRC.
- (11) Some interested parties proposed the use of the normal values determined on the basis of the domestic sales made by the two Chinese exporting producers which had been granted market economy treatment, instead of determining normal value on the basis of a market economy third country. Article 2(7) of Council Regulation (EC) No 384/96 ('basic Regulation') provides that in the case of imports from countries like the PRC, the normal values are to be established on the basis of the price or constructed value in a market economy third country unless an exporting producer meets the criteria set out in subparagraph (c) of paragraph 7 of that Article. Therefore, it was not possible to comply with this request.

⁽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 38, 8.2.2001, p. 8.

- (12) As a consequence, and as no new arguments were put forward regarding the choice of Mexico as an analogue country, the findings set out in recital 32 of the provisional Regulation concerning the selection of Mexico are confirmed.
- (13) It is thus confirmed that normal values for each product type exported to the Community by the Chinese exporting producers were established on the basis of information supplied by the cooperating producer in the analogue country.
- (14) In the absence of any new evidence, under this heading, the provisional findings, as set out in recitals 14 to 34 of the provisional Regulation, are confirmed.

2. Export price

- (15) One exporting producer claimed that one product type had been incorrectly coded and provided proof of this mistake. The claim was verified and accepted and a correction was consequently made.
- (16) One exporting producer claimed that there was a clerical mistake with regard to the reporting of some cif prices of some of its Community sales. The claim was verified and accepted and the prices were consequently revised.
- (17) In the absence of any other comments under this heading, the provisional findings, as set out in recitals 35 to 38 of the provisional Regulation, are confirmed.

3. Comparison

- (18) In the absence of any comments under this heading, the provisional findings, as set out in recitals 39 to 41 of the provisional Regulation, are confirmed.

4. Dumping margin

- (19) The dumping calculations have been reviewed, in order to determine whether there was a pattern of export prices which differed significantly among different purchasers, regions or time periods and whether a comparison of the weighted average normal value and weighted average export price (hereafter referred to as 'the average-to-average method') reflected the full degree of dumping being practised. A detailed analysis of the Community export transactions has revealed with regard to one Chinese exporting producer a pattern of export prices that differed significantly among purchasers and regions, as well as time periods. In particular it was found that export prices by this exporting producer to

Denmark, to a specific importer, and at the end of the investigation period were substantially lower. Moreover, the average-to-average method would not have reflected the full degree of dumping being practised by this exporting producer. The calculation of the margin of dumping for this exporting producer has consequently been based on a weighted average normal value compared to all individual export transactions to the Community. For all other exporting producers the calculation of dumping was based on the average-to-average method.

- (20) As a result of these changes, the individual dumping margins are:
- | | |
|--|-------------------|
| Changzhou Hailong Electronics & Light Fixtures Co. Ltd, Changzhou | 59,5 % |
| City Bright Lighting (Shenzhen) Ltd, Shenzhen | 17,1 % |
| Deluxe Well Enterprises Ltd, Shenzhen | 37,1 % |
| Lisheng Electronic & Lighting (Xiamen) Co. Ltd, Xiamen | <i>de minimis</i> |
| Philips & Yaming Lighting Co. Ltd, Shanghai | 61,8 % |
| Sanex Electronics Co. Ltd, Suzhou | 20,2 % |
| Shenzhen Zuoming Electronic Co. Ltd, Shenzhen | 8,4 % |
| Zhejiang Yankon Group Co., Ltd (previously known as Zhejiang Sunlight Group Co., Ltd), Shangyu | 35,3 % |
- (21) The country-wide dumping margin for the PRC established on this basis is 66,1 %.

F. INJURY

1. Preliminary remarks

- (22) It was examined whether the exclusion of the imports attributable to the exporting producer found not to have dumped would have had any significant impact on the analysis of the injury and causation aspects. It has been found that, even if such imports were to be excluded from the analysis, the conclusions as to the existence of material injury caused by dumped imports would remain unchanged, notably in view of the considerable price undercutting and the substantial increase in volume and market shares as well as the decrease in the sales prices, which would be even more significant.

2. Definition of the Community industry

- (23) The European Lighting Companies Federation ('the complainant') claimed that data relating to Philips Lighting B.V. ('Philips') should have been taken into account in the injury analysis, as this company had also suffered injury. It referred to the WTO Panel report on bed linen from India⁽¹⁾, arguing that the Panel found that the Community had wrongly based its injury analysis on different groups of Community producers.

⁽¹⁾ World Trade Organisation, European Communities — Anti-dumping duties on imports of cotton-type bed linen from India, Report of the Panel, WT/DS141/R, 30 October 2000.

- (24) It is to be noted that the Panel report is not relevant in this respect. Indeed, the Panel report ruled on a case where sampling methodology was applied. In this context, contrary to what the complainant claims, the Panel report concluded that producers which are not part of the Community industry should not be taken into consideration for the purpose of assessing the situation of the domestic industry of the importing country. Considering that Philips withdrew from the complaint after the initiation of the proceeding and that it stopped manufacturing CFL-i in the Community shortly after the IP, it could no longer be considered as part of the Community industry in accordance with Articles 4(1) and 5(4) of the basic Regulation. Therefore, the claim had to be rejected.
- (25) Several interested parties reiterated the argument that companies constituting the Community industry were themselves importing the product concerned from the PRC and should therefore not be part of the Community industry. It was also alleged that imports of CFL-i by the complainants accounted for at least 10 % of total imports into the Community from the PRC during the IP.
- (26) The further investigation confirmed that, during the IP, on average 14,6 % of the total sales of CFL-i by the Community producers originated in the country concerned. However, these trading activities did not affect their status as Community producers since the primary activity of the latter producers remained in the Community and their trading activity is explained by the need to complete the product range so as to be able to satisfy demand, as well as by the attempt to defend themselves against low priced imports due to dumping. As to the claim that during the IP the complainants accounted for at least 10 % of total imports into the Community from the PRC, it should be noted that, firstly, the claim was not substantiated and, secondly, that the investigation showed in fact that these imports accounted for a much lower percentage. The claims were therefore rejected and the findings set out in recitals 51 to 53 of the provisional Regulation are confirmed.
- (27) As regards the price undercutting margins, some exporting producers claimed that the Community industry prices used for the calculations were inconsistent because, in some cases, Community prices for CFL-i with a certain wattage were higher than the prices for CFL-i with a higher wattage, while they should have been lower.
- (28) In this respect, it is confirmed that in some cases the Community industry sold CFL-i with a certain wattage at prices which were higher than the ones of CFL-i having a higher wattage. However, the same holds true for CFL-i produced by the exporting producers that submitted this argument. Obviously, prices do not only depend on the wattage but also on other factors such as, for instance, the unit production costs that can widely vary, depending, *inter alia*, on the number of pieces produced per type of CFL-i, or the quantity sold.
- (29) One interested party submitted that retail prices in the Community remained almost stable between 1996 and the IP while, in the same period, import prices decreased. It was alleged that, as a consequence, the price undercutting margin calculations were misleading since they were based on the import prices which do not reflect the situation of the market.
- (30) In this respect it should be recalled that price undercutting margins are usually established by comparing the exporting producers' prices, adjusted to a cif level, and the actual ex-works Community industry's prices to the first independent customer, at the same level of trade. In the current case, since both the exporting producers and the Community industry sold to the same categories of customers during the IP, no adjustments were needed to compare those prices at the same level of trade. In addition, a comparison based on retail prices actually charged would not have reflected the pricing behaviour of the exporting producers in relation to that of the Community industry, but rather that of distributors and retailers of CFL-i of all origins in the Community.
- (31) Against the above background, price undercutting margins were reviewed and amended on the basis of the revised export prices, as explained above, and of the correction of an error that occurred in the currency used for one exporting producer. The revised weighted average price undercutting margins expressed as a percentage of the Community industry's prices are as follows:

Country: PRC	Price undercutting
Undercutting margins of cooperating exporting producers	Between 13,7 % and 45,1 %

3. Imports from the PRC

Undercutting

4. Situation of the Community industry

- (32) In the absence of new evidence, the provisional findings as set out in recitals 64 to 83 of the provisional Regulation, i.e. that the Community industry has suffered material injury during the IP, are confirmed.

5. Causation

- (33) One interested party claimed that, contrary to what is stated in recital 90 of the provisional Regulation, the prices of products originating in Poland were at the same level or were even lower than the prices of imports originating in the PRC, during the IP.
- (34) In this respect, the prices of the imports originating in Poland were established on the basis of Eurostat data in terms of import prices per unit, as was done for imports originating in the PRC, and not, as done by the party submitting the claim, in terms of import prices per tonne. The claim was therefore rejected.
- (35) In the absence of any new evidence, the findings on causation set out in recitals 84 to 99 of the provisional Regulation are confirmed, i.e. that the dumped imports caused the material injury suffered by the Community industry.

6. Community interest

- (36) Some interested parties argued that anti-dumping measures would increase import prices from the country concerned, with a significant impact on the financial situation of importers of CFL-i in the Community.
- (37) As to the increase of the import prices in the Community market, it appears unlikely that average prices will increase significantly, in view of the low level of duties for certain Chinese exporting producers and in particular the fact that for the largest known exporter, in terms of export volume, no duty is imposed. Nevertheless, even with possible import price increases, measures are still justified, as they will re-establish fair competition in the Community market. In addition, it is unlikely that imports will decrease significantly, given that even if cost increases are passed on to consumers, the latter still have a strong economic incentive to purchase energy saving lamps. As to the effect of the imposition of anti-dumping duties on the importers' financial situation, it is confirmed, in the absence of new evidence, that, although a negative impact cannot be excluded for those importers whose business is very much dominated by CFL-i, the financial situation of importers dealing with a wide range of other products or trading exclusively with an exporting producer for whom no duties are imposed, will not be significantly affected by the duties. The provisional findings summarised in recitals 106 to 109 of the provisional Regulation are thus confirmed.
- (38) Some interested parties argued that the duties would substantially increase retail prices, thus having a negative impact on consumers.

- (39) In this respect, any possible increase will indeed depend on several factors, e.g. the market behaviour of the Chinese exporting producers, the ability of importers to pass on any increases in import prices to retailers or consumers and the extent to which the import trade pattern changes due to the fact that there are some Chinese exporting producers with low duties or with no duty at all.
- (40) One importer claimed that national users' and consumers' associations should have been contacted by the Commission in order to evaluate the Community interest in the measures.
- (41) In this respect it should be recalled that, according to Article 21(2) of the basic Regulation, it is for the interested parties to make themselves known and to provide their submissions to the Commission. Nevertheless, in the current case the Commission had contacted the European consumers' organisation (BEUC) which is the representative of 32 independent national consumer organisations in Europe. Following publication of the provisional Regulation, the European Property Federation (EPF), which represents the industry managing, *inter alia*, the lighting in residential and commercial buildings, came forward and submitted that the price is the main criterion for users when choosing their source of supply of CFL-i. However, no specific information was provided by EPF as to how the duties would influence retail prices and consequently the users' and consumers' behaviour.
- (42) Several interested parties submitted that anti-dumping duties are contrary to Community energy saving policies, as they would result in the increase of the retail prices for consumers and thus reduce the sales of energy saving lamps (CFL-i).
- (43) In this respect, the Community industry cannot be expected to bear the costs of the Community energy saving policies through suffering from unfair trade practices. In addition, it should be considered that, on average, CFL-i, as compared to incandescent lamps, consume 20 % of the energy and last 5 times longer as compared to an incandescent lamp, which consequently gives CFL-i a considerable cost advantage. Thus, even in the event of moderate price increases there will still be a strong economic incentive for consumers to buy CFL-i.
- (44) Some interested parties argued that the imposition of anti-dumping measures would be against the Community interest on the grounds that competition was impeded due to an exchange of information on price. This anti-competitive effect would be exacerbated by the disappearance of Chinese CFL-i from the Community market.

(45) The investigation showed that, while there was a decision by a national competition authority relating to the exchange of price information between Community producers, this decision did not relate to the product concerned. As to the product concerned, no evidence of illegal competitive practices between Community producers was found. Furthermore, the Commission is not aware of any competition problems pertaining to the product concerned on the Community market. Finally, given the level of the duties for certain Chinese exporting producers, it is likely that a significant number of Chinese competitors will remain active on the Community market and alternative sources of supply from the Community producers and other third countries with no duties, particularly Poland and Hungary with a market share of around 15 % in the IP, will remain available.

(46) On the basis of the above, the findings set out in recitals 100 to 118 of the provisional Regulation are confirmed, i.e. there are no compelling reasons on the grounds of Community interest against the imposition of anti-dumping duties.

G. ANTI-DUMPING MEASURES

1. Injury elimination level

(47) 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.

(48) One exporting producer claimed that the profit margin of 8 % used to calculate the non-injurious Community industry price was too high, as a decline of the profit margins was normal, in view of the conditions of a market which becomes more mature.

(49) It should be noted, firstly, that the market of CFL-i is expanding, consumption having increased by 117 % between 1996 and the IP, and therefore a declining profit does not appear to be justified in such circumstances. It should also be recalled that the Community industry reached a profitability level of around 8 % in 1997, the year after which the situation of the

Community industry started to deteriorate, coinciding with the increase of the import volumes and the decrease of the import prices from the PRC. Secondly, as stated in recital 105 of the provisional Regulation, CFL-i are high-tech products which necessitate important R&D efforts. In order to stay competitive, it is necessary to develop new, more sophisticated models on a continuous basis. Taking into account the aforementioned factors, a profit margin of 8 % appears to be one that could reasonably be reached in the absence of injurious dumping.

(50) Given the above, the methodology used for establishing the injury elimination level as described in recitals 121 and 122 of the provisional Regulation is confirmed.

(51) As mentioned above in relation to price undercutting margins, injury margins were also reviewed and amended.

2. Form and level of definitive measures

(52) 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 margin found for Philips & Yaming and at the level of the dumping margins found for the remaining exporting producers.

(53) 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'.

(54) 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

3. Collection of provisional duties

(55) 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, should be definitively collected at the rate of the duty definitively imposed. In cases where the rate of the definitive duty imposed is higher than the rate of the provisional duty, only the amounts secured at the level of the provisional duty should be definitively collected.

4. Modification of the name of a company subject to an individual anti-dumping duty rate

(56) The provisional Regulation imposed an individual duty rate of 35,4 % to the exporting producer Zhejiang Sunlight Group Co., Ltd. This company has informed the Commission that it has changed its name to Zhejiang Yankon Group Co., Ltd. The company has asked the Commission to amend the Regulation to ensure that the change of name does not affect the right

of the company to benefit from the individual duty rate applied to that company under its previous name.

(57) The Commission has examined the information supplied, which demonstrates that all the company's activities linked to the manufacturing, sales and exports of the product concerned are unaffected by the change of name. The Commission therefore concludes that the change of name in no way affects the findings of the provisional Regulation.

(58) Therefore the amounts secured by way of the provisional anti-dumping duty imposed by the provisional Regulation in respect of goods manufactured by Zhejiang Sunlight Group Co., Ltd should be definitively collected at the rate of the duty definitively imposed on goods manufactured by Zhejiang Yankon Group Co., Ltd, and the TARIC additional code A241 previously attributed to Zhejiang Sunlight Group Co., Ltd, shall apply to Zhejiang Yankon Group Co., Ltd,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of electronic compact fluorescent discharge lamps with one or more glass tubes, with all lighting elements and electronic components fixed to the lamp foot or integrated in the lamp foot, falling within CN code ex 8539 31 90 (TARIC code 8539 31 90*91), and originating in the People's Republic of China.

2. The rate of duty applicable to the net, free-at-Community-frontier price, before duty, for products produced by the following manufacturers shall be as follows:

Manufacturer	Rate of duty %	TARIC additional code
Changzhou Hailong Electronics & Light Fixtures Co., Ltd Luoyang, Changzhou, Jiangsu Changzhou 213104 People's Republic of China	59,5	A234
City Bright Lighting (Shenzhen) Ltd Shenzhen People's Republic of China	17,1	A235
Deluxe Well Enterprises Ltd Block 17-18, Hong Qiao Tao Industrial Zone Bao An Yuan Shenzhen People's Republic of China	37,1	A236
Lisheng Electronic & Lighting (Xiamen) Co., Ltd Xiamen People's Republic of China	0,0	A237
Philips & Yaming Lighting Co., Ltd 1805 Hu Yi Highway Malu Jia Ding District Shanghai 201801 People's Republic of China	32,3	A238

Manufacturer	Rate of duty %	TARIC additional code
Sanex Electronics Co., Ltd Xin Su Industrial Area, Jiangsu Suzhou 215001 People's Republic of China	20,2	A239
Shenzhen Zuoming Electronic Co. Ltd Shenzhen, Guangdong People's Republic of China	8,4	A240
Zhejiang Sunlight Group Co., Ltd 129 Fengshan Road, Zhejiang Shangyu 213104 People's Republic of China	35,3	A241
All other companies	66,1	A999

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

Article 2

1. The amounts secured by way of provisional anti-dumping duties pursuant to Regulation (EC) No 255/2001 on imports of electronic compact fluorescent discharge lamps with one or more glass tubes, with all lighting elements and electronic components fixed to the lamp foot or integrated in the lamp foot originating in the People's Republic of China shall be collected at the rate of the duty definitively imposed. The amounts secured by way of provisional duties pursuant to Regulation (EC) No 255/2001 on imports manufactured by Zhejiang Sunlight Group Co., Ltd shall be collected at the rate of duty definitively imposed on imports manufactured by Zhejiang Yankon Group Co., Ltd (TARIC additional code A241).

2. Amounts secured in excess of the rate of definitive anti-dumping duty shall be released. In cases where the rate of the definitive duty imposed is higher than the rate of the provisional duty, only the amounts secured at the level of the provisional duty should be definitively collected.

Article 3

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, 16 July 2001.

For the Council
The President
L. MICHEL

COUNCIL REGULATION (EC) No 1471/2001

of 16 July 2001

terminating the interim review and amending the definitive anti-dumping duty imposed by Regulation (EC) No 423/97 on imports of gas-fuelled non-refillable pocket flint lighters originating, *inter alia*, in Thailand insofar as a Thai exporting producer is concerned

THE COUNCIL OF THE EUROPEAN UNION,

notice ('Notice of Initiation')⁽⁵⁾ and commenced an investigation.

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,

Whereas:

A. EXISTING MEASURES

- (1) Council Regulation (EC) No 423/97⁽²⁾ imposed anti-dumping duties on imports of gas-fuelled non-refillable pocket flint lighters originating, *inter alia*, in Thailand. Undertakings were accepted by Commission Decision 97/167/EC⁽³⁾ in connection with the review of Council Regulation (EEC) No 3433/91⁽⁴⁾.

B. REQUEST FOR AN INTERIM REVIEW

- (2) In April 2000, the Thai exporting producer, Thai Merry Co. Ltd (hereinafter referred to as the 'applicant') lodged a request for an interim review of the anti-dumping measures applicable to it, limited to its situation of dumping, pursuant to Article 11(3) of Regulation (EC) No 384/96 (hereinafter referred to as the 'basic Regulation'). The request alleged that changed circumstances of a lasting nature, such as the decline of its production costs, had led to a considerably reduced normal value, which in turn has reduced or eliminated dumping so that the continued imposition of the measures in respect of its imports was no longer necessary to counteract dumping.
- (3) Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of an interim review, the Commission published a

⁽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 65, 6.3.1997, p. 1. Regulation as amended by Regulation (EC) No 1508/97 (OJ L 204, 31.7.1997, p. 7).

⁽³⁾ OJ L 65, 6.3.1997, p. 54.

⁽⁴⁾ OJ L 326, 28.11.1991, p. 1.

C. PROCEDURE

- (4) The Commission officially advised the representatives of the exporting country and the applicant of the initiation of the interim review and gave all parties directly concerned the opportunity to make their views known in writing and to request a hearing. The Commission also sent a questionnaire to the applicant, which replied within the time limits set in the Notice of Initiation.
- (5) The Commission sought and verified all information it deemed necessary for the purpose of a determination of dumping and carried out a verification visit at the premises of the applicant.
- (6) The investigation of dumping covered the period from 1 October 1999 to 30 September 2000 (hereinafter referred to as the 'investigation period').

D. PRODUCT CONCERNED AND LIKE PRODUCT

Product concerned

- (7) The product concerned is the same as in the previous investigation, i.e. gas-fuelled non-refillable pocket flint lighters, also known as disposable flint lighters currently classifiable within CN code ex 9613 10 00.

Like product

- (8) As in the previous investigation, this investigation has shown that the lighters produced in Thailand by the applicant and sold on the Thai market or exported to the Community have the same physical characteristics and the same uses and therefore are to be considered a like product within the meaning of Article 1(4) of the basic Regulation.

⁽⁵⁾ OJ C 311, 31.10.2000, p. 5.

E. DUMPING**Normal value**

- (9) As far as the determination of normal value is concerned, it was first established whether the applicant's total domestic sales of the like product were representative in comparison with its total export sales to the Community. In accordance with Article 2(2) of the basic Regulation, this was found to be the case, since its domestic sales volume constituted at least 5 % of its total export sales volume to the Community.
- (10) It was then examined whether for the sole product type exported to the Community, sales were sufficiently representative. This was considered to be the case since, during the investigation period, the total domestic sales volume of this type represented more than 5 % of the total sales volume of the same type exported to the Community.
- (11) An examination was also carried out as to whether the domestic sales of that type could be regarded as having been made in the ordinary course of trade, by establishing the proportion of profitable sales to independent customers of the type in question. The profitable sales of this type representing less than 80 % but more than 10 % of the total domestic sales volume of that type, normal value was based on a weighted average price of profitable domestic sales made during the investigation period.

Export price

- (12) Since all export sales of the product under consideration were made directly to an independent customer in the Community, the export price was established in accordance with Article 2(8) of the basic Regulation on the basis of the prices actually paid or payable.

Comparison

- (13) For the purposes of a fair comparison by type on an ex-factory basis and at the same level of trade, due allowance was made for differences which were claimed and demonstrated to affect price comparability. These adjustments were made in respect of transport, insurance, handling, loading and ancillary costs and commissions in accordance with Article 2(10) of the basic Regulation.
- (14) The applicant claimed an adjustment for advertising costs, on the basis of Article 2(10)(k) of the basic Regulation, on the grounds that these costs were only made to stimulate sales on the domestic market. This claim had to be rejected because the applicant did not provide

sufficient information justifying that the costs were incurred for the amounts claimed in relation to sales on the domestic market. In addition, the applicant failed to demonstrate that the very small amount of advertising costs had affected prices.

- (15) The applicant claimed an adjustment for credit cost on the grounds that it was standard practice to grant 45 days of credit to domestic customers. This claim was rejected because the applicant failed to show, e.g. by means of contracts or a clear description of the payment terms on the invoices, that this was a factor taken into account in the determination of the prices charged.
- (16) The applicant also claimed an adjustment for duty drawback. Since this claim was made substantially beyond the deadline and even after the on-spot investigation had taken place, it had to be rejected.

Dumping margin

- (17) In order to calculate the dumping margin, the Commission compared the weighted average normal value to the average export price to the Community.
- (18) This comparison did not show the existence of dumping for the company concerned.

F. LASTING NATURE OF CHANGED CIRCUMSTANCES AND LIKELIHOOD OF RECURRENCE OF DUMPING

- (19) In accordance with the Commission's normal practice, it was examined whether the changed circumstances could reasonably be said to be of a lasting nature.
- (20) The investigation has shown that the applicant's production capacity remained stable over the last 4 years, whilst its capacity utilisation rate increased slightly from 60 % to around 70 %. This increase was due to better sales performances, spread evenly over both the domestic market and non-EC countries.
- (21) It should be noted that exports to the Community, being subject to a minimum price undertaking accepted in 1997, were made at prices substantially higher than those charged to customers in non-EC countries. However, it was found that over the last 4 years and on the basis of average prices charged for all lighters, the applicant consistently charged higher prices for lighters on sales to non-EC export markets than on the domestic market.

- (22) While the applicant has spare capacity, which could be used to increase sales to the Community if the anti-dumping measures were to be lifted, the above findings concerning exports to third countries, and in particular export prices to these countries, are viewed as evidence that it is unlikely that there will be in the foreseeable future a recurrence of dumped imports.
- (23) It is consequently concluded that the changed circumstances, in particular the increase in export prices to the Community combined with a substantial decrease in production costs, are of a lasting nature. In the absence of dumping, it is therefore considered appropriate to repeal the measures insofar as they concern the applicant.
- G. REPEALING OF THE MEASURES**
- (24) The interested parties were informed of the facts and considerations on the basis of which it was intended to recommend that the interim review be terminated, the undertaking accepted by Commission Decision 97/167/EC repealed insofar as the applicant is concerned and the anti-dumping duty imposed by Regulation (EC) No 423/97 amended accordingly. They were given an opportunity to comment. Their comments were taken into account and, where appropriate, the findings modified accordingly.
- (25) In view of the finding of non-existence of dumping for the applicant and as this situation is not considered to be of a short-term nature, the undertaking accepted by Commission Decision 97/167/EC on exports of the applicant should be repealed, the anti-dumping duty

imposed by Regulation (EC) No 423/97 should be amended accordingly and this review should be terminated,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 423/97 is hereby amended as follows:

1. Article 2(2)(a) shall be replaced by the following:

- '(a) 51,9 % for imports originating in Thailand (TARIC additional code 8900) with the exception of imports which are produced and sold for export to the Community by Politop Co. Ltd, Bangkok where the rate shall be 5,8 % (TARIC additional code 8937) and imports which are produced and sold for export to the Community by Thai Merry Co. Ltd., Samutsakorn where the rate shall be 0 % (TARIC additional code 8542);'

2. Article 2(3)(a) shall be deleted.

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, 16 July 2001.

For the Council
The President
L. MICHEL

COMMISSION REGULATION (EC) No 1472/2001
of 18 July 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 19 July 2001.

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

Done at Brussels, 18 July 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 18 July 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	064	60,0	
	091	53,1	
	092	53,1	
	999	55,4	
0707 00 05	052	65,3	
	628	126,4	
	999	95,8	
0709 90 70	052	70,9	
	999	70,9	
0805 30 10	388	70,9	
	524	76,6	
	528	71,1	
	999	72,9	
0808 10 20, 0808 10 50, 0808 10 90	388	93,9	
	400	85,9	
	508	94,9	
	512	90,7	
	524	100,8	
	528	81,2	
	804	109,3	
	999	93,8	
	0808 20 50	388	85,8
		512	69,1
528		66,5	
804		143,4	
0809 10 00	999	91,2	
	052	186,1	
	064	155,2	
0809 20 95	999	170,6	
	052	315,5	
	400	239,1	
0809 30 10, 0809 30 90	999	277,3	
	052	175,6	
	999	175,6	
0809 40 05	064	105,6	
	624	284,4	
	999	195,0	

⁽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 1473/2001
of 18 July 2001**

**fixing the maximum export refund for white sugar for the 48th 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 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Article 27(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 ⁽²⁾, as amended by Regulation (EC) No 1264/2001 ⁽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 48th 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 48th 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 37,458 EUR/100 kg.

Article 2

This Regulation shall enter into force on 19 July 2001.

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

Done at Brussels, 18 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 69.

⁽³⁾ OJ L 178, 30.6.2001, p. 61.

COMMISSION REGULATION (EC) No 1474/2001

of 18 July 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 1260/2001 of 19 June 2001 on the common organisation of the market in sugar ⁽¹⁾,

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 ⁽²⁾, 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 ⁽³⁾. 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 19 July 2001.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 141, 24.6.1995, p. 12.

⁽³⁾ 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, 18 July 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 18 July 2001 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⁾	10,57	—	0
1703 90 00 ⁽¹⁾	13,62	—	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 1475/2001
of 18 July 2001**

establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 993/2001 ⁽⁴⁾, and in particular Article 173 (1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 July 2001.

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

Done at Brussels, 18 July 2001.

For the Commission
Erkki LIIKANEN
Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 17.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 141, 28.5.2001, p. 1.

ANNEX

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.30	Onions (other than seed) 0703 10 19	a) b) c)	44,61 265,24 411,84	613,85 292,62 1 799,58	87,25 35,13 27,17	331,99 86 377,59	15 200,96 98,31	7 422,53 8 943,56
1.40	Garlic 0703 20 00	a) b) c)	118,17 702,63 1 090,98	1 626,11 775,17 4 767,12	231,13 93,07 71,98	879,45 228 816,58	40 267,76 260,42	19 662,48 23 691,74
1.50	Leeks ex 0703 90 00	a) b) c)	52,40 311,56 483,76	721,04 343,72 2 113,81	102,49 41,27 31,92	389,96 101 460,55	17 855,30 115,47	8 718,63 10 505,26
1.60	Cauliflowers 0704 10 00	a) b) c)	55,28 328,68 510,34	760,67 362,61 2 229,99	108,12 43,54 33,67	411,39 107 037,01	18 836,66 121,82	9 197,82 11 082,64
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	53,85 320,18 497,14	740,99 353,23 2 172,30	105,32 42,41 32,80	400,75 104 268,14	18 349,39 118,67	8 959,89 10 795,96
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> <i>L. convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	74,29 441,71 685,85	1 022,25 487,31 2 996,85	145,30 58,51 45,25	552,87 143 845,50	25 314,32 163,71	12 360,82 14 893,81
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	63,62 378,27 587,34	875,43 417,32 2 566,42	124,43 50,10 38,75	473,46 123 185,50	21 678,51 140,20	10 585,48 12 754,66
1.110	Cabbage lettuce (head lettuce) 0705 11 00	a) b) c)	90,36 537,26 834,20	1 243,38 592,72 3 645,11	176,73 71,16 55,04	672,46 174 961,36	30 790,17 199,13	15 034,64 18 115,55
1.130	Carrots ex 0706 10 00	a) b) c)	56,00 332,96 516,99	770,58 367,34 2 259,03	109,53 44,10 34,11	416,75 108 431,12	19 082,00 123,41	9 317,62 11 226,99
1.140	Radishes ex 0706 90 90	a) b) c)	138,63 824,26 1 279,83	1 907,59 909,35 5 592,32	271,14 109,18 84,44	1 031,68 268 425,11	47 238,17 305,50	23 066,09 27 792,82
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	a) b) c)	385,69 2 293,20 3 560,68	5 307,20 2 529,95 15 558,66	754,34 303,75 234,92	2 870,30 746 798,04	131 423,53 849,95	64 173,25 77 323,70

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	a) b) c)	197,39 1 173,65 1 822,35	2 716,21 1 294,82 7 962,87	386,07 155,46 120,23	1 469,01 382 208,85	67 262,14 435,00	32 843,66 39 574,02
1.170.2	Beans (<i>Phaseolus</i> ssp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	a) b) c)	143,05 850,53 1 320,63	1 968,40 938,34 5 770,59	279,78 112,66 87,13	1 064,57 276 981,87	48 744,01 315,24	23 801,38 28 678,79
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 937,88 1 456,26	2 170,55 1 034,71 6 363,22	308,51 124,23 96,08	1 173,90 305 427,23	53 749,91 347,61	26 245,73 31 624,03
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	514,90 3 061,44 4 753,54	7 085,15 3 377,51 20 770,93	1 007,05 405,52 313,62	3 831,87 996 981,36	175 451,46 1 134,69	85 671,80 103 227,76
1.200.2	— other ex 0709 20 00	a) b) c)	210,45 1 251,28 1 942,87	2 895,86 1 380,46 8 489,53	411,60 165,74 128,19	1 566,17 407 488,02	71 710,84 463,77	35 015,93 42 191,44
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	70,55 419,47 651,32	970,79 462,78 2 845,98	137,98 55,56 42,97	525,03 136 603,85	24 039,91 155,47	11 738,53 14 144,01
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	135,14 803,51 1 247,61	1 859,57 886,46 5 451,53	264,31 106,43 82,31	1 005,71 261 667,53	46 048,95 297,81	22 485,40 27 093,14
1.230	Chantarelles 0709 51 30	a) b) c)	477,48 2 838,97 4 408,10	6 570,28 3 132,07 19 261,53	933,87 376,05 290,83	3 553,41 924 531,94	162 701,62 1 052,23	79 446,14 95 726,33
1.240	Sweet peppers 0709 60 10	a) b) c)	108,25 643,61 999,34	1 489,51 710,05 4 366,67	211,71 85,25 65,93	805,57 209 595,42	36 885,17 238,54	18 010,79 21 701,58
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	78,29 465,46 722,73	1 077,23 513,52 3 158,02	153,11 61,65 47,68	582,60 151 581,48	26 675,72 172,52	13 025,58 15 694,79
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	176,48 1 049,30 1 629,26	2 428,42 1 157,63 7 119,19	345,16 138,99 107,49	1 313,36 341 712,93	60 135,56 388,91	29 363,80 35 381,06
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	103,57 615,83 956,20	1 425,21 679,40 4 178,18	202,57 81,57 63,09	770,80 200 548,00	35 292,98 228,25	17 233,33 20 764,80

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	48,30 287,18 445,91	664,62 316,83 1 948,42	94,47 38,04 29,42	359,45 93 521,84	16 458,22 106,44	8 036,44 9 683,28
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	51,92 308,70 479,33	714,43 340,57 2 094,45	101,55 40,89 31,62	386,39 100 531,14	17 691,74 114,42	8 638,76 10 409,03
2.120.2	— other ex 0807 19 00	a) b) c)	64,46 383,28 595,12	887,02 422,84 2 600,40	126,08 50,77 39,26	479,73 124 816,42	21 965,53 142,06	10 725,62 12 923,53
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	Other ex 0808 20 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 00	a) b) c)	143,40 852,62 1 323,87	1 973,23 940,64 5 784,74	280,47 112,94 87,34	1 067,18 277 661,12	48 863,55 316,01	23 859,75 28 749,12
2.160	Cherries 0809 20 95 0809 20 05	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.170	Peaches 0809 30 90	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.180	Nectarines ex 0809 30 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.190	Plums 0809 40 05	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.200	Strawberries 0810 10 00	a) b) c)	157,72 937,79 1 456,11	2 170,34 1 034,60 6 362,59	308,48 124,22 96,07	1 173,79 305 397,22	53 744,62 347,58	26 243,15 31 620,92
2.205	Raspberries 0810 20 10	a) b) c)	308,18 1 832,36 2 845,13	4 240,67 2 021,54 12 432,00	602,75 242,71 187,71	2 293,48 596 722,01	105 012,74 679,14	51 277,04 61 784,78
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	2 145,22 12 754,90 19 804,67	29 518,87 14 071,72 86 537,96	4 195,69 1 689,50 1 306,65	15 964,73 4 153 725,13	730 983,71 4 727,44	356 934,57 430 078,00
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	a) b) c)	111,98 665,83 1 033,84	1 540,93 734,57 4 517,42	219,02 88,19 68,21	833,38 216 831,07	38 158,51 246,78	18 632,55 22 450,76

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a)	199,46	2 744,63	390,11	1 484,38	67 966,00	33 187,35
		b)	1 185,94	1 308,37	157,09	386 208,41	439,55	39 988,14
		c)	1 841,41	8 046,20	121,49			
2.240	Khakis (including sharon fruit) ex 0810 90 85	a)	123,38	1 697,74	241,31	918,19	42 041,67	20 528,67
		b)	733,58	809,32	97,17	238 896,61	271,89	24 735,43
		c)	1 139,04	4 977,13	75,15			
2.250	Lychees ex 0810 90 30	a)	338,02	4 651,27	661,11	2 515,55	115 180,69	56 241,98
		b)	2 009,78	2 217,27	266,21	654 500,12	744,90	67 767,15
		c)	3 120,61	13 635,74	205,89			

COMMISSION REGULATION (EC) No 1476/2001

of 18 July 2001

amending Regulation (EC) No 1325/2001 as regards safeguard measures with regard to imports from the overseas countries and territories of mixtures of sugar and cocoa with ACP/OCT originating status for the period 1 July to 1 December 2001

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Community ⁽¹⁾, as last amended by Decision 2000/161/EC ⁽²⁾, and in particular Article 109 thereof,

After consulting the Committee set up in accordance with Article 1(2) of Annex IV to that Decision,

Whereas:

- (1) Commission Regulation (EC) No 1325/2001 of 29 June 2001 providing for the continued application of safeguard measures with regard to imports of sugar-sector products with EC/OCT originating status from the overseas countries and territories for the period 1 July to 1 December 2001 ⁽³⁾ limits such imports during its period of applicability. However, since safeguard measures were introduced with regard to products with EC/OCT originating status, mixtures of sugar and cocoa with ACP/OCT originating status have started to be imported, which is a new development.
- (2) Such imports are just as damaging to the sugar sector as imports of the products concerned with EC/OCT originating status. Cumulation of ACP/OCT originating status should accordingly be limited in the case of products covered by CN codes 1806 10 30 and 1806 10 90 for the period to 1 December 2001.
- (3) Article 100 of Decision 91/482/EEC states that the object of the Decision is to promote trade between the OCT and the Community, taking account of their respective levels of development. In accordance with Article 109(2) of that Decision, priority must be given to such measures as least disturb the functioning of the association and the Community. Such measures must not exceed the limits of what is strictly necessary to remedy the difficulties that have arisen.
- (4) For the purposes of introducing these safeguard measures, the Commission has based itself on the quantities of mixtures of sugar and cocoa imported in the first five months of 2001, with an eye to preventing any increase in the quantity currently imported and to allowing operators to adjust to the limits on quantities. The reference

figures used as a basis for adopting the safeguard measures with regard to those products and to sugar with EC/OCT originating status also include any quantities of mixtures of sugar and cocoa with ACP/OCT originating status. Should the risk of disturbance continue after the end of the period of application of this Regulation and should the Council not adopt the new decision on the association of the OCT with the Community, the figures for imports from the OCT used as a basis for the safeguard measures with regard to products with EC/OCT originating status could also be considered with a view to any continued application of the safeguard measures provided for herein.

- (5) This measure should ensure that imported sugar-based products originating in the OCT do not exceed a quantity that could disturb the COM for sugar, while at the same time guaranteeing them a commercial outlet.
- (6) In this respect, the Commission points out that it made a proposal to the Council, in connection with the review of Decision 91/482/EEC, to abolish the rules allowing cumulation of originating status for sugar and mixtures of sugar and cocoa covered by CN codes 1806 10 30 and 1806 10 90.
- (7) In order to ensure proper management, avoid speculation and permit effective checks of products covered by CN codes 1701, 1806 10 30 and 1806 10 90, detailed rules should be laid down on the submission of licence applications and on the issuing and utilisation of the licences.
- (8) In view of the impact of the imports, the safeguard measures should apply with immediate effect,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1325/2001 is hereby amended as follows:

1. the title is replaced by the following:

'Commission Regulation (EC) No 1325/2001 of 29 June 2001 as regards safeguard measures with regard to imports from the overseas countries and territories of sugar with EC/OCT originating status and of mixtures of sugar and cocoa with ACP/OCT and EC/OCT originating status for the period 1 July to 1 December 2001;'

⁽¹⁾ OJ L 263, 19.9.1991, p. 1.

⁽²⁾ OJ L 58, 26.2.2001, p. 21.

⁽³⁾ OJ L 177, 30.6.2001, p. 57.

2. the following paragraph is inserted after the first paragraph of Article 1:

'For products covered by CN codes 1806 10 30 and 1806 10 90, cumulation of ACP/OCT originating status as referred to in Article 6 of Annex II to Decision 91/482/EEC shall be permitted for a quantity of 6 684 tonnes of sugar during the period of application of this Regulation.'

3. Article 2 is amended as follows:

(a) the second subparagraph of paragraph 2 is amended as follows:

(i) the first and second indents are replaced by the following:

— licences for the products referred to in the first paragraph of Article 1 shall bear the serial number 53.0001 while those for the products referred to in the second paragraph of Article 1 shall bear the serial number 53.0003,

— licence applications may be for a maximum of 4 848 tonnes in the case of the products referred to in the first paragraph of Article 1 and a maximum of 6 684 tonnes in the case of the products referred to in the second paragraph of Article 1;

(ii) the fourth, fifth and sixth indents are replaced by the following:

— applications shall be lodged with the competent authorities in the first five working days of each month, with the exception of July 2001, when applications shall be lodged by 16 July 2001 at the latest for the products referred to in the first paragraph of Article 1 and by 23 July 2001 at

the latest for the products referred to in the second paragraph of Article 1,

— the single reducing coefficient shall be applied and the lodging of new applications suspended where the quantity covered by import licence applications exceeds 4 848 tonnes in the case of the products referred to in the first paragraph of Article 1 and 6 684 tonnes in the case of the products referred to in the second paragraph of Article 1 during the period of application of this Regulation,

— the term of validity of import licences shall expire on the last day of the fourth month following that of their issue and in any case on 1 December 2001.;

(b) Paragraph 3 is replaced by the following:

'3. In the case of products with EC/OCT originating status, on completion of the formalities for release for free circulation in the customs territory of the Community, operators shall present the customs authorities of the Member States with copies of the export licences issued in accordance with Article 22 of Council Regulation (EC) No 1260/2001 (*) for the sugar used in those products.

(*) OJ L 178, 30.6.2001, p. 1.'

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, 18 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1477/2001**of 18 July 2001****derogating from Regulation (EC) No 708/98 on the taking over of paddy rice by the intervention agencies and fixing the corrective amounts and the price increases and reductions to be applied as regards the buying-in period for the 2000/01 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular Article 8(b) thereof,

Whereas:

- (1) The conditions governing the taking-over of paddy rice by the intervention agencies are laid down in Commission Regulation (EC) No 708/98 ⁽³⁾, as last amended by Regulation (EC) No 610/2001 ⁽⁴⁾. Article 6(1) of that Regulation provides that delivery must take place by the end of the second month following receipt of the offer and in any case not later than 31 August of the current marketing year.
- (2) During the 2000/01 marketing year, the intervention agencies encountered difficulties in setting up a satisfactory system for the storage, inspection and reception of the goods. As a result of those difficulties, the acceptance of offers submitted and the taking-over of deliveries have fallen behind schedule. Those difficulties

justify an extension of the period for delivery to the intervention agency for the 2000/01 marketing year.

- (3) In view of the situation facing the intervention agencies, this Regulation must enter into force immediately.
- (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

Notwithstanding Article 6(1) of Regulation (EC) No 708/98, delivery in respect of the 2000/01 marketing year must take place by no later than the end of the third month following that of receipt of the offer and in any case not later than 31 August 2001.

*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, 18 July 2001.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ L 329, 30.12.1995, p. 18.⁽²⁾ OJ L 193, 29.7.2000, p. 3.⁽³⁾ OJ L 98, 31.3.1998, p. 21.⁽⁴⁾ OJ L 90, 30.3.2001, p. 17.

**COMMISSION REGULATION (EC) No 1478/2001
of 18 July 2001**

amending Annexes I, II and III of Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾, as last amended by Commission Regulation (EC) No 1322/2001 ⁽²⁾, and in particular Articles 6, 7 and 8 thereof,

Whereas:

- (1) In accordance with Regulation (EEC) No 2377/90, maximum residue limits must be established progressively for all pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals.
- (2) Maximum residue limits should be established only after the examination within the Community for Veterinary Medicinal Products of all the relevant information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs.
- (3) In establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which residues may be present, the levels which may be present in each of the relevant meat tissues obtained from the treated animal (target tissue) and the nature of the residue which is relevant for the monitoring of residues (marker residue).
- (4) For the control of residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney. However, the liver and kidney are frequently removed from carcasses moving in international trade, and maximum residue limits should therefore also always be established for muscle or fat tissues.

- (5) In the case of veterinary medicinal products intended for use in laying birds, lactating animals or honey bees, maximum residue limits must also be established for eggs, milk or honey.
- (6) Bacitracin (bovine, milk), rafoxanide, coumafos, cyromazine and doramectin (deer including reindeer) should be inserted into Annex I to Regulation (EEC) No 2377/90.
- (7) Amprolium and tiludronic acid, disodium salt should be inserted into Annex II to Regulation (EEC) No 2377/90.
- (8) In order to allow for the completion of scientific studies, the duration of the validity of the provisional maximum residue limits previously defined in Annex III to Regulation (EEC) No 2377/90 should be extended for piperazine.
- (9) An adequate period should be allowed before the entry into force of this Regulation in order to allow Member States to make any adjustment which may be necessary to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Council Directive 81/851/EEC ⁽³⁾, as last amended by Commission Directive 2000/37/EC ⁽⁴⁾, to take account of the provisions of this Regulation.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, II and III to Regulation (EEC) No 2377/90 are hereby amended as set out in the Annex hereto.

Article 2

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

It shall apply from the 60th day following its publication.

⁽¹⁾ OJ L 224, 18.8.1990, p. 1.
⁽²⁾ OJ L 177, 30.6.2001, p. 52.

⁽³⁾ OJ L 317, 6.11.1981, p. 1.
⁽⁴⁾ OJ L 139, 10.6.2000, p. 25.

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

Done at Brussels, 18 July 2001.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

A. Annex I to Regulation (EC) No 2377/90 is amended as follows:

1. Anti-infectious agents

1.2. Antibiotics

1.2.12. Polypeptides

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Bacitracin	Sum of bacitracin A, bacitracin B, and bacitracin C	Bovine	100 µg/kg	Milk'	

2. Antiparasitic agents

2.1. Agents acting against endoparasites

2.1.1. Salicylanilides

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Rafoxanide	Rafoxanide	Bovine	30 µg/kg 30 µg/kg 10 µg/kg 40 µg/kg	Muscle Fat Liver Kidney	Not for use in animals from which milk is produced for human consumption'
		Ovine	100 µg/kg 250 µg/kg 150 µg/kg 150 µg/kg	Muscle Fat Liver Kidney	

2.2. Agents acting against ectoparasites

2.2.1. Organophosphates

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Coumafos	Coumafos	Bees	100 µg/kg	Honey'	

2.2.6. Triazine derivatives

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Cyromazine	Cyromazine	Ovine	300 µg/kg 300 µg/kg 300 µg/kg 300 µg/kg	Muscle Fat Liver Kidney	Not for use in animals from which milk is produced for human consumption'

2.3. Agents acting against endo- and ectoparasites

2.3.1. Avermectins

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Doramectin	Doramectin	Deer, including reindeer	20 µg/kg 100 µg/kg 50 µg/kg 30 µg/kg	Muscle Fat Liver Kidney'	

B. Annex II to Regulation (EEC) No 2377/90 is amended as follows:

2. Organic compounds

Pharmacologically active substance(s)	Animal species	Other provisions
'Amprolium	Poultry	For oral use only
Tiludronic acid, disodium salt	Equidae	For intravenous use only'

C. Annex III to Regulation (EEC) No 2377/90 is amended as follows:

2. Antiparasitic agents

2.1. Agents acting against endoparasites

2.1.5. Piperazine derivatives

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'Piperazine	Piperazine	Porcine	400 µg/kg 800 µg/kg 2 000 µg/kg 1 000 µg/kg	Muscle Skin and fat Liver Kidney	Provisional MRLs expire on 1.7.2003'
		Chicken	2 000 µg/kg	Eggs	

COMMISSION REGULATION (EC) No 1479/2001**of 18 July 2001****on the authorisation of transfers between the quantitative limits of textiles and clothing products originating in the People's Republic of China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries ⁽¹⁾, as last amended by Regulation (EC) No 391/2001 ⁽²⁾, and in particular Article 7 thereof,

Whereas:

- (1) Article 5 of the Agreement between the Community and the People's Republic of China on trade in textiles products, initialled on 9 December 1988 ⁽³⁾, and as last amended and extended by the Agreement in the form of an Exchange of Letters, initialled on 19 May 2000 ⁽⁴⁾, provides that transfers may be made between quota years.
- (2) The People's Republic of China made a request on 1 September 2000 for additional flexibilities, and most specifically for a carry-over of quantities from the quantitative limits of year 2000 into year 2001.
- (3) The transfers requested by the People's Republic of China fall within the limits of the flexibility provisions referred to in Article 5 of the Agreement between the Community and the People's Republic of China on trade in textiles products, initialled on 9 December 1988, and

as set out in Annex VIII to Regulation (EEC) No 3030/93.

- (4) It is appropriate to grant the request to the extent that quantities are available.
- (5) To benefit operators the Regulation should enter into force as soon as possible.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee provided for in Article 17 of Regulation (EEC) No 3030/93,

HAS ADOPTED THIS REGULATION:

Article 1

Transfers between the quantitative limits for textile goods originating in the People's Republic of China are authorised for the quota year 2001 as detailed in the Annex to this Regulation.

Article 2

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

It shall apply to the quota year 2001.

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

Done at Brussels, 18 July 2001.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ OJ L 275, 8.11.1993, p. 1.

⁽²⁾ OJ L 58, 28.2.2001, p. 3.

⁽³⁾ OJ L 367, 31.12.1988, p. 75.

⁽⁴⁾ OJ L 314, 14.12.2000, p. 13.

ANNEX

720 CHINA — Berlin Fair					Adjustment				
Group	Category	Unit	Limit 2001	Adjusted working level	Quantity (units)	Quantity (kg)	%	Flexibility	Adjusted working level
IA	B1	kg	317 000	309 310		12 680	4,0	Carry-over from 2000	321 990
IA	B2	kg	1 338 000	1 391 520		53 520	4,0	Carry-over from 2000	1 445 040
IA	B2A	kg	159 000	165 360		6 360	4,0	Carry-over from 2000	171 720
IA	B3	kg	196 000	203 840		7 840	4,0	Carry-over from 2000	211 680
IA	B3A	kg	27 000	28 080		1 080	4,0	Carry-over from 2000	29 160
IB	B4	pcs	2 061 000	2 205 270	30 451	4 699	1,5	Carry-over from 2000	2 235 721
IB	B5	pcs	705 000	754 350	28 200	6 225	4,0	Carry-over from 2000	782 550
IB	B6	pcs	1 689 000	1 807 230	67 560	38 386	4,0	Carry-over from 2000	1 874 790
IB	B7	pcs	302 000	259 060	12 080	2 177	4,0	Carry-over from 2000	271 140
IB	B8	pcs	992 000	801 126	39 680	8 626	4,0	Carry-over from 2000	840 806
IIA	B9	kg	294 000	320 460		11 760	4,0	Carry-over from 2000	332 220
IIIB	B10	pair	2 215 000	2 414 350	88 600	5 212	4,0	Carry-over from 2000	2 502 950
IIB	B12	pair	843 000	918 870	33 720	1 388	4,0	Carry-over from 2000	952 590
IIB	B19	pcs	5 431 000	5 593 930	217 240	3 682	4,0	Carry-over from 2000	5 811 170
IIA	B20/39	kg	372 000	405 480		5 690	1,5	Carry-over from 2000	411 170
IIB	B21	pcs	964 000	1 050 760	38 560	16 765	4,0	Carry-over from 2000	1 089 320
IIA	B22	kg	332 000	341 960		13 280	4,0	Carry-over from 2000	355 240
IIB	B24	pcs	1 138 000	1 240 420	45 520	11 672	4,0	Carry-over from 2000	1 285 940
IIA	B32	kg	184 000	189 520		7 360	4,0	Carry-over from 2000	196 880
IIIA	B37	kg	567 000	480 229		22 680	4,0	Carry-over from 2000	502 909
IIIA	B37A	kg	158 000	162 740		6 320	4,0	Carry-over from 2000	169 060

**COMMISSION REGULATION (EC) No 1480/2001
of 18 July 2001**

**laying down to what extent applications for issue of export licences submitted during July 2001 for
beef products which may benefit from special import treatment in a third country may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef sector and repealing Regulation (EEC) No 2377/80 ⁽¹⁾, as last amended by Regulation (EC) No 24/2001 ⁽²⁾, and in particular Article 12(8) thereof,

Whereas:

- (1) Regulation (EC) No 1445/95 lays down, in Article 12, detailed rules for export licence applications for the products referred to in Article 1 of Commission Regulation (EEC) No 2973/79 ⁽³⁾, as last amended by Regulation (EEC) No 3434/87 ⁽⁴⁾.
- (2) Regulation (EEC) No 2973/79 fixed the quantities of meat which might be exported on special terms for the third quarter of 2001. No applications were submitted for export licences for beef,

HAS ADOPTED THIS REGULATION:

Article 1

No applications for export licences were lodged for the beef referred to in Regulation (EEC) No 2973/79 for the third quarter of 2001.

Article 2

Applications for licences in respect of the meat referred to in Article 1 may be lodged in accordance with Article 12 of Regulation (EC) No 1445/95 during the first 10 days of the fourth quarter of 2001 the total quantity available being 5 000 t.

Article 3

This Regulation shall enter into force on 19 July 2001.

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

Done at Brussels, 18 July 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 143, 27.6.1995, p. 35.

⁽²⁾ OJ L 3, 6.1.2001, p. 9.

⁽³⁾ OJ L 336, 29.12.1979, p. 44.

⁽⁴⁾ OJ L 327, 18.11.1987, p. 7.

COMMISSION REGULATION (EC) No 1481/2001
of 18 July 2001
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 2831/98 ⁽⁴⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.

- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 19 July 2001.

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

Done at Brussels, 18 July 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties (€)				
	Third countries (except ACP and Bangladesh) (7)	ACP (1) (2) (3)	Bangladesh (4)	Basmati India and Pakistan (6)	Egypt (8)
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	264,00	88,06	127,66		198,00
1006 20 13	264,00	88,06	127,66		198,00
1006 20 15	264,00	88,06	127,66		198,00
1006 20 17	217,65	71,84	104,48	0,00	163,24
1006 20 92	264,00	88,06	127,66		198,00
1006 20 94	264,00	88,06	127,66		198,00
1006 20 96	264,00	88,06	127,66		198,00
1006 20 98	217,65	71,84	104,48	0,00	163,24
1006 30 21	(7)	133,21	193,09		312,00
1006 30 23	(7)	133,21	193,09		312,00
1006 30 25	(7)	133,21	193,09		312,00
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	(7)	133,21	193,09		312,00
1006 30 44	(7)	133,21	193,09		312,00
1006 30 46	(7)	133,21	193,09		312,00
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	(7)	133,21	193,09		312,00
1006 30 63	(7)	133,21	193,09		312,00
1006 30 65	(7)	133,21	193,09		312,00
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	(7)	133,21	193,09		312,00
1006 30 94	(7)	133,21	193,09		312,00
1006 30 96	(7)	133,21	193,09		312,00
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

(1) The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 1706/98 (OJ L 215, 1.8.1998, p. 12) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

(2) In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

(3) The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

(4) The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

(5) No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

(6) For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

(7) Duties fixed in the Common Customs Tariff.

(8) The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	217,65	416,00	264,00	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	333,78	270,93	223,11	268,21	—
(b) fob price (EUR/tonne)	—	—	—	187,88	232,98	—
(c) Sea freight (EUR/tonne)	—	—	—	35,23	35,23	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 1482/2001
of 18 July 2001
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the third subparagraph of Article 27(5) thereof,

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1407/2001 ⁽²⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 1407/2001 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1407/2001 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 July 2001.

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

Done at Brussels, 18 July 2001.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.
⁽²⁾ OJ L 190, 12.7.2001, p. 6.

ANNEX

to the Commission Regulation of 18 July 2001 altering 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	32,80 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	31,56 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	32,80 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	31,56 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,3566
1701 99 10 9100	A00	EUR/100 kg	35,66
1701 99 10 9910	A00	EUR/100 kg	34,31
1701 99 10 9950	A00	EUR/100 kg	34,31
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,3566

⁽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 Council Regulation (EC) No 1260/2001.

⁽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 1483/2001
of 18 July 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 1297/2001 ⁽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 19 July 2001.

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

Done at Brussels, 18 July 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 176, 29.6.2001, p. 54.

ANNEX

to the Commission Regulation of 18 July 2001 amending the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12	6th period 1
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	—	-0,93	-1,86	-2,79	-3,72	—	—
1002 00 00 9000	A00	0	0,00	0,00	0,00	0,00	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	0	-0,93	-1,86	-2,79	-3,72	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	-0,93	-1,86	-2,79	-3,72	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	-1,00	-2,00	0,00	-0,93	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	-1,27	-2,55	-3,82	-5,10	—	—
1101 00 15 9130	C01	0	-1,19	-2,38	-3,57	-4,76	—	—
1101 00 15 9150	C01	0	-1,10	-2,19	-3,29	-4,39	—	—
1101 00 15 9170	C01	0	-1,01	-2,03	-3,04	-4,05	—	—
1101 00 15 9180	C01	0	-0,95	-1,90	-2,85	-3,79	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	C01	0	0,00	0,00	0,00	0,00	—	—
1102 10 00 9700	C01	0	0,00	0,00	0,00	0,00	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	-1,40	-2,79	-4,19	-5,58	—	—
1103 11 10 9400	A00	0	-1,25	-2,49	-3,74	-4,98	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	-1,27	-2,55	-3,82	-5,10	—	—
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).

The other destinations are as follows:

C01 All destinations except for Poland.

**DIRECTIVE 2001/45/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 27 June 2001**

**amending Council Directive 89/655/EEC concerning the minimum safety and health requirements
for the use of work equipment by workers at work (second individual Directive within the
meaning of Article 16(1) of Directive 89/391/EEC)**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular Article 137(2) thereof,

Having regard to the proposal from the Commission,
submitted after consulting the Advisory Committee on Safety,
Hygiene and Health Protection at Work ⁽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 referred to in Article
251 of the Treaty ⁽³⁾,

Whereas:

- (1) Article 137(2) of the Treaty provides that the Council may adopt, by means of Directives, minimum requirements for encouraging improvements, especially in the working environment, to ensure a better level of protection of the safety and health of workers.
- (2) Pursuant to the said Article, such Directives must avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized enterprises.
- (3) The improvement of occupational safety, hygiene and health is an objective which may not be subordinated to purely economic considerations.
- (4) Compliance with the minimum requirements designed to ensure a better standard of health and safety in the use of work equipment provided for temporary work at a height is essential to ensure the health and safety of workers.
- (5) The provisions adopted pursuant to Article 137(2) of the Treaty do not prevent any Member State from maintaining or introducing such more stringent measures for the protection of working conditions as are compatible with the Treaty.

- (6) Work at a height may expose workers to particularly severe risks to their health and safety, notably to the risks of falls from a height and other serious occupational accidents, which account for a large proportion of all accidents, especially of fatal accidents.
- (7) Self-employed persons and employers, where they themselves pursue an occupational activity and personally use work equipment intended for carrying out temporary work at a height, may affect employees' health and safety.
- (8) Council Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites (eighth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) ⁽⁴⁾, imposes on these categories of persons the obligation to respect *inter alia* Article 4 and Annex I of Directive 89/655/EEC ⁽⁵⁾.
- (9) Any employer who intends to have temporary work carried out at a height must select equipment affording adequate protection against the risks of falls from a height.
- (10) In general collective protection measures to prevent falls offer better protection than personal protection measures. The selection and use of equipment appropriate to each specific site for preventing and eliminating risks should be accompanied by specific training and supplementary investigations where appropriate.
- (11) Ladders, scaffolding and ropes are the equipment most commonly used in performing temporary work at a height and the safety and health of workers engaged in this type of work therefore depend to a significant extent on their correct use; the manner in which such equipment can most safely be used by workers must therefore be specified; adequate specific training of the workers is therefore required.
- (12) This Directive is the most appropriate means of achieving the desired objectives and does not go beyond what is necessary for that purpose.
- (13) This Directive is a practical contribution towards creating the social dimension of the internal market.

⁽¹⁾ OJ C 247 E, 31.8.1999, p. 23 and

OJ C 62 E, 27.2.2001, p. 113.

⁽²⁾ OJ C 138, 18.5.1999, p. 30.

⁽³⁾ Opinion of the European Parliament of 21 September 2000 (OJ C 146, 17.5.2001, p. 78), Council Common Position of 23 March 2001 (OJ C 142, 15.5.2001, p. 16) and Decision of the European Parliament of 14 June 2001.

⁽⁴⁾ OJ L 245, 26.8.1992, p. 6.

⁽⁵⁾ OJ L 393, 30.12.1989, p. 1.

(14) Member States should be given the opportunity to make use of a transitional period to take account of the particular problems which SMEs have to face,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

The text annexed to this Directive shall be added to Annex II to Directive 89/655/EEC.

Article 2

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive not later than 19 July 2004. They shall forthwith inform the Commission thereof.

Member States shall have the right, as regards the implementation of section 4 of the Annex, to make use of a transitional period of not more than two years from the date mentioned in the first subparagraph, in order to take account of the various situations which might arise from the practical implementation of this Directive in particular by small and medium-sized enterprises.

2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

3. Member States shall notify the Commission of the provisions of national law which they have already adopted or adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 27 June 2001.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

A. BOURGEOIS

ANNEX

4. Provisions concerning the use of work equipment provided for temporary work at a height.*4.1. General provisions*

- 4.1.1. If, pursuant to Article 6 of Directive 89/391/EEC and Article 3 of this Directive, temporary work at a height cannot be carried out safely and under appropriate ergonomic conditions from a suitable surface, the work equipment most suitable to ensure and maintain safe working conditions must be selected. Collective protection measures must be given priority over personal protection measures. The dimensions of the work equipment must be appropriate to the nature of the work to be performed and to the foreseeable stresses and allow passage without danger.

The most appropriate means of access to temporary workplaces at a height must be selected according to the frequency of passage, the height to be negotiated and the duration of use. The choice made must permit evacuation in the event of imminent danger. Passage in either direction between a means of access and platforms, decks or gangways must not give rise to any additional risks of falling.

- 4.1.2. Ladders may be used as work stations for work at a height only under circumstances in which, given point 4.1.1, the use of other, safer work equipment is not justified because of the low level of risk and either the short duration of use or existing features on site that the employer cannot alter.
- 4.1.3. Rope access and positioning techniques may be used only under circumstances where the risk assessment indicates that the work can be performed safely and where the use of other, safer work equipment is not justified.

Taking the risk assessment into account and depending in particular on the duration of the job and the ergonomic constraints, provision must be made for a seat with appropriate accessories.

- 4.1.4. Depending on the type of work equipment selected on the basis of the foregoing, the appropriate measures for minimising the risks to workers inherent in this type of equipment must be determined. If necessary, provision must be made for the installation of safeguards to prevent falls. These must be of suitable configuration and sufficient strength to prevent or arrest falls from a height and, as far as possible, to preclude injury to workers. Collective safeguards to prevent falls may be interrupted only at points of ladder or stairway access.
- 4.1.5. When the performance of a particular task requires a collective safeguard to prevent falls to be temporarily removed, effective compensatory safety measures must be taken. The task may not be performed until such measures have been taken. Once the particular task has been finished, either definitively or temporarily, the collective safeguards to prevent falls must be reinstalled.
- 4.1.6. Temporary work at a height may be carried out only when the weather conditions do not jeopardise the safety and health of workers.

4.2. Specific provisions regarding the use of ladders.

- 4.2.1. Ladders must be so positioned as to ensure their stability during use. Portable ladders must rest on a stable, strong, suitably-sized, immobile footing so that the rungs remain horizontal. Suspended ladders must be attached in a secure manner and, with the exception of rope ladders, so that they cannot be displaced and so that swinging is prevented.
- 4.2.2. The feet of portable ladders must be prevented from slipping during use by securing the stiles at or near their upper or lower ends, by any anti-slip device or by any other arrangement of equivalent effectiveness. Ladders used for access must be long enough to protrude sufficiently beyond the access platform, unless other measures have been taken to ensure a firm handhold. Interlocking ladders and extension ladders must be used so that the different sections are prevented from moving relative to one another. Mobile ladders must be prevented from moving before they are stepped on.
- 4.2.3. Ladders must be used in such a way that a secure handhold and secure support are available to workers at all times. In particular, if a load has to be carried by hand on a ladder, it must not preclude the maintenance of a safe handhold.

4.3. Specific provisions regarding the use of scaffolding

- 4.3.1. When a note of the calculations for the scaffolding selected is not available or the note does not cover the structural arrangements contemplated, strength and stability calculations must be carried out unless the scaffolding is assembled in conformity with a generally recognised standard configuration.

- 4.3.2. Depending on the complexity of the scaffolding chosen, an assembly, use and dismantling plan must be drawn up by a competent person. This may be in the form of a standard plan, supplemented by items relating to specific details of the scaffolding in question.
- 4.3.3. The bearing components of scaffolding must be prevented from slipping, whether by attachment to the bearing surface, provision of an anti-slip device or any other means of equivalent effectiveness, and the load-bearing surface must have a sufficient capacity. It must be ensured that the scaffolding is stable. Wheeled scaffolding must be prevented by appropriate devices from moving accidentally during work at a height.
- 4.3.4. The dimensions, form and layout of scaffolding decks must be appropriate to the nature of the work to be performed and suitable for the loads to be carried and permit work and passage in safety. Scaffolding decks must be assembled in such a way that their components cannot move in normal use. There must be no dangerous gap between the deck components and the vertical collective safeguards to prevent falls.
- 4.3.5. When parts of a scaffolding are not ready for use, for example during assembly, dismantling or alteration, they must be marked with general warning signs in accordance with the national provisions transposing Directive 92/58/EEC and be suitably delimited by physical means preventing access to the danger zone.
- 4.3.6. Scaffolding may be assembled, dismantled or significantly altered only under the supervision of a competent person and by workers who must have received appropriate and specific training in the operations envisaged, addressing specific risks in accordance with Article 7, and more particularly in:
- (a) understanding of the plan for the assembly, dismantling or alteration of the scaffolding concerned;
 - (b) safety during the assembly, dismantling or alteration of the scaffolding concerned;
 - (c) measures to prevent the risk of persons or objects falling;
 - (d) safety measures in the event of changing weather conditions which could adversely affect the safety of the scaffolding concerned;
 - (e) permissible loads;
 - (f) any other risks which the abovementioned assembly, dismantling or alteration operations may entail.

The person supervising and the workers concerned must have available the assembly and dismantling plan referred to in 4.3.2., including any instructions it may contain.

4.4. *Specific provisions regarding the use of rope access and positioning techniques*

The use of rope access and positioning techniques must comply with the following conditions:

- (a) the system must comprise at least two separately anchored ropes, one as a means of access, descent and support (work rope) and the other as backup (security rope);
- (b) workers must be provided with and use an appropriate harness and be connected by it to the security rope;
- (c) the work rope must be equipped with safe means of ascent and descent and have a self-locking system to prevent the user falling should he lose control of his movements. The security rope must be equipped with a mobile fall prevention system which follows the movements of the worker;
- (d) the tools and other accessories to be used by a worker must be secured to the worker's harness or seat or by some other appropriate means;
- (e) the work must be properly planned and supervised, so that a worker can be rescued immediately in an emergency;
- (f) in accordance with Article 7, the workers concerned must receive adequate training specific to the operations envisaged, in particular rescue procedures.

In exceptional circumstances where, in view of the assessment of risks, the use of a second rope would make the work more dangerous, the use of a single rope may be permitted, provided that appropriate measures have been taken to ensure safety in accordance with national legislation and/or practice.'

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 26 June 2001

amending Decision 97/634/EC accepting undertakings offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of farmed Atlantic salmon originating in Norway

(notified under document number C(2001) 1662)

(2001/544/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as last amended by Regulation (EC) No 2238/2000 ⁽²⁾, and in particular Article 8 thereof,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community ⁽³⁾, and in particular Article 13 thereof,

After consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) On 31 August 1996, by means of two separate notices published in the *Official Journal of the European Communities*, the Commission announced the initiation of an anti-dumping proceeding ⁽⁴⁾ and an anti-subsidy proceeding ⁽⁵⁾ in respect of imports of farmed Atlantic salmon originating in Norway.

- (2) These proceedings resulted in anti-dumping and countervailing duties being imposed by Council Regulations (EC) No 1890/97 ⁽⁶⁾ and (EC) No 1891/97 ⁽⁷⁾ in September 1997, in order to eliminate the injurious effects of dumping and subsidisation.

- (3) In parallel to this, by Decision 97/634/EC ⁽⁸⁾, the Commission accepted undertakings from 190 Norwegian exporters and imports of farmed Atlantic salmon originating in Norway which were exported by these companies to the Community were exempted from the said anti-dumping and countervailing duties.

- (4) The form of the duties was later reviewed and Regulations (EC) No 1890/97 and (EC) No 1891/97 were replaced by Regulation (EC) No 772/1999 ⁽⁹⁾.

B. FAILURE TO COMPLY WITH THE UNDERTAKING

- (5) The undertakings offered by the Norwegian companies oblige them, *inter alia*, to export the product concerned to the Community at or above certain minimum price levels ('MIPs') laid down in the undertaking. These MIPs, which eliminate the injurious effects of dumping, are applicable to different 'presentations' or categories of salmon (e.g. 'gutted fish, head off', 'gutted fish, head on' etc.).

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 257, 11.10.2000, p. 2.

⁽³⁾ OJ L 288, 21.10.1997, p. 1.

⁽⁴⁾ OJ C 253, 31.8.1996, p. 18.

⁽⁵⁾ OJ C 253, 31.8.1996, p. 20.

⁽⁶⁾ OJ L 267, 30.9.1997, p. 1.

⁽⁷⁾ OJ L 267, 30.9.1997, p. 19.

⁽⁸⁾ OJ L 267, 30.9.1997, p. 81. Decision as last amended by Decision 2000/744/EC, OJ L 301, 30.11.2000, p. 82.

⁽⁹⁾ OJ L 101, 16.4.1999, p. 1. Regulation as last amended by Regulation (EC) No 2606/2000, OJ L 301, 30.11.2000, p. 61.

- (6) The companies are also obliged to provide the Commission with regular and detailed information concerning their sales to the Community in a quarterly report of all sales transactions of farmed Atlantic salmon sold by them (or any of their related importers in the Community), to unrelated customers in the Community.
- (7) Without prejudice to its right to revoke the undertaking pursuant to Article 8(10) of Council Regulation (EC) No 384/96, the Commission performs on-the-spot verification visits at the premises of selected companies on a regular basis in order to determine the veracity and accuracy of the information provided in these quarterly reports. In this regard, visits were made in November 2000 to several exporters in Norway.
- (8) At one company visited, Haafa Fish AS (UT No 1/60, TARIC additional code 8302, 'Haafa fisk AS'), it was found that for the first and third quarters of 2000 the net weighted average sales prices for 'presentation f' (i.e. 'whole fish fillets exceeding 300 g in weight') was significantly below the MIP fixed in clause C.3 of the undertaking. In addition the net weighted average sales price for 'presentation b' (i.e. 'gutted fish, head on') during the third quarter of 2000 was also well below the MIP stipulated in the undertaking.
- (9) Haafa Fish AS had also reported to the Commission several consignments of salmon apparently sold to a company in Denmark, however, the visit showed that Haafa Fish AS had prepared the invoices for these consignments on behalf of another Norwegian company which did not have an undertaking accepted by the Commission.
- (10) In respect of these transactions, it was found that Haafa Fish AS did not actually pay the supplier in Norway for the goods, nor did it receive payment for them from the company in the Community. It was stated that payment for these shipments was made instead by the Community importer direct to the supplier in Norway, with Haafa Fish AS receiving what was effectively a commission from the supplier.
- (11) It is considered that this type of business practice is incompatible with the obligations imposed by the undertaking since the benefit of the undertaking is only intended to cover exports made by Haafa Fish AS and not third parties from whom the Commission has not accepted an undertaking. In addition, Haafa Fish AS does not know how much was actually paid by the importer to the supplier and cannot therefore even be certain that the amount paid was at or above the MIP.
- (12) It follows that in submitting quarterly undertaking reports of 'sales' to the Community which were not made by it, but by another exporter, and which did not necessarily reflect the real value of the underlying financial transactions, the company made false representations and misled the Commission with regard to its true function as the exporter capable of respecting the undertaking granted in its favour, and also as to the true nature and price level of certain sales, contrary to the requirements of the undertaking.
- (13) In view of this and the price violations set out in recital, the Commission concludes that a breach of the undertaking has occurred. Accordingly, acceptance of the undertaking offered by Haafa Fish AS should be withdrawn and definitive anti-dumping and countervailing duties imposed against it.
- (14) The company was informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive antidumping and countervailing duties against it. It was also granted a period within which to request a hearing and to make representations, however, no comments were received within the time limit set.

C. CHANGES OF NAME AND OWNERSHIP

- (15) One Norwegian exporter with an undertaking, Polar Seafood Norway AS (UT No 1/140, TARIC additional code 8247), advised the Commission that the group of companies to which it belonged had been reorganised that another company within the group, Polar Salmon AS, was now responsible for exports to the Community. The company therefore requested that its name be replaced by that of Polar Salmon AS on the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC.
- (16) Two other exporters, Hydro Seafood Norway AS (UT No 1/66, TARIC additional code 8159) and Hydro Seafood Rogaland AS (UT No 1/145, TARIC additional code 8256) advised the Commission that their ownership and names had changed, and requested that the list of companies from which undertakings are accepted be amended accordingly.
- (17) Having verified the nature of the requests, the Commission considers that they are all acceptable since the modifications do not entail any substantive changes which would affect the reassessment of dumping or subsidisation. Nor do these changes affect any of the considerations on which the acceptance of the undertaking was based.
- (18) Consequently, the names of Polar Seafood Norway, Hydro Seafood Norway AS and Hydro Seafood Rogaland AS should be changed to Polar Salmon AS, Marine Harvest Norway AS and Marine Harvest Rogaland AS respectively on the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC.

D. CESSATION OF TRADING BY TWO NORWEGIAN COMPANIES

- (19) The Commission has also been advised that two Norwegian companies from which undertakings were accepted, Delfa Norge A/S (UT No 1/36, TARIC additional code 8134) and OK-Fish Kvalheim AS (UT No 1/134, TARIC additional code 8239) recently ceased trading and have either been wound up, or are in the process of being wound up. This information was received in the case of Delfa Norge A/S from the majority shareholder in the company and, in the case of OK-Fish Kvalheim AS, from the official liquidator. Accordingly, the names of these two companies should be deleted from the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC.

E. VOLUNTARY WITHDRAWAL OF AN UNDERTAKING

- (20) Following changes in its trading patterns, Nova Sea AS (UT No 1/130, TARIC additional code 8235), advised the Commission that it wished to withdraw its undertaking. Accordingly, the name of this company should be deleted from the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC.
- (21) In view, however, of the voluntary nature of the withdrawal, the company was advised that it could, if it so wished (and subject to certain conditions), offer an undertaking again in the future as a new exporter in accordance with Article 2 of Regulation (EC) No 772/1999.

F. AMENDMENT OF THE ANNEX TO DECISION 97/634/EC

- (22) In view of the above changes, the list of companies from which undertakings are accepted in the Annex to Decision 97/634/EC should be amended accordingly.

(23) The Advisory Committee has been consulted on all of the above changes and has raised no objections.

(24) For the sake of clarity, an updated version of the Annex to that Decision is published herewith, showing all the exporters whose undertakings are currently in force. In parallel to this Decision, the Council, by Regulation (EC) No 1469/2001⁽¹⁾ has also withdrawn the exemption from the anti-dumping and countervailing duties granted to Haafa Fish SA, Delfa Norge A/S, OK-Fish Kvalheim AS and Nova Sea AS and transferred the exemptions granted to Polar Seafood Norway AS, Hydro Seafood Norway AS and Hydro Seafood Rogaland AS to Polar Salmon AS, Marine Harvest Norway AS and Marine Harvest Rogaland AS respectively by amending the Annex to Regulation (EC) No 772/1999,

HAS DECIDED AS FOLLOWS:

Article 1

The Annex to Decision 97/634/EC is replaced by the Annex hereto.

Article 2

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

Done at Brussels, 26 June 2001.

For the Commission

Pascal LAMY

Member of the Commission

⁽¹⁾ See page I of this Official Journal.

ANNEX

LIST OF COMPANIES FROM WHICH UNDERTAKINGS ARE ACCEPTED

Undertaking No	Company name	TARIC additional code
3	Rosfjord Seafood AS	8325
7	Aqua Export A/S	8100
8	Aqua Partner A/S	8101
11	Arctic Group International	8109
13	Artic Superior A/S	8111
15	A/S Aalesundfisk	8113
16	Austevoll Eiendom AS	8114
17	A/S Keco	8115
20	A/S Refsnes Fiskeindustri	8118
21	A/S West Fish Ltd	8119
22	Astor A/S	8120
24	Atlantic Seafood A/S	8122
26	Borkowski & Rosnes A/S	8124
27	Brødrene Aasjord A/S	8125
31	Christiansen Partner A/S	8129
32	Clipper Seafood A/S	8130
33	Coast Seafood A/S	8131
35	Dafjord Laks A/S	8133
39	Domstein Fish A/S	8136
41	Ecco Fisk & Delikatesse	8138
42	Edvard Johnsen A/S	8139
43	Fjord Seafood ASA	8140
44	Euronor AS	8141
46	Fiskeforsyningen AS	8143
47	Fjord Aqua Group AS	8144
48	Fjord Trading Ltd AS	8145
50	Fossen AS	8147

Undertaking No	Company name	TARIC additional code
51	Fresh Atlantic AS	8148
52	Fresh Marine Company AS	8149
58	Grieg Seafood AS	8300
61	Hallvard Lerøy AS	8303
62	Fjord Seafood Måløy A/S	8304
66	Marine Harvest Norway AS	8159
67	Hydrotech-gruppen AS	8428
72	Inter Sea AS	8174
75	Janas A/S	8177
76	Joh. H. Pettersen AS	8178
77	Johan J. Helland AS	8179
79	Karsten J. Ellingsen AS	8181
80	Kr Kleiven & Co. AS	8182
82	Labeyrie Norge AS	8184
83	Lafjord Group AS	8185
85	Leica Fiskeprodukter	8187
87	Lofoten Seafood Export AS	8188
92	Marine Seafood AS	8196
93	Marstein Seafood AS	8197
96	Memo Food AS	8200
98	Misundfisk AS	8202
100	Naco Trading AS	8206
101	Fjord Seafood Midt-Norge A/S	8207
104	Nergård AS	8210
105	Nils Williksen AS	8211
107	Nisja Trading AS	8213
108	Nor-Food AS	8214
111	Nordic Group ASA	8217
112	Nordreisa Laks AS	8218
113	Norexport AS	8223
114	Norfi Produkter AS	8227

Undertaking No	Company name	TARIC additional code
115	Norfood Group AS	8228
116	Norfra Eksport AS	8229
119	Norsk Akvakultur AS	8232
120	Norsk Sjømat AS	8233
121	Northern Seafood AS	8307
122	Nortrade AS	8308
123	Norway Royal Salmon Sales AS	8309
124	Norway Royal Salmon AS	8312
126	Frionor AS	8314
128	Norwell AS	8316
137	Pan Fish Sales AS	8242
140	Polar Salmon AS	8247
141	Prilam Norvège AS	8248
142	Pundslett Fisk	8251
144	Rolf Olsen Seafood AS	8254
145	Marine Harvest Rogaland AS	8256
146	Rørvik Fisk-og fiskematforretning AS	8257
147	Saga Lax Norge AS	8258
148	Prima Nor AS	8259
151	Sangoltgruppa AS	8262
153	Scanfood AS	8264
154	Sea Eagle Group AS	8265
155	Sea Star International AS	8266
156	Sea-Bell AS	8267
157	Seaco AS	8268
158	Seacom AS	8269
160	Seafood Farmers of Norway Ltd AS	8271
161	Seanor AS	8272
162	Sekkingstad AS	8273
164	Sirena Norway AS	8275
165	Kinn Salmon AS	8276
167	Fjord Domstein A/S	8278
168	SMP Marine Produkter AS	8279

Undertaking No	Company name	TARIC additional code
172	Stjernelaks AS	8283
174	Stolt Sea Farm AS	8285
175	Storm Company AS	8286
176	Superior AS	8287
178	Terra Seafood AS	8289
180	Timar Seafood AS	8294
182	Torris Products Ltd AS	8298
183	Troll Salmon AS	8317
188	Vikenco AS	8322
189	Wannebo International AS	8323
190	West Fish Norwegian Salmon AS	8324
191	Nor-Fa Fish AS	8102
192	Westmarine AS	8625
193	F. Uhrenholt Seafood Norway AS	A033
194	Mesan Seafood AS	A034
195	Polaris Seafood AS	A035
196	Scanfish AS	A036
197	Normarine AS	A049
198	Oskar Einar Rydbeck	A050
199	Emborg Foods Norge AS	A157
200	Helle Mat AS	A158
201	Norsea Food AS	A159
202	Salmon Company Fjord Norway AS	A160
203	Stella Polaris AS	A161
204	First Salmon AS	A205
205	Norlaks A/S	A206

COMMISSION DECISION

of 9 July 2001

amending Decision 97/167/EC accepting undertakings offered in connection with the review of Council Regulation (EEC) No 3433/91 and the anti-dumping proceeding concerning imports of gas-fuelled non-refillable pocket flint lighters, originating, *inter alia*, in Thailand

(notified under document number C(2001) 1766)

(2001/545/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as last amended by Regulation (EC) No 2238/2000 ⁽²⁾, and in particular Article 8 thereof,

After consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) Anti-dumping measures were imposed on imports of gas-fuelled non-refillable pocket flint lighters originating, *inter alia*, in Thailand by Council Regulation (EC) No 423/97 ⁽³⁾. Undertakings were accepted by Commission Decision 97/167/EC ⁽⁴⁾ in connection with the review of Council Regulation (EEC) No 3433/91 ⁽⁵⁾.

B. INTERIM REVIEW

- (2) In April 2000, the Thai exporting producer, Thai Merry Co., Ltd (the 'applicant') lodged a request for an interim review of the anti-dumping measures applicable to it, limited to the aspects of dumping pursuant to Article 11(3) of Regulation (EC) No 384/96 (the 'basic Regulation'). Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of an interim review, the Commission published a notice (notice of initiation) ⁽⁶⁾ and commenced an investigation.
- (3) The investigation did not show the existence of dumping for the applicant. In addition, evidence was found that it is unlikely that there will be a recurrence of dumped

imports, in the foreseeable future. It was consequently concluded that the changed circumstances are of a lasting nature. In the absence of dumping it is therefore considered appropriate to repeal the measures in so far as they concern the applicant.

C. AMENDMENT OF DECISION 97/167/EC

- (4) In view of the finding of non-existence of dumping for the applicant and as this situation is not considered to be of a short-term nature, Decision 97/167/EC should therefore be amended so as to repeal the undertaking offered by Thai Merry Co., Ltd.
- (5) In parallel with this Decision, the Council is repealing the anti-dumping duty imposed by Council Regulation (EC) No 423/97 in so far as this company is concerned (see Regulation (EC) No 1471/2001 ⁽⁷⁾),

HAS ADOPTED THIS DECISION:

Article 1

Article 1(a) of Decision 97/167/EC is hereby suppressed.

*Article 2*This Decision shall take effect on the day following its publication in the *Official Journal of the European Communities*.

Done at Brussels, 9 July 2001.

For the Commission

Pascal LAMY

Member of the Commission⁽¹⁾ OJ L 56, 6.3.1996, p. 1.⁽²⁾ OJ L 257, 11.10.2000, p. 2.⁽³⁾ OJ L 65, 6.3.1997, p. 1.⁽⁴⁾ OJ L 65, 6.3.1997, p. 54.⁽⁵⁾ OJ L 326, 28.11.1991, p. 1.⁽⁶⁾ OJ C 311, 31.10.2000, p. 5.⁽⁷⁾ See page 15 of this Official Journal.

COMMISSION DECISION**of 11 July 2001****setting up a consultative committee, to be known as the 'European Energy and Transport Forum'***(notified under document number C(2001) 1843)*

(2001/546/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Whereas:

- (1) The conclusions of the Transport Council of 20 September 2000 ⁽¹⁾ called for the Commission to submit a proposal without delay for setting up a European forum at the Commission consisting of representatives of the sector concerned to examine all the factors affecting the competitiveness of transport and to consider adjustments to the structures in this sector. The proposal should have due regard for social, environmental and safety objectives.
- (2) The mandate of the Energy Consultative Committee set up under Commission Decision No 96/642 ⁽²⁾ of 8 November 1996 lapsed in February 2001.
- (3) In view of its need for a consultative discussion body made up of individuals qualified to examine a wide range of issues to do with energy and transport policy, the Commission proposes to set up a European Energy and Transport Forum.
- (4) Considering the interdependence of energy and transport policies and the need to bring them into line with each other, it is useful and appropriate to bring representatives of the energy and transport industries together within a single body.
- (5) This dialogue should enable the Commission to gather opinions on any Commission initiative in the area of energy and transport policy and to benefit from the expert opinion of a monitoring centre.
- (6) This forum should be set up, its mandate defined and its administration organised,

HAS ADOPTED THIS DECISION:

Article 1

1. A consultative committee, to be known as the 'European Energy and Transport Forum', hereinafter referred to as the 'Forum', shall be set up at the Commission.

⁽¹⁾ SI (2000) 816 of 21.9.2000.

⁽²⁾ OJ L 292, 15.11.1996, p. 34 to 36 and Decision No 98/134/EC of 3 February 1998 appointing the members of that body, OJ L 36, 10.2.1998, p. 14.

2. The Forum shall be made up of qualified individuals competent to consider matters relating to energy and transport as well as the interaction between these two policies. It shall include representatives of operators, manufacturers and managers of networks and infrastructures, transport users and energy consumers, trade unions, environmental protection and safety associations and the academic world.

*Article 2***Mission**

1. The Commission can consult the Forum on any matter relating to EU energy and transport policy.
2. The Forum shall act as monitoring centre for energy and transport policy, particularly on competitiveness and structural adjustments in these sectors, while having due regard for environmental, social and safety concerns. It will also be required, if necessary, to examine any matters of topical interest which may arise in the areas of energy and transport.
3. The Forum shall provide the Commission with opinions or reports at the request of the Commission or on its own initiative. The deliberations of the Forum shall not be subject to any vote. The Commission may set a deadline for the submission of any opinion or report that it requests from the Forum.

*Article 3***Composition, nomination**

1. The Forum shall have 34 full members.
2. The distribution of members shall be as follows:
 - nine members representing operators (energy producers and land, sea and air freight carriers, manufacturing industry),
 - five members representing networks and infrastructures (gas, electricity, rail, road, ports, airports, air traffic control),
 - seven members representing users and consumers (transport users, energy consumers, demand management),
 - six members representing unions,
 - five members representing environmental organisations and organisations responsible for safety particularly in the field of transport,
 - two members from the academic world or from think tanks,

3. One alternate member shall be appointed for every full member. The alternate member shall attend meetings of the Forum or a working group only if the full member is absent or unable to attend.
4. The full and alternate members of the forum shall be appointed individually by the Commission on the basis of objective criteria of proven competence and experience. They shall be required to give the Commission and independent opinion, free from outside influence. They shall have a two-year renewable mandate.
5. When their mandate lapses, full members of the forum, and the corresponding alternate members, shall remain in office until such time as they are replaced or their mandate renewed.
6. A member's mandate shall lapse before expiry thereof in the event of resignation or death. In such case, the member shall be replaced for the remaining term of the mandate.
7. There shall be no remuneration for the duties performed.
8. A call for applications for the membership positions defined in Article 3(2) will be published in the *Official Journal of the European Communities*, except for members under the fourth indent, in whose case the Commission will call upon the European Trade Union Confederation to appoint its representatives in the fields of energy and transport. The Commission shall select members on the basis of the applications received following this call. The selection criteria will take account of the candidates' competence and experience, their representativeness and their ability to contribute to strategic discussions, and will promote a balance in terms of specialists from the various areas of activity, in terms of gender and in terms of geographical origin.
9. The Commission will publish the list of full and alternate members for information in the *Official Journal of the European Communities*.

Article 4

Working parties

1. In fulfilment of its mission as set out in Article 2, the Forum may set up ad hoc working parties.
2. The working parties shall comprise 11 members at most.

Article 5

Experts

The Forum may invite to participate in its work any person with a specific competence for an item on the agenda. Such experts shall participate only in the discussions of the item for which they were invited.

Article 6

Forum Presidency and Bureau

1. For a term of office of two years, the Forum shall elect from among its members one President and four Vice-Presidents representing operators, users or consumers, trade unions

and the environment or safety, respectively. Elections shall be carried by a majority of two thirds of the members present.

2. The President and the Vice-Presidents whose mandates have lapsed shall remain in office until such time as they are replaced or their mandate renewed.

3. If the mandate of the President or one of the Vice-Presidents lapses, a replacement shall be provided for the remainder of their term of office, in accordance with the procedure given in paragraph 1.

4. The Bureau shall be made up of the President and the Vice-Presidents.

5. The Bureau shall prepare and organise the work of the Forum.

6. The Bureau may invite rapporteurs from any working party to take part in its meetings.

Article 7

Secretarial services

The Commission shall provide secretariat services for the Forum, the Bureau and the working parties.

Representatives of interested Commission services can take part in the meetings of the Forum, the Bureau and the working parties.

Article 8

Opinions and reports

The Forum shall submit its opinions and reports to the Commission. If the requested opinion or report meets with the unanimous agreement of the forum, the Forum shall draw up joint conclusions, which shall be appended to the minutes of meetings. If the requested opinions or report does not meet with the unanimous approval of the forum, the forum shall forward the divergent views of its members to the Commission. The Commission can publish on the Internet any reports, opinions and proceedings of the Forum that are not confidential in nature.

Article 9

Meetings

1. The Forum shall meet at the Commission headquarters on invitation by the Commission.

2. The Bureau shall be convened on the initiative of the President in agreement with the Commission.

3. Forum members and any experts invited under Article 5 shall be reimbursed their travel and subsistence expenses in accordance with the provisions in force within the Commission.

4. Meetings of the Forum and, if applicable, the working parties shall be organised subject to prior budgetary authorisation by the Commission.

Article 10

Without prejudice to the provisions of Article 287 of the EC Treaty, the members of the forum shall not divulge any information they obtain through their work in the forum or its working groups, where the Commission informs them that a particular opinion or matter is confidential. In such a case, only members of the forum and Commission representatives may attend the meetings.

*Article 11***Revision**

The Commission reserves the right to amend the terms of this Decision in the light of experience.

Article 12

Decision No 96/642/EC and therefore also Decision 98/134/EC are hereby repealed.

*Article 13***Entry into force**

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

Done at Brussels, 11 July 2001.

For the Commission

Loyola DE PALACIO

Vice-President

COMMISSION DECISION**of 18 July 2001****amending for the sixth time Decision 2001/356/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom***(notified under document number C(2001) 2225)***(Text with EEA relevance)**

(2001/547/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 10 thereof,Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽³⁾, as last amended by Directive 92/118/EEC, and in particular Article 9 thereof,

Whereas:

- (1) Following the reports of outbreaks of foot-and-mouth disease in the United Kingdom, the Commission adopted Decision 2001/356/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom ⁽⁴⁾, as last amended by Decision 2001/518/EC ⁽⁵⁾.
- (2) In the light of the disease evolution it appears appropriate to prolong the measures.

- (3) The situation shall be reviewed at the meeting of the Standing Veterinary Committee scheduled for 11 and 12 September 2001 and the measures adapted where necessary.

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

HAS ADOPTED THIS DECISION:

Article 1

The date in Article 15 of Decision 2001/356/EC is replaced by '30 September 2001'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 July 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.⁽²⁾ OJ L 62, 15.3.1993, p. 49.⁽³⁾ OJ L 395, 30.12.1989, p. 13.⁽⁴⁾ OJ L 125, 5.5.2001, p. 46.⁽⁵⁾ OJ L 186, 6.7.2001, p. 58.

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 1092/2001 of 30 May 2001 laying down detailed rules for the application of Council Regulation (EC) No 2202/96 introducing a Community aid scheme for producers of certain citrus fruits**

(Official Journal of the European Communities L 150 of 6 June 2001)

On page 10, Article 11(2)(c):

for: 'the quantities received, broken down by the resulting finished product;'

read: 'the quantities received under contract, broken down by the resulting finished product;'

Corrigendum to Commission Regulation (EC) No 1369/2001 of 5 July 2001 opening tendering procedures for the sale of wine alcohol exclusively for use in third countries in the fuel sector

(Official Journal of the European Communities L 183 of 6 July 2001)

On page 5, Article 5:

for: 'The minimum price which may be offered shall be EUR 10 per hectolitre of alcohol at 100 % vol for tendering procedure No 295/2001 EC and EUR 7,5 per hectolitre of alcohol at 100 % vol for tendering procedures Nos 300/2001 EC to 309/2001 EC.'

read: 'The minimum price which may be offered shall be EUR 10 per hectolitre of alcohol at 100 % vol for tendering procedures Nos 300/2001 EC to 309/2001 EC.'
