

English edition

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- ★ **Commission Decision of 26 July 2001 on accepting undertakings offered in connection with the anti-dumping proceeding concerning imports of certain iron or steel ropes and cables originating in the Czech Republic, the Republic of Korea, Malaysia, Russia, Thailand and Turkey and terminating the proceeding in respect of imports originating in the Republic of Korea and Malaysia (notified under document number C(2001) 2351)** 47

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EN

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

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

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1601/2001
of 2 August 2001**

imposing a definitive anti-dumping duty and definitively collecting the provisional anti-dumping duty imposed on imports of certain iron or steel ropes and cables originating in the Czech Republic, Russia, Thailand and Turkey

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. PROCEDURE

1. Provisional measures

- (1) By Regulation (EC) No 230/2001 ⁽²⁾ ('provisional Regulation'), the Commission imposed a provisional anti-dumping duty on imports of certain iron or steel ropes and cables ('SWR') originating in the Czech Republic, Russia, Thailand and Turkey and accepted undertakings offered by certain exporting producers in the Czech Republic and Turkey.
- (2) No provisional measures were imposed on imports from the Republic of Korea ('Korea') and Malaysia in view of the *de minimis* dumping margins found.

2. Subsequent procedure

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

- (5) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend:
 - (a) the imposition of a definitive anti-dumping duty on imports of SWR originating in the Czech Republic, Russia, Thailand and Turkey and the definitive collection of the amounts secured by way of the provisional duty;
 - (b) the termination of the proceeding concerning imports of SWR originating in Korea and Malaysia without the imposition of measures.
- (6) They were also granted a period within which to make representations subsequent to this disclosure.
- (7) The oral and written comments submitted by the interested parties were considered and, where appropriate, the definitive findings have been modified accordingly.

B. PRODUCT CONCERNED AND LIKE PRODUCT

1. Product concerned

- (8) The provisional Regulation described the product concerned as ropes and cables, including locked coil ropes, of iron or steel but not stainless steel, with a maximum cross-sectional dimension exceeding 3 mm, with attached fittings or not (referred to by the industry as steel wire ropes or 'SWR').
- (9) Some interested parties repeated their claim that SWR should be divided in two groups: some of them distinguished between so-called general purpose SWR (GP) and high performance SWR (HP), while some others distinguished between Standard General Purpose Ropes and Special Purpose Ropes. It was alleged that they cannot be considered a single product if account is taken of their distinct physical and technical characteristics, distinct methods of production, absence of meaningful interchangeability, separate target markets and the lack of significant competition.

⁽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 34, 3.2.2001, p. 4.

- (10) In this respect, it should first be noted that, although SWR are produced in a wide range of different types with a certain degree of physical and technical differences, all of them have the same basic physical characteristics (i.e. the steel wires that form the strand, the strands that are wrapped around the core that form the ropes, and the core itself) and the same basic technical characteristics (all have a number of wires in a strand, a number of strands in a rope, a certain diameter and a certain construction). While products in the bottom end and in the top end of the range are not interchangeable, products in adjoining groups are. It was therefore concluded that a certain degree of overlapping and competition existed between SWR in different groups. Moreover, products in the same group may have different applications.
- (11) Secondly, the distinction between GP and HP SWR is based on the uses of the SWR, i.e. a SWR suitable for various uses as opposed to a SWR that can only be used for specific applications. It should be noted that interested parties were not able to show that a clear dividing line existed between either of these two groups. Moreover, such differentiation does not take into account the fact that there are adjoining groups in which general purpose SWR compete directly with specific purpose SWR and are therefore interchangeable.
- (12) Finally, the distinction between standard and special SWR refers to the fact that they are manufactured according to a standard (ISO, DIN, etc.) or do not follow the standard ('special SWR'; these special SWR are sometimes a modification of the standard), irrespective of the specific use of the SWR. It should be noted that the basic physical and technical characteristics are common to both, whether they are standard or special SWR. Furthermore, there are adjoining groups in which a standard SWR competes with a special SWR, since they can be used for the same purposes and are, therefore, interchangeable.
- (13) In view of the above, the provisional findings as described in recitals 9 to 13 of the provisional Regulation are confirmed.

2. Like product

- (14) In the provisional Regulation it was concluded that the SWR produced and sold by the Community industry on the Community market were alike to the SWR exported to the Community from the countries concerned and those produced and sold on the domestic markets of the countries concerned. Similarly, the SWR produced and sold on the domestic market in Korea were alike to the SWR originating in Russia and exported to the Community.
- (15) Some interested parties argued that the SWR sold by the Community industry in the Community were not alike to those imported from the countries concerned. In particular it was argued that the SWR imported from the countries concerned were mainly GP SWR whereas those sold by the Community industry were mostly HP

SWR; therefore the proceeding should be limited to GP SWR, if at all. It was also requested that project SWR be excluded from the scope of measures as the Community industry is virtually the exclusive supplier in the Community market.

- (16) It should be noted that in anti-dumping proceedings the product concerned and the like product are defined by reference to the basic physical, technical and/or chemical characteristics and the basic use. Once the product concerned is defined, i.e. the product produced in the countries concerned and exported to the Community, it has to be examined whether the product produced and sold domestically in the countries concerned and the product produced and sold by the Community industry in the Community are alike to the product concerned. In this respect, the fact that a certain product type is not produced in the Community is irrelevant.
- (17) Regarding, in particular, project SWR, which are designed according to customer requirements and are manufactured after the conclusion of contracts often awarded following a tender, it should be noted that they also share the same basic physical and technical characteristics as the other SWR. In any event, even if the Community industry has a clear advantage in terms of proximity, it should be noted that exporting producers are not prevented from participating in tenders.
- (18) It was therefore concluded that the basic physical and technical characteristics and the basic use of the SWR imported from the countries concerned and those produced and sold by the Community industry in the Community are alike.
- (19) In view of all the above, the findings in recitals 14 to 16 of the provisional Regulation are confirmed.

C. DUMPING

1. General methodology

(a) Normal value

- (20) Some cooperating exporting producers contested the methodology used to establish the amounts for profit added to the cost of manufacturing and to the selling, general and administrative expenses ('SG&A expenses') in case of recourse to constructed normal values. For the Russian and Thai cooperating exporting producers, by determining the total net profits only on the basis of the sales made in the ordinary course of trade and not on the total turnover of all domestic sales of the product concerned, the Commission would unreasonably inflate the profit margin. For the Czech cooperating exporting producer, the Commission should have excluded domestic sales of SWR types whose volume represented less than 5 % of the volume of the same type exported to the Community. As prices of such sales are usually not considered for determining the normal value due to their lack of representativeness, they should also be disregarded for the determination of the profit margin.

- (21) Pursuant to the chapeau of Article 2(6) of Regulation (EC) No 384/96 (the 'basic Regulation'), the amount for profits has to be based on data pertaining to production and sales, in the ordinary course of trade, of the like product in the domestic market of the exporting country where such data is available. There is consequently no reason to express the reasonable profit margin on a set of data including sales which have to be disregarded for being outside the ordinary course of trade. It also follows that once it is established that the domestic sales of the like product are representative in accordance with Article 2(2) of the basic Regulation, it is proper to then consider all sales made in the ordinary course of trade. Furthermore, the profit used for the construction of the normal value is established at company and like product level. Domestic sales in the ordinary course of trade of a given model may yield erratic results when these sales were made in unrepresentative quantities vis-à-vis the exported volume. Prices of these sales are thus disregarded as not representative for the purpose of establishing the normal value for a comparable model exported. The influence of any potentially non-representative data is neutralised when the sales of all domestically sold models are aggregated at company level, provided that the total domestic sales in the ordinary course of trade exceed 5 % of the exports to the Community.
- (22) In addition, the Thai cooperating exporting producer also questioned the reasonableness of the profit margin resulting from the application of the above methodology. The profit margin established resulted from a straight application of the appropriate methodology to the data submitted by the cooperating exporting producer.
- (23) These claims were therefore rejected.
- (24) In view of the above, the provisional findings as described in recitals 18 to 25 and 68 to 70 of the provisional Regulation are confirmed.
- (b) *Export price and comparison*
- (25) In the absence of any new information on the general methodology for determination of export price and comparison between the normal value and the export price, the provisional findings as described in recitals 26 to 28 of the provisional Regulation are confirmed.
- (c) *Dumping margins for the companies investigated*
- (26) The general methodology for establishing the dumping margins for the companies investigated as described in recital 29 of the provisional Regulation is confirmed.
- (27) It should finally be noted that in cases where an exporting producer exported more than one product type to the Community, the weighted average overall dumping margin was determined by computing the dumping found on each type without zeroing negative differences between normal value and export price found on individual types.
- (d) *Dumping margin for non-cooperating companies*
- (28) In the absence of any new information on the general methodology for determination of the residual dumping margins, the provisional findings as described in recitals 30 to 34 of the provisional Regulation are confirmed.
- ## 2. The Czech Republic
- (29) In the absence of any new information on the non-cooperation of one exporting producer in the Czech Republic, the provisional findings as described in recital 35 of the provisional Regulation are confirmed.
- (a) *Normal value*
- (30) After provisional measures were imposed, ŽDB a.s. submitted additional explanation on the allocation of SG&A expenses. The SG&A expenses were revised by deducting the items which were proven to the satisfaction of the Commission to have no relation with the production and sales of the product concerned.
- (b) *Export price*
- (31) ŽDB a.s. claimed that exports to the Community via its related exporter should be disregarded for establishing its export price. This was based on the claim that this related exporter would no longer export SWR to the Community since ŽDB a.s. had dismantled one of its plants in September 2000 (after the end of the IP), which produced most of the SWR sold by the related exporter during the IP.
- (32) This argument could not be accepted. Developments occurring after the IP can be taken into account exceptionally provided that the imposition of an anti-dumping duty based on the IP would be manifestly unsuitable. Indeed, these developments could only be used if their effects are manifest, undisputed, lasting, not open to manipulation and did not stem from a deliberate action by interested parties. The simple fact that one of the production plants has been closed does not prevent the related exporter from selling SWR produced in the other plant of ŽDB a.s. Indeed, it should also be noted that this related exporter occasionally sold SWR produced in that other plant during the IP. Therefore, it was concluded that conditions were not met for taking into account the alleged cessation in SWR exports by the related exporter for the determination of the export price of ŽDB a.s.

(33) In view of the above, the provisional findings as described in recital 38 of the provisional Regulation are confirmed.

(c) *Comparison*

(34) ŽDB a.s. contested the 5 % adjustment for the notional commission deducted from the prices charged by the related exporter to independent customers in the Community since this would not relate to an actual commission payment. It further claimed that the related exporter should have been treated as the export sale department of ŽDB a.s. Both companies being related and forming a single economic entity, deduction of a notional commission would not have been warranted.

(35) The investigation established that the related exporter does not replace the exporting department of ŽDB a.s. Indeed, the exporting department of ŽDB a.s. also handles exports itself without the involvement of the related exporter. A fair comparison at ex-works level requires a deduction from the prices charged by the related exporter to independent customers in the Community based on a notional commission corresponding to the additional trading role of the related exporter which can be considered similar to the role of a trader acting on a commission basis. The 5 % adjustment was consequently upheld.

(36) ŽDB a.s. claimed an adjustment on constructed normal values for packing costs since these costs were included in the SG&A expenses and an adjustment for the cost of the reels had been made on the export price. The Commission established that the alleged differences in the packing costs included in the export price and the normal value at ex-works level did not exist. Indeed, the amounts reported for transport, insurance and packing costs in the SG&A expenses did not include any cost for packing since they were equal to the amounts claimed as adjustment for inland freight and insurance alone. Even assuming that ŽDB a.s. had omitted to break down transport, insurance and packing costs for claiming the adjustments on normal value, the claim was not justified since an adjustment was made in respect of the reported amount for inland freight and insurance. This claim was accordingly rejected.

(37) The adjustment for transport costs on one transaction was revised to use actual costs since at the provisional stage it had been, in the absence of other information, based on an estimation.

(38) Therefore, and except where corrected as described above, the provisional findings as described in recitals 39 and 40 of the provisional Regulation are hereby confirmed.

(d) *Dumping margin*

(39) In accordance with Article 2(11) of the basic Regulation, weighted average normal value of each type of the product concerned was compared to the weighted average export price of each corresponding type.

(40) After revision of the calculations, the dumping margin definitively established, expressed as a percentage of the cif import price at the Community frontier customs duty unpaid, is for:

— ŽDB a.s.: 30,7 %

(41) In the absence of any new information in this respect, the methodology set out in recital 43 of the provisional Regulation to determine the residual dumping margin is confirmed. On this basis the definitive residual dumping margin is 47,1 %.

3. The Republic of Korea

(a) *Normal value*

(42) In the absence of any new information on the methodology for determination of normal value, the provisional findings as described in recitals 45 to 49 of the provisional Regulation are confirmed.

(b) *Export price*

(43) In the absence of any new information on the methodology for determination of export price, the provisional findings as described in recital 50 of the provisional Regulation are confirmed.

(c) *Comparison*

(44) In the absence of any new information on the methodology for comparison, the provisional findings as described in recitals 51 to 54 of the provisional Regulation are confirmed.

(d) *Dumping margin*

(45) In accordance with Article 2(11) of the basic Regulation, weighted average normal value of each type of the product concerned was compared to the weighted average export price of each corresponding type.

(46) After revision of the calculations, the dumping margins definitively established, expressed as a percentage of the cif import price at the Community frontier duty unpaid, are for:

— Kiswire Ltd: 0 %

— Chung Woo Rope Co.: 0 %

— DSR Wire Corp.: 0 %.

(47) Recital 57 of the provisional Regulation established that, when compared to data reported by Eurostat, the three cooperating exporting producers appeared to represent the entirety of the Korean exports to the Community of the product concerned. The complainant claimed that Korean producers which did not cooperate in the investigation had actually exported to the Community during

the IP and therefore it claimed that a residual duty might have to be imposed. The Commission could subsequently confirm that indeed at least one non-cooperating producer had actually exported to the Community during the IP.

- (48) Even though the level of cooperation was high, it was found that one producer had deliberately not cooperated, and therefore the residual dumping margin was determined at the level of the highest dumping margin established for representative transactions by cooperating exporting producers.
- (49) Finally, a weighted average dumping margin for Korea was also recalculated. For this purpose, the proportion of exports to the Community from non-cooperating exporters had to be estimated pursuant to Article 18 of the basic Regulation. To that end data from a previous proceeding on the same product were used. The resulting dumping margin for Korea is less than 2 % expressed as a percentage of the cif import price at the Community frontier customs duty unpaid. Therefore, pursuant to Article 9(3) of the basic Regulation the investigation in respect of the Republic of Korea should be terminated.

4. Malaysia

(a) Normal value

- (50) In the absence of any new information on the methodology for determination of normal value, the provisional findings as described in recitals 59 and 60 of the provisional Regulation are confirmed.

(b) Export price

- (51) In the absence of any new information on the methodology for determination of export price, the provisional findings as described in recital 61 of the provisional Regulation are confirmed.

(c) Comparison

- (52) In the absence of any new information on the methodology for comparison, the provisional findings as described in recitals 62 and 63 of the provisional Regulation are confirmed.

(d) Dumping margin

- (53) In accordance with Article 2(11) of the basic Regulation, weighted average normal value of each type of the product concerned was compared to the weighted average export price of each corresponding type.
- (54) After revision of the calculations, the dumping margin definitively established, expressed as a percentage of the cif import price at the Community frontier duty unpaid, is for:

— Kiswire Sdn. Bhd.: 0 %.

- (55) The complainant claimed that Malaysian producers which did not cooperate in the investigation might have exported to the Community during the IP. Since no evidence was submitted to back this claim, the Commission could not confirm that exports by non-cooperating producers to the Community had actually taken place during the investigation period.
- (56) The provisional findings set out in recital 66 of the provisional Regulation are thus confirmed. Therefore, pursuant to Article 9(3) of the basic Regulation the investigation in respect of Malaysia should be terminated.

5. Thailand

(a) Normal value

- (57) In the absence of any new information on the methodology for determination of normal value, the provisional findings as described in recitals 68 and 70 of the provisional Regulation are confirmed.

(b) Export price

- (58) The cooperating exporting producer claimed that the Commission should have used data on profit margins obtained by its related importers when constructing export price in accordance with Article 2(9) of the basic Regulation. It submitted that the related importers also acted as unrelated importers for imports of the like product originating in third countries, and that the profit margins obtained in that trade should be used.

- (59) However, Article 2(9) of the basic Regulation requires the profit margin used for the construction of export price to be reasonable. It is to be noted that one of the related importers concerned has no profit at all and that the profit level of the other related importer concerned only represents 0,8 % on turnover. These profit levels could not be considered as reasonable, particularly when compared with the profit margin obtained from cooperating unrelated importers in a previous proceeding concerning the same product.

- (60) Moreover, it is questionable whether the profit margin obtained by a related importer in its alleged role as unrelated importer can be considered as reliable since it will in all likelihood be influenced by sales made at transfer prices between related parties.

- (61) In view of the above, the provisional findings as described in recital 71 of the provisional Regulation are confirmed.

(c) *Comparison*

- (62) The cooperating producer claimed that the methodology utilised by the Commission in adjusting the normal value of types suggested by the exporting producer as closely resembling in order to bring them to a comparable level with the export price is not correct, since it incorporates, in addition to the difference in manufacturing cost, an amount for SG&A and for profits which should not be included.
- (63) In accordance with Article 2(10)(a) of the basic Regulation: the amount of the adjustment for differences in 'physical characteristics' corresponds to a reasonable estimate of the market value of the difference. Consequently, the reasonable estimate cannot be limited to differences in manufacturing costs, and it has to incorporate a reasonable amount for selling, general and administrative costs and for profits as well.
- (64) In view of the above, the provisional findings as described in recitals 72 and 73 of the provisional Regulation are confirmed.

(d) *Dumping margin*

- (65) In accordance with Article 2(11) of the basic Regulation, weighted average normal value of each type of the product concerned was compared to the weighted average export price of each corresponding type.
- (66) After revision of the calculations, the dumping margin definitively established, expressed as a percentage of the cif import price at the Community frontier duty unpaid, is for:
- Usha Siam Steel Industries Public Company Limited: 28,9 %.
- (67) In the absence of any new information on the methodology used to determine the residual dumping margin, the provisional findings as described in recital 76 of the provisional Regulation are thus confirmed and on this basis the definitive residual dumping margin is 42,8 %.

6. Turkey(a) *Normal value and export price*

- (68) In the absence of any new information on the normal value and the export price, the provisional findings as described in recitals 78 to 80 of the provisional Regulation are confirmed.

(b) *Comparison*

- (69) New evidence was submitted in respect of the adjustment to the normal value claimed by one exporting producer for a 3 % tax paid on imported raw materials purchased on delayed payment terms and which would not be collected in respect of raw materials to be used in the manufacture of SWR to be eventually exported. It was proved to the satisfaction of the Commission that

the 3 % tax was borne by the raw materials incorporated in SWR sold domestically while it had not been collected in respect of the raw materials incorporated in SWR when exported to the Community. The claim was consequently accepted.

- (70) One exporting producer reiterated its request for adjustments to the normal value for differences in level of trade on the ground that all exports to the Community were to retailers whereas domestic sales were to retailers and end-users. New explanations and evidence were submitted which sought to establish that this exporting producer performed different functions in these two distribution channels. The aforementioned information was submitted at a very advanced stage of the investigation and had never been mentioned before even though questions on the differences in functions performed in respect of domestic end-users and retailers had been asked after reviewing the reply to the questionnaire and again on-the-spot. The questionnaire reply, the answer to the request for additional information and explanations received on-the-spot justified the price difference exclusively on the fact that retailers had to resell the product and thus were not in a position to accept prices at user level. Furthermore, the Commission re-checked whether there was a consistent difference in prices by comparing the prices charged to end-users and retailers for the same type of SWR and in the same month given the high inflation in Turkey during the IP. This comparison showed large variation of prices within the same category of domestic customers and did not establish that prices to end-users were consistently higher. Under these circumstances, the claim is rejected and the provisional findings, as described in recital 83 of the provisional Regulation, are confirmed.

- (71) Therefore, and except where corrected as described above, the provisional findings as described in recitals 81 and 83 to 88 of the provisional Regulation are hereby confirmed.

(c) *Dumping margin*

- (72) In accordance with Article 2(11) of the basic Regulation, weighted average normal value of each type of the product concerned was compared to the weighted average export price of each corresponding type.

- (73) After revision of the calculations, the dumping margins definitively established, expressed as a percentage of the cif import price at the Community frontier customs duty unpaid, are for:

— Celik Halat ve Tel Sanayii A.S: 55,2 %
— Has Celik ve Halat San Tic A.S: 17,8 %.

- (74) In the absence of any new information in this respect, the methodology set out in recital 91 of the provisional Regulation to determine the residual dumping margin is confirmed. On this basis the definitive residual dumping margin was set at the same level as the highest margin established for the cooperating companies, i.e. 55,2 %.

7. Russia*(a) General aspects**(i) Analysis of Market Economy Status*

- (75) In the absence of any new information in this respect, the finding that one Russian exporting producer was considered as non-cooperating in the investigation is confirmed. After publication of the provisional Regulation, the cooperating exporting producers submitted comments on the market economy status ('MES') determination mainly reiterating comments made earlier, following disclosure on the proposed determination on the MES claims and answered together with disclosure on provisional findings. It should be noted that as JSC ChSPZ had already had an opportunity to comment following disclosure of the proposed MES determination and as those comments did not raise any new facts or considerations which invalidated the Commission's findings, that MES determination remains in force throughout the investigation in accordance with Article 2(7)(c) of the basic Regulation. In any event, the objections raised following publication of the provisional Regulation, would not have affected the MES determination either.
- (76) The cooperating exporting producer contested the rejection of its MES application on three main grounds. The company alleged that: (i) non-respect of the three month time limit for determination breached its legal expectations, its rights of defence and the principle of good administration; (ii) the request for a full reply to the dumping questionnaire (including on data relevant to the normal value determination) put an unnecessary workload on the company; and (iii) the MES determination was based on a wrong interpretation of Article 2(7)(c) of the basic Regulation and on an incorrect interpretation or analysis of the factual situation of the applicant. Notably, costs identified as not reflecting substantially market values were not major inputs in its views; it did have one clear set of basic accounting records (namely the set made according to Russian legislation); its accounting records had been independently audited in line with international accounting standards and existing differences between the Russian and the international accounting standards could lead to an adjustment or a reconciliation rather than to a rejection of the MES claim; payments via compensation of debts during the IP had been exceptional, made in accordance with real market values, concerned small cost factors not related to the product concerned and did not qualify as barter/counter trade or compensation trade.
- (77) Although it is not disputed that the Commission was unable to complete its determination of MES within three months of the initiation of the investigation, the findings were disclosed to the company as soon as it was in a position to do so in accordance with the principle of sound administration. The company's rights of defence and its expectations that it would be able to comment on any such proposal and to submit relevant information in view of this determination were in no way prejudiced as it was invited to present its views and any counter arguments on the proposed MES determination and given a reasonable period of time in which to do so. It was also invited to comment on the choice of the analogue country. As stated above, the comments received in response to the disclosure of the MES determination did not raise any new facts or considerations which could invalidate the Commission's findings.
- (78) It was considered desirable to request a full questionnaire reply in order to enable the Commission to proceed to establish normal value on the basis of the data submitted by the company in the event that MES was justified. As regards the workload for replying to the questionnaire, some of the information required for questionnaire reply should also have formed part of the MES claim form. In any event, due account was taken of the particular circumstances encountered by the company, which received two extensions of one week each to the initial deadline.
- (79) Contrary to the company's submissions, the on-the-spot verification and explanations submitted by the company actually revealed that for several important inputs the cost did not substantially reflect market values. It is important to note that the company had more than one set of financial statements. It submitted (i) financial statements in US dollars prepared in line with international accounting standards but not audited and (ii) financial statements audited in line with Russian standards which differed from the International Accepted Accounting Standards. Though asked several times, the company did not provide any explanation on how to reconcile the discrepancies found between these different sets of financial statements, thus it failed to prove the existence of a single set of accounts. In addition no evidence was provided that any of these accounts had been independently audited in line with international accounting standards. The existence of numerous 'triangular' transactions was mentioned in the 1998 US dollars financial statements. The company could not submit such financial statements for 1999 to establish whether this practice had ceased during the IP, and the Commission found for a significant amount of transactions (charge for land use in 1999, water supply i.e. general expenses which concern all products) that the payments had been made partly by another company or mutually settled, a practice which the company itself admitted to exist.

(ii) Choice of analogue country

(80) Following publication of the provisional Regulation, the complainant questioned the choice of Korea as an analogue country instead of the Czech Republic. The latter country was envisaged (together with Brazil) as an appropriate analogue country in the notice of initiation. The complainant claimed that the selection of Korea favoured Russian exporting producers as shown by the difference in the provisional dumping margins between Russia and the Czech Republic. The fact that the catalogues of the Czech and Russian producers propose the same range of SWR for domestic and export sales would also invalidate the reasoning set out in recital 99 of the provisional Regulation for not selecting the Czech Republic.

(81) The reasons for envisaging Korea as an appropriate market economy third country were disclosed to all interested parties in due time during the investigation. Comments were only received from the exporting producers concerned, which agreed with the selection. In the absence of any objection, Korea was selected as an appropriate analogue country. Moreover, the fact that the catalogues of the Czech and Russian producers contained the same types of SWR is quite irrelevant in this case since there was only a small overlap between the SWR types exported by the Russian exporting producers to the Community and the SWR types sold by the Czech cooperating exporting producer on its domestic market types during the IP. No other arguments were put forward which would question the appropriateness of Korea as analogue country.

(82) Under these circumstances, the decision to use Korea as an appropriate analogue country was upheld.

(iii) Individual treatment

(83) In the absence of any new information on individual treatment, the provisional findings as described in recitals 101 to 105 of the provisional Regulation are confirmed.

(b) Normal value

(84) The cooperating exporting producer argued that the use of constructed normal values unduly inflated its dumping margin. It suggested to extend the use of domestic sales prices by relaxing some characteristics used to define various models and types of SWR and, in this way, increasing the number of types sold on the Korean market that are comparable to the types it had exported to the Community.

(85) Article 2(7)(a) of the basic Regulation provides that in the case of imports from countries such as Russia, normal values 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 the aforementioned provision.

Therefore, it was not possible to comply with this request.

(86) In view of the above, the provisional findings as described in recital 106 of the provisional Regulation are confirmed.

(c) Export price

(87) In the absence of any new information on export price, the provisional findings as described in recital 107 of the provisional Regulation are confirmed.

(d) Comparison

(88) The cooperating exporting producer contested the use of analogue country costs in order to determine the adjustments to export prices with regard to transport and related costs (handling, loading and ancillary costs). It argued that its own costs should be used since they are paid to independent forwarders and insurers and therefore follow market prices. Such an approach would also be consistent with the approach taken by the Commission with regard to adjustments concerning commission, packing and credit costs. Alternatively, the cooperating exporting producer asked for a check of the transport cost allowance, which it considered unreasonable.

(89) The request to base the adjustment on the transport and related costs incurred by the Russian exporting producer could not be accepted. Indeed, this producer did not receive market economy treatment. Moreover, no evidence was submitted that these costs reflected market signals. The transport costs allowance was based on data collected and verified in the analogue country. As requested, the result was re-checked and confirmed.

(90) Following the abovementioned claim, and in view of the conclusions set out in the preceding paragraph, the Commission reviewed its approach with regard to packaging costs and based the adjustment on data obtained from the analogue country producer.

(91) Adjustments on export prices for credit and commission remained unchanged since they were not likely to be distorted by the non-market economy environment.

(92) Therefore and except where corrected as described above, the provisional findings as described in recitals 108 and 109 of the provisional Regulation are confirmed.

(e) Dumping margin

(93) In accordance with Article 2(11) of the basic Regulation, weighted average normal value of each type of the product concerned was compared to the weighted average export price of each corresponding type.

(94) After revision of the calculations, the dumping margin definitively established, expressed as a percentage of the cif import price at the Community frontier customs duty unpaid, is for:

— Cherepovetsky Staleprokatny Zavod: 36,1 %.

- (95) In the absence of any new information in this respect, the methodology set out in recital 112 of the provisional Regulation to determine the residual dumping margin is confirmed. On this basis the definitive residual dumping margin is 50,7 %.

D. COMMUNITY INDUSTRY

- (96) In the absence of any new information on the Community industry, the provisional findings as described in recitals 114 to 120 of the provisional Regulation are confirmed.

E. INJURY

1. Collection of injury data

- (97) Some interested parties disagreed with the methodology adopted by the Commission to request information from the whole Community industry relating to the product concerned with respect to production, capacity, capacity utilisation, sales, stocks and employment and basing the analysis of the remaining injury indicators on a sample of companies from the Community industry. They alleged that this methodology was allegedly insufficient to satisfy the Commission's obligations under Article 3(5) of the basic Regulation.
- (98) In arriving at its provisional findings, the Commission evaluated all relevant economic factors and indices having a bearing on the state of the industry in accordance with Article 3(5) of the basic Regulation and applied the sampling methodology described in Article 17 of the basic Regulation. Sampling, which is fully compatible with the requirements of Article 3(5) of the basic Regulation, was necessary in view of the number of complainant/supporting Community producers and the need to limit the investigation to a reasonable number of parties which could reasonably be investigated within the time available (a sample of five companies). It should be noted that neither the selection of the sample nor its representativity were contested by any interested party.
- (99) In view of the above, the methodology described in recitals 123 to 125 of the provisional Regulation is confirmed.

2. Apparent Community consumption

- (100) One interested party contested the statement in recital 128 that the decrease of apparent consumption in 1999 could be explained by sales of stock built up in 1998 by importers/traders. It argued that the reasons behind the decrease in apparent consumption were the decisions taken by the Community shipping and fisheries sectors to buy SWR in third countries without clearing customs in the Community and by a certain number of importers to increase sales of SWR to off-shore oil rigs located

outside the Community in order to avoid the effects of the imposition of anti-dumping measures.

- (101) Firstly, it is important to note that no evidence was provided to substantiate this allegation.
- (102) Secondly, it is recalled that apparent consumption, i.e. the volume of sales made by Community producers and the volume of imports into the Community originating in third countries, does not necessarily reflect the real consumption of the users concerned.
- (103) Finally, given the low percentage of the users' total costs represented by SWR, as found in the context of the previous investigation, it is unlikely that the fishing and shipping sectors would decide on their purchases of SWR according to their routes.
- (104) In view of the above, the provisional findings as described in recitals 126 to 128 of the provisional Regulation are confirmed.

3. Cumulative assessment of the effects of the imports concerned

- (105) In the absence of any new information on the cumulative assessment of the effects of the imports concerned, the provisional findings as described in recitals 129 to 132 of the provisional Regulation are confirmed.

4. Imports from the countries concerned

(a) Volume and market share of dumped imports

- (106) The Thai exporting producer argued that its exports to the Community were negligible throughout the period considered.
- (107) Imports of SWR originating in Thailand represented 1,5 % in 1999 and 2 % in the IP and were therefore not negligible according to Article 9(3) of the basic Regulation. Furthermore, they represented 4,6 % of the Community's volume of imports of the product concerned originating in third countries in 1999 and 6,5 % in the IP and were thus also above the 3 % threshold established in the WTO Anti-dumping Agreement.
- (108) In view of the above, the provisional findings as described in recitals 133 and 134 of the provisional Regulation are confirmed.

(b) Prices of the dumped imports

(i) Price evolution

- (109) In the absence of any new information on the price evolution, the provisional findings as described in recital 135 of the provisional Regulation are confirmed.

- (ii) Price undercutting
- (110) One interested party stated that the double conversion carried out by the Commission — from the currency of the invoice to the national currency of the exporting country and then to the EUR — contravened Article 2.4.1 of the WTO Anti-dumping Agreement.
- (111) In this respect it should be noted that Article 2.4.1 of the WTO Anti-dumping Agreement is not relevant for the price undercutting calculation, but only for the determination of dumping. However, in order to eliminate any inaccuracy resulting from two currency conversions, the calculations of all exporting producers were revised as requested. The cif values in the currency provided by the exporting producers were directly converted into EUR using the appropriate exchange rates.
- (112) One Turkish exporting producer argued that the adjustment for level of trade was based on an inappropriate choice of importer because the latter was neither a customer of the exporting producer nor an importer of SWR from Turkey. Furthermore, it claimed that the level of the adjustment was too low. In support of this claim the exporting producer provided a sample of its sales invoices for certain types of SWR issued to an unrelated importer in the Community and the latter's sales invoices issued to customers in the Community. At a later stage, the financial statements of the unrelated importer were also submitted to support this claim. The margin thus obtained, which reflected the overall difference between purchases and re-sales, was higher than the one used by the Commission at the provisional stage.
- (113) It should firstly be noted that, in the absence of substantiated information on this point from the sole cooperating unrelated importer, the prices of the exporting producers were adjusted for differences in level of trade on the basis of the information available, i.e. the data provided by an association of importers in the Community and supported by evidence presented by one of its members. In this respect it is worth noting that the unrelated importer proposed by the Turkish exporting producer was contacted by the Commission at the outset of the investigation, but did not reply to the questionnaire or provide any information. The importers' association was given disclosure of the adjustment and did not raise any objection. Furthermore, the adjustment took into account all relevant costs incurred by unrelated importers between importation and sales ex-works and thus it did not reflect the overall margin between purchases and re-sales, as claimed by the Turkish exporting producer. In view of the above, it is considered that the adjustment made at the provisional stage adequately reflects the differences in the level of trade. The request was thus rejected.
- (114) Some interested parties argued that the tensile strength, contrary to the Commission's statement in recital 137 of the provisional Regulation, was a main price driver and requested the use of this criterion to avoid inflating price undercutting margins.
- (115) Though the analysis of tensile strength on a type by type basis at company level did not show a discernible pattern in prices, a comparison of the exporting producers' prices with those of the Community industry's showed that tensile strength was indeed a factor that affected price. Price undercutting was thus recalculated including tensile strength as a criterion for the product categorisation.
- (116) Based on the methodology explained in recitals 136 to 139 of the provisional Regulation, and taking into account the modifications mentioned above and the correction of clerical errors, the difference between the prices, expressed as a percentage of the Community industry's weighted average price (ex works), i.e. the price undercutting margin, is shown in the table below.

Country	Company	Undercutting margin (%)
Czech Republic	ŽDB a.s.	24,1
Russia	Cherepovetsky Staleprokatny Zavod	41,8
Thailand	Usha Siam Steel Industries Plc.	14,2
Turkey	Celik Halat ve Tel Sanayii A.Ş.	16,4
	Has Celik ve Halat San Tic A.S.	27,0

5. Situation of the Community industry

(a) Investments and ability to raise capital

- (117) Some interested parties argued that the impact of investments cannot only be considered in terms of depreciation and the interest paid to finance the investment, but the analysis should also cover the creditworthiness, goodwill and the cost/benefit of the use of financial resources.

- (118) It should be noted that the analysis of creditworthiness is made in recital 153 of the provisional Regulation.
- (119) Goodwill can be defined as the excess amount that has to be paid to acquire a part or the whole of a business as a going concern, over and above the value of the net assets owned by the business (purchased goodwill is capitalised as an asset). As such, it would only be analysed if depreciation of goodwill had influenced profitability, which is not the case.
- (120) Finally, a cost/benefit analysis of the Community industry's investments that goes beyond the analysis made on the impact of investments in profitability is beyond the scope of the proceeding.
- (121) The same interested parties argued that the Commission had found in the course of the investigation in the previous anti-dumping proceeding that the Community industry's investments had increased significantly between 1994 and 1998 and that their impact in terms of depreciation and interest paid in the period considered should also be analysed.
- (122) Though depreciation in the period considered increased by 9 %, depreciation of plant and machinery actually decreased 3 %, which shows that investments have not been excessive, but were needed to replace old machinery already fully depreciated. The depreciation figures also reflect the depreciation charges due to investment made before the period considered. As stated in recital 152 of the provisional Regulation, the impact in profitability of the increase in depreciation is minor.
- (123) In view of the above, the provisional findings as described in recitals 151 to 153 of the provisional Regulation are confirmed.

(b) *Other factors*

- (124) In the absence of any new information on other relevant injury factors, the provisional findings as described in recitals 141 to 150 and 154 to 157 of the provisional Regulation are confirmed.

(c) *Conclusion on injury*

- (125) On the basis of the above it is confirmed that following the imposition of anti-dumping measures in 1999, the situation of the Community industry stabilised in the IP, but was still weak: production remained largely stable, capacity utilisation stagnated and stocks remained largely at the same level. Although sales increased modestly from 66 331 in 1999 to 67 671 tonnes in the IP, the Community industry's market share did not increase despite the restored, effective competition from the countries subject to anti-dumping measures. The Community industry's sales prices also remained basically at the same level, despite the imposition of anti-dumping measures in 1999.
- (126) Regarding the profitability of the Community industry, although it improved slightly from a loss of -1,4 % to break even over the period considered, it still remained at such a low level that the long term viability of the Community industry cannot be ensured.
- (127) Therefore the Community industry could hardly benefit from the imposition of anti-dumping measures in 1999 due to the increase in the volume of imports from the countries concerned at prices which significantly undercut those of the Community industry.
- (128) In view of the above, the provisional findings as described in recitals 158 to 161 of the provisional Regulation, i.e. that the Community industry has suffered material injury within the meaning of Article 3 of the basic Regulation, are confirmed.

F. CAUSATION

- (129) Following disclosure of the provisional findings, some interested parties argued that no causal link existed between the dumped imports and the injury suffered by the Community industry and that injury, if any, should be attributed to a combination of the following factors: a decline in apparent consumption; self-inflicted injury through the erroneous decisions made by the Community industry regarding its investments and production capacity; and imports from other third countries, including those originating in Korea and Malaysia for which no dumping was found.
- (130) As no new information was submitted on the situation of the other Community producers and evolution of raw material prices, the provisional findings as described in recitals 172, 173 and 180 to 182 of the provisional Regulation are confirmed.

1. Development of apparent consumption

- (131) Some interested parties argued that the Community industry's falling sales and production followed the trend of apparent consumption, which proved that the latter, and not the dumped imports from the countries concerned, was the cause of any injury suffered by the Community industry.
- (132) On the development of apparent consumption, it is useful to recall the findings in recitals 126 to 128 and 169 to 171 of the provisional Regulation.
- (133) While apparent consumption substantially increased in 1998 (9 %), it hardly benefited the Community industry (2 % rise in sales to unrelated customers in the Community), though the countries concerned saw their exports to the Community rise by 42 % in the same year, at a time when there were no anti-dumping measures in force. The sharp contraction of apparent consumption in 1999 (-14 %), coinciding with the imposition of anti-dumping measures, did not affect the countries concerned, which registered a further 89 % rise of exports to the Community. This clearly shows that it is not the decline in consumption that is causing injury to the Community industry, but other factors such as the sustained, high growth of dumped imports originating in the countries concerned.
- (134) In view of the above, the provisional findings as described in recitals 169 to 171 of the provisional Regulation are confirmed.

2. Self-inflicted injury through erroneous decisions on investments

- (135) Some interested parties argued that the Community industry's low level of profitability in the IP (0 %) was due to the erroneous decisions made by the Community industry to increase investments.
- (136) As already explained in recital 122 above depreciation of plant and machinery decreased by 3 % in the period considered, which shows that investment has not been excessive, but was needed to replace old machinery already fully depreciated. This investment has obviously increased capacity, but it was necessary to maintain the competitiveness of the Community industry. The low profitability of the Community industry is mainly the result of lower sales volumes and the fact that it had to align its prices with those of the low-priced, dumped imports originating in the countries concerned.
- (137) The same interested parties also alleged that certain Community producers failed to reposition themselves in the face of competition as they failed to invest in new production technology, to innovate in terms of research and development in their product line, and to rationalise their overall operations.
- (138) It was found that the Community industry did invest in new production technology, was able to innovate and did rationalise its operations. On this last point it is useful to mention the reorganisations of the manufacturing and sales activities of many Community producers.
- (139) It is therefore concluded that the situation of the Community industry in the IP cannot be attributed to any erroneous decisions made by the Community industry regarding its investments.

3. Imports from other third countries

- (140) Regarding other third countries, some interested parties requested that care be taken to ensure that the impact of imports from other third countries was not attributed to the imports from the countries concerned. The Russian exporting producers claimed that imports originating in Romania not only undercut the Community industry's prices, but also their prices.

(a) *Korea and Malaysia*

- (141) Imports from Korea and Malaysia registered a significant increase during the period considered (288 %) and increased their market share from 2,4 % in 1997 to 10 % in the IP. Their prices were also found, with the exception of one Korean exporting producer, to undercut the selling prices of the Community industry in the IP.
- (142) Although the growth of imports originating in the countries concerned was lower in the period considered (215 %), their market share in the IP (10,8 %) was still higher than that of Korea and Malaysia. Furthermore, the overall price undercutting margin in the IP found for Korea and Malaysia was substantially lower than that found for the countries concerned.
- (143) Thus, the Community industry would in all likelihood have been able to increase its sales volume if there were no dumped imports from the countries concerned despite the competition from imports originating in Korea and Malaysia. Therefore the impact of the latter was not such as to break the causal link between the dumped imports and the situation of the Community industry.

(b) *Other third countries excluding Korea and Malaysia*

- (144) The sales volume of third countries other than those included in the current investigation decreased by 63 % during the period considered, mainly due to the decrease in imports from the countries subject to anti-dumping measures. In this context, the market share of other third countries (excluding the countries concerned, Korea and Malaysia) decreased from 24,6 % in 1997 to 9,7 % in the IP. Among the countries mentioned by interested parties as having caused injury to the Community industry only Poland and Romania held a market share of at least 1 % in the IP.
- (145) Regarding Poland, during the period considered its market share declined from 3,3 % to 2,9 % and its selling prices per kg rose by 23 %. In this context, it cannot be argued that Poland contributed to the material injury suffered by the Community industry.
- (146) Concerning Romania, its market share remained stable during the period considered (0,9 % in 1997, 1,1 % in 1998, 0,9 % in 1999 and 1 % in the IP), while imports originating in this country increased by 8 % from 1 398 tonnes in 1997 to 1 510 tonnes in the IP. During the period considered, the prices per kg of Romanian SWR were, with the exception of 1998, consistently higher than those of the Russian exporting producers and consistently lower than those of the Community industry. It can be assumed that, taking into account Romania's stable market share (which was negligible in 1997 and 1999), its impact on the Community industry was not such as to break the causal link between the imports concerned and the situation of the Community industry.
- (147) In view of the above, the provisional findings as described in recitals 174 to 179 of the provisional Regulation are confirmed.

4. Conclusion

- (148) It is confirmed that, although other factors, namely the imports from Korea, Malaysia and Romania, may have had a negative impact on the situation of the Community industry in the IP, this impact was not such as to break the causal link between the dumped imports and the situation of the Community industry. Therefore the imports from the countries concerned taken in isolation have been found to cause material injury to the Community industry as described in recitals 164 to 168 of the provisional Regulation.

G. COMMUNITY INTEREST

1. Collection of information and interest of the Community industry

- (149) In the absence of any new information on the collection of information and interest of the Community industry, the provisional findings as described in recitals 186 to 196 of the provisional Regulation are confirmed.

2. Interest of the supplier industry

- (150) One interested party argued that the imposition of measures would negatively affect raw material suppliers as the Commission did not take into account the detrimental effect of the anti-dumping measures in force on the situation of those suppliers of wire rod exporting to producers in third countries subject to measures.
- (151) The only cooperating raw material supplier (producer of steel wire) indicated that the imposition of measures would be beneficial for its business. This company also exported to third countries, including countries subject to the previous and the current investigations. Furthermore, the conclusions reached in the provisional Regulation on the interest of the supplier industry were not contested by any raw material supplier.
- (152) In view of the above, the provisional findings as described in recitals 197 to 201 of the provisional Regulation are confirmed.

3. Interest of importers/traders

- (153) One importers' association argued that since SWR represent the main business for most importers, it is thus essential for them to maintain a sufficient volume of sales in order to remain viable. It further alleged that Community producers have their own integrated channels of distribution and refuse to sell through independent traders. The situation of importers will thus become increasingly precarious taking into account the number of countries subject to anti-dumping measures.
- (154) Firstly, interested parties did not provide any new element on these points that could change the findings reached at the provisional stage.
- (155) Furthermore, it was found that alternative sources of supply not subject to measures existed, including the Community industry. Though it is true that many Community producers have their own integrated channels of distribution, the information provided by the Community industry shows that they also sell to unrelated importers/traders in the Community. The argument should therefore be rejected.
- (156) Another interested party argued that the measures would eliminate competition from imports to the benefit of Korean and Malaysian SWR, which will flood the Community market. This will result in further injury to the Community industry, limit the sources of supply and discriminate against customers of SWR originating in the countries concerned.

- (157) Although it is likely that Korean and Malaysian exporting producers will increase their market shares, it is unlikely that they will flood the Community market given their current high capacity utilisation and the fact that the level of price undercutting found for these countries is lower (or even none in the case of a Korean exporting producer) than those found for the countries concerned. Regarding discrimination, it is important to note that discrimination does not take place in this respect since imports from Korea and Malaysia, unlike the other countries concerned, have not been found to be dumped. The argument should therefore be rejected.
- (158) In view of the above, the provisional findings as described in recitals 202 to 207 of the provisional Regulation are confirmed.

4. Interest of users

- (159) In the absence of any new information on the interest of users, the provisional findings as described in recitals 208 to 211 of the provisional Regulation are confirmed.

5. Conclusion on Community interest

- (160) In view of the above, the provisional findings as described in recitals 212 to 215 of the provisional Regulation are confirmed, i.e. that no compelling reasons exist on grounds of Community interest for not imposing anti-dumping measures.

H. DEFINITIVE ANTI-DUMPING MEASURES

1. Injury elimination level

- (161) Based on the methodology explained in recitals 216 to 219 of the provisional Regulation, and taking into account the modifications mentioned in recitals 111 and 115 above and the correction of clerical errors, the weighted average export prices of SWR were compared with the selling prices charged by the Community industry in the Community market — adjusted to reflect a profit margin of 5 %. The difference was then expressed as a percentage of the exporting producers' export prices on a cif Community frontier level.

2. Definitive anti-dumping measures

- (162) In the light of the foregoing, it is considered that a definitive anti-dumping duty should be imposed at the level of the dumping margins found, except for two companies — one in Thailand and the other in Turkey — for which the duty should be imposed at the level of the injury margin, which is lower, in accordance with Article 9(4) of the basic Regulation.

Country	Company	Definitive Duty (%)
Czech Republic	ŽDB a.s.	30,7
	All other companies	47,1
Russia	Cherepovetsky Staleprokatny Zavod	36,1
	All other companies	50,7
Thailand	Usha Siam Steel Industries Plc.	24,8
	All other companies	42,8
Turkey	Celik Halat ve Tel Sanayii A.Ş.	31,0
	Has Celik ve Halat San Tic A.S.	17,8
	All other companies	31,0

3. Termination of the proceeding in respect of Korea and Malaysia without imposition of measures

- (163) In view of the results of the investigation concerning Korea and Malaysia, and considering that the dumping margin found in the case of these two countries is below the 2 % threshold set in Article 9(3) of the basic Regulation, the proceeding should be terminated without the imposition of anti-dumping measures in respect of imports of the product concerned originating in Korea and Malaysia. The proceeding concerning imports originating in Korea and Malaysia has been terminated by Commission Decision 2001/602/EC of 26 July 2001 accepting undertakings offered in connection with the anti-dumping proceeding concerning imports of certain iron or steel ropes and cables originating in the Czech Republic, the Republic of Korea, Malaysia, Russia, Thailand and Turkey and terminating the proceeding in respect of imports originating in the Republic of Korea and Malaysia ⁽¹⁾.

4. Undertakings

- (164) The undertakings offered by the exporting producers in the Czech Republic and Turkey were accepted at the provisional stage. The minimum prices established have been changed to reflect the definitive findings of the investigation.
- (165) Following the disclosure of the provisional findings, exporting producers in Russia and Thailand offered price undertakings in accordance with Article 8(1) of the basic Regulation. By doing so, they have agreed to sell the product concerned at or above price levels which eliminate the injurious effects of dumping. The companies will also provide the Commission with regular and detailed information concerning their exports to the Community, meaning that the undertakings can be monitored effectively by the Commission. Furthermore, the nature of the product, the structure of the companies and their sales patterns is such that the risk of them circumventing the agreed undertaking is limited.
- (166) In view of this, the offers of undertakings are therefore considered acceptable and the companies concerned have been informed of the essential facts, considerations and obligations upon which acceptance is based.
- (167) To further enable the Commission to effectively monitor the compliance of the companies with their undertakings, when the request for release for free circulation is presented to the relevant customs authority, exemption from the anti-dumping duty shall be conditional on the presentation of a commercial invoice containing at least the elements listed in the Annex. This level of information is also necessary to enable customs authorities to ascertain with sufficient precision that shipments correspond to the commercial documents. Where no such invoice is presented, or when it does not correspond to the product presented to customs, the appropriate rate of anti-dumping duty will instead be payable.
- (168) It should be noted that in the event of a breach or withdrawal of the undertaking or a suspected breach, an anti-dumping duty may be imposed, pursuant to Article 8(9) and (10) of the basic Regulation.
- (169) Furthermore, in accordance with Article 8(6) of the basic Regulation, the investigation of dumping, injury and Community interest was completed in respect of the countries concerned notwithstanding the acceptance of undertakings in the course of the investigation. The undertakings offered by two exporting producers in Thailand and in Russia were accepted by Decision 2001/602/EC,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of iron or steel ropes and cables, including locked coil ropes, excluding ropes and cables of stainless steel, with a maximum cross-sectional dimension exceeding 3 mm, with fittings attached or not, falling within CN codes 7312 10 82, 7312 10 84, 7312 10 86, 7312 10 88 and 7312 10 99, originating in the Czech Republic, Russia, Thailand and Turkey.

⁽¹⁾ See page 47 of this Official Journal.

2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Community-frontier price, before duty, of the products originating in the countries listed below shall be as follows:

Country	Rate of duty (%)	TARIC additional code
Czech Republic	47,1	A999
Russia	50,7	A999
Thailand	42,8	A999
Turkey	31,0	A999

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

Country	Company	Rate of duty (%)	TARIC additional code
Czech Republic	ŽDB a.s. Bezručova 300, 735 93 Bohumín, Czech Republic	30,7	A216
Russia	Open Joint Stock Company Cherepovetsky Staleprokatny Zavod, Russia, 162600, Cherepovets, Vologda Region, ul. 50-letia Oktiabria, 1/33	36,1	A217
Thailand	Usha Siam Steel Ind. Public Company Limited 888/116 Mahatun Plaza Building, Ploenchit Road, Bangkok 10330, Thailand	24,8	A218
Turkey	Celik Halat ve Tel Sanayii A.Ş. Fahrettin Kerim Gökai Cad. No 14 Denizciler İş Merkezi A. Blok Kat. 1	31,0	A219
	Has Çelik ve Halat Sanayi Ticaret A.S. Hacılar Yolu 8. Km Kayseri Türkiye	17,8	A220

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

Article 2

1. Imports under one of the following TARIC additional codes which are produced and directly exported (i.e. shipped and invoiced) by a company named below to a company in the Community acting as an importer shall be exempt from the anti-dumping duties imposed by Article 1 provided that they are imported in conformity with paragraph 2.

Country	Company	TARIC additional code
Czech Republic	ŽDB a.s. Bezručova 300, 735 93 Bohumín, Czech Republic	A216
Russia	Open Joint Stock Company Cherepovetsky Staleprokatny Zavod, Russia, 162600, Cherepovets, Vologda Region, ul. 50-letia Oktiabria, 1/33	A217

Country	Company	TARIC additional code
Thailand	Usha Siam Steel Ind. Public Company Limited 888/116 Mahatun Plaza Building, Ploenchit Road, Bangkok 10330, Thailand	A218
Turkey	Celik Halat ve Tel Sanayii A.Ş. Fahrettin Kerim Gokal Cad. No 14 Denizciler İş Merkezi A. Blok Kat. 1	A219
	Has Çelik ve Halat Sanayi Ticaret A.S. Hacılar Yolu 8. Km Kayseri Türkiye	A220

2. Imports mentioned in paragraph 1 shall be exempt from the duty on condition that:
- a commercial invoice containing at least the elements listed in the Annex is presented to Member States customs authorities upon presentation of the declaration for release into free circulation; and
 - the goods declared and presented to customs correspond precisely to the description on the commercial invoice.

Article 3

1. As regards imports of the product described in Article 1(1) originating in the Czech Republic, Thailand and Turkey, the amounts secured by way of the provisional anti-dumping duty imposed by Commission Regulation (EC) No 230/2001 of 2 February 2001 shall be collected at the rate of the duty definitively imposed. Amounts secured in excess of the definitive rate of anti-dumping duties shall be released.

2. As regards imports of the product described in Article 1(1) originating in Russia, the amounts secured by way of the provisional anti-dumping duty imposed by Regulation (EC) No 230/2001 shall be collected at the rate of the duty provisionally imposed.

Article 4

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, 2 August 2001.

For the Council
The President
L. MICHEL

ANNEX

Necessary information for commercial invoices accompanying sales made subject to an undertaking

1. The heading 'COMMERCIAL INVOICE ACCOMPANYING GOODS SUBJECT TO AN UNDERTAKING'.
2. The name of the company mentioned in Article 2(1) issuing the commercial invoice.
3. The commercial invoice number.
4. The date of issue of the commercial invoice.
5. The TARIC additional code under which the goods on the invoice is to be customs-cleared at the Community frontier.
6. The exact description of the goods, including:
 - the product code number (PCN) (as established in the undertaking offered by the exporting producer in question);
 - the number of strands; the number of wires per strand; the arrangement of wires per strand (e.g. standard, seal, warrington etc); rope characteristics (rotation resistant, compacted etc);
 - the company product code number (CPC) (if applicable);
 - CN code;
 - quantity (to be given in kg and length).
7. The description of the terms of the sale, including:
 - price per kg;
 - the applicable payment terms;
 - the applicable delivery terms;
 - total discounts and rebates.
8. Name of the company acting as an importer to which the invoice is issued directly by the company.
9. The name of the official of the company that has issued the invoice and the following signed declaration:

'I, the undersigned, certify that the sale for direct export to the European Community of the goods covered by this invoice is being made within the scope and under the terms of the undertaking offered by [company], and accepted by the European Commission through Decision 2001/602/EC. I declare that the information provided on this invoice is complete and correct.'

COMMISSION REGULATION (EC) No 1602/2001
of 3 August 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 4 August 2001.

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

Done at Brussels, 3 August 2001.

For the Commission
Frederik BOLKESTEIN
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 3 August 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
0707 00 05	052	57,0
	999	57,0
0709 90 70	052	78,8
	999	78,8
0805 30 10	388	78,3
	524	95,2
	528	74,6
	999	82,7
0806 10 10	052	91,2
	220	87,3
	400	192,4
	508	134,5
	600	105,2
	624	78,1
	999	114,8
	0808 10 20, 0808 10 50, 0808 10 90	388
0808 20 50	400	75,4
	508	85,9
	512	91,2
	524	64,0
	528	76,2
	720	118,2
	800	199,4
	804	94,1
	999	99,4
	052	114,8
	388	72,6
	512	65,6
0809 20 95	528	68,5
	804	122,9
	999	88,9
	052	358,2
0809 30 10, 0809 30 90	400	240,4
	404	244,0
	999	280,9
	052	125,3
0809 40 05	999	125,3
	052	76,8
	064	63,0
	066	65,1
	094	63,7
	624	261,2
	999	106,0

⁽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 1603/2001
of 3 August 2001
amending Regulation (EC) No 1121/2001 fixing the adjustment coefficients to be applied to each
traditional operator's reference quantity under the tariff quotas for imports of bananas

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 216/2001 ⁽²⁾,

Having regard to Commission Regulation (EC) No 896/2001 of 7 May 2001 laying down detailed rules for applying Council Regulation (EEC) No 404/93 as regards the arrangements for importing bananas into the Community ⁽³⁾, and in particular Article 5(2) thereof,

Whereas:

- (1) Under Article 5(2) of Regulation (EC) No 896/2001, in the light of the quantities available under tariff quotas A/B and C of the information received from the Member States on the sum of the reference quantities established for traditional operators A/B and C respectively in accordance with Article 4(1) and (2) of that Regulation, the Commission is to fix, where appropriate, a single adjustment coefficient to be applied to each operator's reference quantity.
- (2) Using the information sent by the Member States under Article 5(1) of Regulation (EC) No 896/2001 on the total volume of the reference quantities for traditional operators A/B and traditional operators C, the Commission fixed in Regulation (EC) No 1121/2001 ⁽⁴⁾ an adjustment coefficient to be applied to each operator's reference quantity in each of the two categories of traditional operator.

- (3) As a result of further information received from several Member States, the sum of the reference quantities for traditional operators C has been found to amount to 717 416 tonnes. This requires an amendment to the adjustment coefficient to be applied to the reference quantities for each traditional operator C. Article 1 of Regulation (EC) No 1121/2001 must therefore be amended.
- (4) It should be recalled that, for the second half of 2001, the reference quantity for each traditional operator is subject to Article 28(2) of Regulation (EC) No 896/2001.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Bananas,

HAS ADOPTED THIS REGULATION:

Article 1

The adjustment coefficient in Article 1 of Regulation (EC) No 1121/2001 to be applied to each traditional operator C is hereby replaced by the adjustment coefficient 0,98339.

Article 2

The competent authorities of the Member States shall notify the operators concerned of the reference quantity as adjusted pursuant to Article 1 no later than 17 August 2001.

Article 3

This Regulation shall enter into force on 4 August 2001.

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

Done at Brussels, 3 August 2001.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 31, 2.2.2001, p. 2.

⁽³⁾ OJ L 126, 8.5.2001, p. 6.

⁽⁴⁾ OJ L 153, 8.6.2001, p. 12.

COMMISSION REGULATION (EC) No 1604/2001**of 3 August 2001****determining to what extent applications for the right to import for cows and heifers of certain mountain breeds lodged under Regulation (EC) No 1143/98 can be met**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1143/98 of 2 June 1998 laying down detailed rules for a tariff quota for cows and heifers of specified mountain breeds originating in various third countries, other than for slaughter and amending Regulation (EC) No 1012/98 ⁽¹⁾, as last amended by Regulation (EC) No 1096/2001 ⁽²⁾, and in particular Article 5(1) thereof,

Whereas:

- (1) Article 2(2) of Regulation (EC) No 1143/98 provides for the quantities reserved to traditional importers to be assigned in proportion to their imports during the period 1 July 1997 to 30 June 2000.
- (2) Allocation of the quantities available to operators covered by Article 2(3) of the abovementioned Regulation is to be made in proportion to the quantities

applied for. Since the quantities applied for exceed those available, a fixed percentage reduction should be set,

HAS ADOPTED THIS REGULATION:

Article 1

Every application for the right to import lodged in accordance with Regulation (EC) No 1143/98 shall be granted to the following extent:

- (a) for importers covered by Article 2(1)(a) of Regulation (EC) No 1143/98, 25,9122 % of the quantities imported during the period 1 July 1997 to 30 June 2000;
- (b) for importers covered by Article 2(1)(b) of Regulation (EC) No 1143/98, 3,3942 % of the quantities applied for.

Article 2

This Regulation shall enter into force on 4 August 2001.

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

Done at Brussels, 3 August 2001.

For the Commission
Frederik BOLKESTEIN
Member of the Commission

⁽¹⁾ OJ L 159, 3.6.1998, p. 14.

⁽²⁾ OJ L 150, 6.6.2001, p. 33.

COMMISSION REGULATION (EC) No 1605/2001
of 3 August 2001
amending Regulation (EC) No 1420/2001 limiting the term of validity of export licences for certain
products processed from 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 Commission Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 9 thereof,

Having regard to Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾, as last amended by Regulation (EC) No 409/2001 ⁽⁴⁾, and in particular Article 7(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1420/2001 of 12 July 2001 limiting the term of validity of export licences for certain products processed from cereals ⁽⁵⁾ sets 14 September 2001 as the final date for lodging export licence applications. That date means that it is impossible in practice to use licences applied for between 15 and 20 September 2001 because of the period of three

working days provided for in Article 7(3) of Regulation (EC) No 1162/95.

- (2) The date of 14 September 2001 should therefore be replaced by 7 September 2001.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(1) of Regulation (EC) No 1420/2001 is replaced by the following:

‘1. Notwithstanding Article 7(1) of Regulation (EC) No 1162/95, export licences for the products listed in the Annex applied for from the date of entry into force of this Regulation to 7 September 2001 shall be valid until 15 September 2001 only.’

Article 2

This Regulation shall enter into force on 4 August 2001.

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

Done at Brussels, 3 August 2001.

For the Commission
Frederik BOLKESTEIN
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 117, 24.5.1995, p. 2.

⁽⁴⁾ OJ L 60, 1.3.2001, p. 27.

⁽⁵⁾ OJ L 191, 13.7.2001, p. 27.

DIRECTIVE 2001/43/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 27 June 2001

amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure referred to in Article 251 of the Treaty ⁽³⁾, in the light of the joint text approved by the Conciliation Committee on 21 March 2001,

Whereas:

- (1) Measures should be adopted for the purpose of ensuring the smooth functioning of the internal market.
- (2) Council Directive 92/23/EEC of 31 March 1992 relating to tyres for motor vehicles and their trailers, and to their fitting ⁽⁴⁾ is one of the separate directives under the Community approval procedure introduced by Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type approval of motor vehicles and their trailers ⁽⁵⁾; the provisions of Directive 70/156/EEC concerning systems, components and separate technical units for motor vehicles will thus apply to this Directive.
- (3) For the purposes of implementing in particular Article 3(4), and Article 4(3) of Directive 70/156/EEC, each separate Directive should contain, in an Annex thereto, an information document and an approval document drawn up in accordance with Annex VI to Directive 70/156/EEC for the purpose of computerising approval; the approval document set out in Directive 92/23/EEC must therefore be amended.
- (4) Article 4(2) of Council Directive 92/97/EEC of 10 November 1992 amending Directive 70/157/EEC relating to the permissible noise level and exhaust system of motor vehicles ⁽⁶⁾, states that any subsequent action intended, in particular, to reconcile the safety requirements with the need to limit the noise arising from contact between tyres and road surfaces will be

adopted on the basis of a proposal from the Commission which will take account of the studies and research to be conducted in connection with that source of noise.

- (5) A realistic, reproducible method enabling the noise arising from contact between tyres and road surfaces to be measured has been developed; on the basis of that new method of measurement, a study has been carried out in order to produce a numerical value for the sound level representing the tyre-road noise generated by various types of tyres fitted to various types of motor vehicle.
- (6) It is to be acknowledged, when setting tyre-rolling noise requirements, that tyres are designed taking into account parameters relating to safety and environment and that a constraint on one parameter can affect the other parameters; it should also be acknowledged, when setting tyre-rolling noise requirements, that there is an ongoing development of international standards relating to road surface undertaken by the International Organisation for Standardisation (ISO) and to endurance and safety requirements relating to tyres undertaken by the United Nations Economic Commission for Europe.
- (7) Directive 92/23/EEC should be amended accordingly.
- (8) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁷⁾,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 92/23/EEC shall be amended as follows:

1. 'EEC component type-approval', 'EEC type-approval' and 'EEC approval' shall be replaced in every instance by the term 'EC type-approval';
2. in Article 1, the first indent, shall read as follows:

— "tyre" means any new pneumatic tyre including a winter tyre with holes for studs, in the form of original equipment or of a replacement, intended to be fitted to vehicles to which Directive 70/156/EEC applies. This definition does not cover winter tyres with studs;

⁽¹⁾ OJ C 30, 28.1.1998, p. 8.

⁽²⁾ OJ C 235, 27.7.1998, p. 24.

⁽³⁾ Opinion of the European Parliament of 18 February 1998 (OJ C 80, 16.3.1998, p. 90), Council Common Position of 13 April 2000 (OJ C 195, 11.7.2000, p. 16) and Decision of the European Parliament of 7 September 2000 (OJ C 135, 7.5.2001, p. 254). Decision of the European Parliament of 31 May 2001 and Decision of the Council of 5 June 2001.

⁽⁴⁾ OJ L 129, 24.5.1992, p. 95. Directive as amended by the 1994 Act of Accession.

⁽⁵⁾ OJ L 42, 23.2.1970, p. 1. Directive as last amended by Directive 2000/40/EC of the European Parliament and of the Council (OJ L 203, 10.8.2000, p. 9).

⁽⁶⁾ OJ L 371, 19.12.1992, p. 1.

⁽⁷⁾ OJ L 184, 17.7.1999, p. 23.

3. the following Article shall be inserted:

'Article 1a

1. The requirements set out in Annex V shall apply to tyres intended to be fitted to vehicles first used on or after 1 October 1980.

2. The requirements set out in Annex V shall not apply to:

- (a) tyres whose speed rating is less than 80 km/h;
- (b) tyres whose nominal rim diameter does not exceed 254 mm (or code 10) or is 635 mm or more (code 25);
- (c) T type temporary use spare tyres as defined in 2.3.6 of Annex II;
- (d) tyres designed only to be fitted to vehicles registered for the first time before 1 October 1980.;

4. Article 2 shall be replaced by the following:

'Article 2

1. Member States shall grant EC type-approval, under the conditions laid down in Annex I, to all types of tyres meeting the requirements of Annex II, and shall allocate to these an approval number as specified in Annex I.

2. Member States shall grant EC type-approval, under the conditions laid down in Annex I, to all types of tyres meeting the requirements of Annex V and shall allocate to these an approval number as specified in Annex I.

3. Member States shall grant EC type-approval to all vehicles in respect of their tyres under the conditions laid down in Annex III, where those tyres (including spare tyres, where appropriate) meet the requirements of Annex II and the requirements concerning vehicles laid down in Annex IV, and shall allocate to any such vehicle an approval number as specified in Annex III.

5. the List of Annexes and the Annexes shall be amended in accordance with the Annex to this Directive;

6. the following Article shall be inserted:

'Article 10a

1. As from 4 February 2003, Member States may not:

- (a) refuse to grant EC type-approval or national approval for a type of vehicle or type of tyre, or
- (b) prohibit the registration, sale or entry into service of vehicles, and the sale or entry into service or use of tyres,

for reasons relating to the tyres and their fitting to new vehicles, if the vehicles or tyres comply with the requirements laid down in this Directive, as amended by Directive 2001/43/EC (*).

2. As from 4 August 2003, Member States may no longer grant EC type-approval, and shall refuse to grant national type-approval for those types of tyre which fall within the scope of this Directive and which do not meet the requirements of this Directive, as amended by Directive 2001/43/EC.

3. As from 4 February 2004, Member States may no longer grant EC type-approval or national approval for a type of vehicle, for reasons relating to its tyres or their fitting, if the requirements of this Directive, as amended by Directive 2001/43/EC, are not met.

4. As from 4 February 2005, Member States shall:

- (a) consider certificates of conformity accompanying new vehicles in accordance with the provisions of Directive 70/156/EEC as being no longer valid for the purposes of Article 7(1) of the said Directive, if the requirements of this Directive, as amended by Directive 2001/43/EC, are not met, and
- (b) refuse the registration or prohibit the sale or entry into service of new vehicles which do not meet the requirements of this Directive, as amended by Directive 2001/43/EC.

5. As from 1 October 2009, the provisions of this Directive, as amended by Directive 2001/43/EC, shall apply for the purposes of Article 7(2) of Directive 70/156/EEC, to all tyres which fall within the scope of this Directive, with the exception of tyres of classes C1d and C1e, to which they shall apply as from 1 October 2010 and 1 October 2011 respectively.

(*) Directive 2001/43/EC of the European Parliament and of the Council of 17 June 2001 amending Council Directive 92/23/EEC relating to tyres for motor vehicles and their trailers and to their fitting (OJ L 211, 4.8.2001, p. 25).

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary in order to comply with this Directive before 4 August 2002. They shall forthwith inform the Commission thereof.

They shall apply these provisions from 4 February 2003 at the latest.

2. When Member States adopt the measures referred to in paragraph 1, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

3. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

1. By 4 August 2003 at the latest, an amendment to Directive 92/23/EEC shall be adopted in accordance with the procedure referred to in Article 4(2) in order to introduce grip tests for tyres.

2. In the light of the experience gained from the introduction of limit values for tyre noise, the Commission shall, within 36 months after the entry into force of this Directive, submit to the European Parliament and the Council a report concerning whether and to what extent technical progress would, without compromising safety, allow the introduction of the limit values indicated in Annex V, section 4.2.1., columns B and C, of Directive 92/23/EEC, as amended by this Directive. On the basis of this report, the Commission shall within 12 months propose an amendment of Directive 92/23/EEC, with a view to introducing provisions relating to safety, environmental and rolling resistance aspects.

Article 4

1. The Commission shall be assisted by the Committee for Adaptation to Technical Progress set up by Article 13 of Directive 70/156/EEC, hereinafter referred to as 'the Committee'.

2. Where reference is made to this paragraph Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

Article 5

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

Article 6

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

B. ROSENGREN

ANNEX

1. The list of Annexes will read as follows:

'ANNEX I	Administrative provisions for the EC type-approval of tyres
Appendix 1	Information document relating to EC type-approval for a type of tyre
Appendix 2	EC type-approval certificate (tyres)
Appendix 3	Information document relating to EC type-approval for a type of tyre relating to tyre/road noise emission
Appendix 4	EC type-approval certificate (tyre/road noise emission)
ANNEX II ⁽¹⁾	Requirements for tyres
Appendix 1	Explanatory figure
Appendix 2	List of symbols of load-capacity indices and corresponding maximum mass to be carried
Appendix 3	Arrangement of tyre markings
Appendix 4	Relationship between the pressure index and the units of pressure
Appendix 5	Measuring rim, outer diameter and section width of tyres of certain size designations
Appendix 6	Method of measuring tyre dimensions
Appendix 7	Load/speed test procedure
Appendix 8	Variation of load capacity index with speed; commercial-vehicle tyres radial and diagonal
ANNEX III	Administrative provisions for type-approval of vehicles with regard to the fitting of their tyres
Appendix 1	Information document for a vehicle
Appendix 2	EC type-approval certificate for a vehicle
ANNEX IV	Requirements for vehicles with regard to the fitting of their tyres
ANNEX V	Tyre/road noise emission
Appendix 1	Test method for tyre-road sound levels, coast-by method
Appendix 2	Test report
ANNEXE VI	Specifications for the test site

⁽¹⁾ The technical requirements for tyres are similar to those of Regulations Nos 30 and 54 of the UN Economic Commission for Europe (UN/ECE).'

2. Annex I is replaced by the following:

'ANNEX I

ADMINISTRATIVE PROVISIONS FOR THE EC TYPE-APPROVAL OF TYRES

1. APPLICATION FOR THE EC TYPE-APPROVAL OF A TYPE OF TYRE
 - 1.1. The application for EC type-approval for a type of tyre pursuant to Article 3(4) of Directive 70/156/EEC is to be submitted by the tyre manufacturer.
 - 1.1.1. The application for EC type-approval pursuant to Annex II is to be accompanied, in triplicate, by a description of the tyre type as described in the information document in Appendix 1.
 - 1.1.1.1. The application must be accompanied (all in triplicate) by a sketch, or a representative photograph, which identifies the tyre tread pattern and a sketch of the envelope of the inflated tyre mounted on the measuring rim showing the relevant dimensions (see sections 6.1.1. and 6.1.2. of Annex II) of the tyre submitted for approval.
 - 1.1.1.2. It must be accompanied either by the test report issued by the appointed technical service or by a number of samples to be determined by the approval authority.
 - 1.1.2. The application for EC type-approval pursuant to Annex V is to be accompanied, in triplicate, by a description of the tyre type as described in the information document in Appendix 3.
 - 1.1.2.1. The application must be accompanied (all in triplicate) by sketches, drawings or photographs of the tread pattern(s) that is/are representative of the type of tyres.

1.1.2.2. It must also be accompanied either by the test report issued by the appointed technical service or by a number of samples to be determined by the approval authority.

1.2. The manufacturer may apply for EC type-approval to be extended

1.2.1. to include modified tyre types for EC type-approvals pursuant to Annex II and/or

1.2.2. to include additional tyre size designations and/or amended brand names or manufacturer's trade descriptions and/or tread patterns for EC type-approvals pursuant to Annex V.

1.3. Until 31 December 2005 the approval authority may accept the laboratories of the tyre manufacturer as approved test laboratories pursuant to Article 14(1) of Directive 70/156/EEC.

2. INSCRIPTIONS

2.1. Samples of a type of tyre submitted for EC type-approval must bear the applicant's clearly visible and indelible trade mark or name and must allow sufficient space for the inscription of the EC type-approval mark as required in section 4 of this Annex.

3. EC TYPE-APPROVAL

3.1. EC type-approval pursuant to Article 4 of Directive 70/156/EEC is to be granted and an EC type-approval number is to be issued in respect of any tyre type, submitted in accordance with 1.1.1. above, which satisfies the requirements of Annex II.

3.1.1. Notice of approval or extension or refusal or withdrawal of approval or of production definitively discontinued in relation to a tyre type pursuant to Annex II must be communicated to the Member States in accordance with Article 4(6) of Directive 70/156/EEC.

3.1.2. EC type-approval pursuant to Article 4 of Directive 70/156/EEC is to be granted and an EC type-approval number is to be issued in respect of any tyre type, submitted in accordance with 1.1.2. above, which satisfies the requirements of Annex V.

3.2.1. Notice of approval or extension or refusal or withdrawal of approval or of production definitively discontinued in relation to a tyre type pursuant to Annex V must be communicated to the Member States in accordance with Article 4(6) of Directive 70/156/EEC.

3.3. An EC type-approval number is to be assigned to each tyre type-approved. The same Member State must not assign the same number to another tyre type. In particular, approval numbers assigned pursuant to Annex II and EC type-approval numbers assigned pursuant to Annex V must be different.

4. EC TYPE-APPROVAL MARKING

4.1. Any tyre conforming to a type in respect of which EC type-approval has been granted pursuant to this Directive must bear the relevant EC type-approval mark.

4.2. The EC type-approval mark will consist of a rectangle surrounding the lower case letter "e" followed by the distinguishing number of the Member State which has granted the type-approval as per Annex VII to Directive 70/156/EEC. The EC type-approval number will consist of the EC type-approval number shown on the certificate completed for the type, preceded by two figures: "00" for commercial vehicle tyres, "02" for passenger car tyres.

4.2.1. The rectangle forming the EC type-approval mark must have a minimum length of 12 mm and a minimum height of 8 mm. Letter(s) and number(s) must be at least 4 mm in height.

4.3. The EC type-approval marks and numbers, and any additional marks required in Annex II, section 3., the latter for the type-approval pursuant to the requirements of Annex II, must be affixed as prescribed in that section.

4.4. Approval numbers assigned pursuant to Annex V must be followed by the suffix "s" where "s" is an abbreviation for sound.

4.5. An example of the EC type-approval mark is given below:

e 24

00479

e 3

00687-s

The tyre bearing the EC type-approval mark shown above is a commercial vehicle tyre (00) satisfying the EC requirements (e), for which the EC type-approval mark has been granted in Ireland (24) under the number 479 pursuant to Annex II and in Italy (3) under the number 687-s pursuant to Annex V.

Note: The numbers "479" and "687" (EC-mark type-approval numbers) and the number "24" and the digit "3" (letters and number of the Member States which granted the EC approval) are for guidance only.

The approval numbers must be placed close to the rectangle and may be above, below, to the left or to the right. The characters of the approval number must all be on the same side of the "e" and face in the same direction.

5. MODIFICATION OF A TYRE TYPE
 - 5.1. If a tyre type-approved pursuant to Annex II or pursuant to Annex V has been modified, the provisions of Article 5 of Directive 70/156/EEC shall apply.
 - 5.2. If the tread pattern of a tyre has been modified in the case of type-approvals pursuant to Annex II, no repetition of the tests prescribed in Annex II is considered necessary.
 - 5.3. In the case where tyre-size designations or trade marks are added to a range of tyres type-approved pursuant to Annex V, any requirement for retesting shall be determined by the type approval authority.
 - 5.4. In the case of modification of the tyre tread pattern of a range of tyres approved pursuant to Annex V, a representative set of samples shall be retested unless the type approval authority is satisfied that the modification does not affect the tyre/road noise emissions.
6. CONFORMITY OF PRODUCTION
 - 6.1. The general rules to ensure the conformity of production shall be adopted in accordance with the provisions laid down in Article 10 of Directive 70/156/EEC.
 - 6.2. In particular, when checks are carried out in accordance with Appendix 1 to Annex V in order to check the conformity of production, if the noise level of the tyre tested does not exceed the limit values set out in section 4.2. of Annex V by more than 1 dB(A), the production shall be deemed to conform to the requirements of section 4 of the abovementioned Annex V.
3. The title of Appendix 1 to Annex I will read as follows:

'Appendix 1

INFORMATION DOCUMENT No ... RELATING TO EC TYPE-APPROVAL FOR A TYPE OF TYRE

(Annex II to Directive 92/23/EEC)
4. The title of Appendix 2 to Annex I shall read as follows:

'Appendix 2

EC TYPE-APPROVAL CERTIFICATE

(tyres)

MODEL

(maximum format: A4 (210 mm × 297 mm))'
5. In Appendix 2 to Annex I under point 'Communication concerning the' the following indents are added:

— withdrawal of type-approval (!);

— discontinuation of production (!)
6. The following Appendices are added to Annex I:

'Appendix 3

INFORMATION DOCUMENT No ... RELATING TO EC TYPE-APPROVAL FOR A TYPE OF TYRE RELATING TO TYRE/ROAD NOISE EMISSION

(Annex V to Directive 92/23/EEC)

The following information, if applicable, must be supplied in triplicate and include a list of contents. Drawings, if any, must be supplied to an appropriate scale and in sufficient detail on size A4 or folded to that size. Relevant performance-related information must be supplied in the case of microprocessor controlled functions.

1. GENERAL

1.1. Manufacturer's name:

1.2. Name and address of applicant:

1.3. Address(es) of manufacturing plant(s):

1.4. Brand name(s), Trade description(s) or Trade mark(s) to be used for particular tyre type-approval requested.

2. TYRES

2.1. Tyre classification: (class C1, class C2 or class C3)

2.2. Category of use: (normal, snow or special)

2.3. Details of the major features, with respect to the effects on tyre/road noise emission, of the tread pattern(s) to be used on the designated range of tyre sizes. This may be by drawing, photograph or description but must be sufficient to allow the type approval authority or technical service to determine whether any subsequent changes to the major features will adversely affect the tyre/road noise emission.

Note: The effect of changes in minor details of tyre tread and construction on the tyre/road noise emission will be determined during checks on the conformity of production.

2.4 Tyre structure

2.5. List of tread-pattern designations:

(specify for each trade mark or brand name and trade description the list of tyre designations as per section 2.17. of Annex II to Directive 92/23/EEC adding, in the case of class C1 tyres, the mark 'Reinforced' or 'Extra Load', if applicable).

Appendix 4

EC TYPE-APPROVAL CERTIFICATE
(tyre/road noise emission)

MODEL

(maximum format: A4 (210 mm × 297 mm))

Stamp of administration

Communication concerning the:

- EC type-approval ⁽¹⁾
- extension of EC type-approval ⁽¹⁾
- refusal of EC type-approval ⁽¹⁾
- withdrawal of EC type-approval ⁽¹⁾
- discontinuation of production ⁽¹⁾

of a type of tyre with regard to Annex V to Directive 92/23/EEC, as last amended by Directive .../.../EC, relating to tyre/road noise emission.

EC type-approval No: Extension No:

SECTION I

0. **General**

- 0.1. Manufacturer's name:
- 0.2. Name and address of applicant:
- 0.3. Address(es) of manufacturing plant(s):

SECTION II

1. **Additional information**

- 1.1. Brand name(s) and trade description(s):
- 1.2. Tyre classification: (class C1, class C2 or class C3) ⁽¹⁾
- 1.3. Category of use: (Normal/Snow/Special) ⁽¹⁾
- 2. Technical Service responsible for carrying out tests:
- 3. Date of test report:
- 4. Number of test report:
- 5. Grounds for extending EC type-approval (where appropriate):
- 6. Comments (if any):
- 7. Date and place:
- 8. Signature:
- 9. A list of documents making up the EC type-approval file lodged with the authority that has granted the approval and which may be obtained on request is attached.

⁽¹⁾ Delete as appropriate.

- 7. In Annex IV, section 3.1.1. will read as follows:

'3.1.1. Subject to the provisions of section 3.7.4., every tyre fitted to a vehicle, including where applicable any spare, must bear the EC type-approval mark(s) as specified in section 4 of Annex I or the type-approval mark indicating compliance with UN/ECE Regulations Nos 30 or 54. UN/ECE type-approval marks are considered to be equivalent only to the EC type-approval marks granted pursuant to Annex II.'

- 8. The following Annex and Appendices will be inserted:

ANNEX V

TYRE/ROAD NOISE EMISSION

1. SCOPE

This annex applies to the EC type-approval of tyres, as components, in respect of tyre/road noise emissions.

2. DEFINITIONS

For the purposes of this Annex, the definitions of Annex II shall apply, except for the definition under section 2.1., which shall read as follows:

2.1. "Type of tyre"

means, in relation to type-approval pursuant to this Annex (tyre/road noise emission), a range of tyres consisting of a list of tyre size designations (see section 2.1.7 in Annex II), brand names, trade marks and trade descriptions which do not differ in such essential characteristics as:

- the manufacturer's name
- the tyre classification (see section 2.4. of this Annex)
- the tyre structure (see section 2.1.4. of Annex II)
- the category of use (see section 2.1.3. of Annex II)
- for class C1 tyres. Reinforced or Extra Load
- the tread pattern (see 2.3 of Information Document, Annex I, Appendix 3).

Note: The effect of changes in minor details of tyre tread and construction on the tyre/road noise emission will be determined during checks on the conformity of production.

In addition, the following definitions shall also apply:

2.2. "Brand name or trade description"

means the identification for the tyre as provided by the tyre manufacturer. The brand name may be the same as the manufacturer and the trade description may coincide with the trade mark.

2.3. "Tyre/road noise emission"

means the noise arising from the contact between tyres in motion and the road surface.

2.4. For the purpose of this Annex, the following classification shall apply:

- | | |
|----------------|---|
| class C1 tyres | passenger car tyres (see section 2.32. of Annex II); |
| class C2 tyres | commercial vehicle tyres (see section 2.33. of Annex II) with load capacity index in single formation ≤ 121 and speed category symbol \geq "N" (see section 2.29.3. of Annex II); |
| class C3 tyres | commercial vehicle tyres (see section 2.33. of Annex II) with load capacity index in single formation ≤ 121 and speed category symbol \leq "M" (see section 2.29.3. of Annex II) or commercial vehicle tyres (see section 2.33. of Annex II) with load capacity index in single formation ≥ 122 . |

3. MARKING REQUIREMENTS

3.1. In addition to other marking requirements given in section 4 of Annex I and section 3 of Annex II, the tyre must bear the following markings:

3.1.1. the manufacturer's name or trade mark; the brand name, the trade description or the trade mark.

4. TYRE/ROAD NOISE EMISSION REQUIREMENTS

4.1. General requirements

A set of four tyres bearing the same tyre size designation and tread pattern that is representative of the range of tyres, shall be submitted to a tyre/road noise emission level test to be carried out as specified in Appendix 1.

4.2. The noise levels determined in accordance with section 4.5 of Appendix 1 shall not exceed the following limits:

4.2.1. Class C1 tyres, with reference to the nominal section width (see Annex II, section 2.17.1.1.) of the tyre that has been tested:

Tyre Class	Nominal section width (mm)	Limit values in dB(A)		
		A	B ⁽¹⁾	C ⁽¹⁾ ⁽²⁾
C1a	≤ 145	72 (*)	71 (*)	70
C1b	> 145 ≤ 165	73 (*)	72 (*)	71
C1c	> 165 ≤ 185	74 (*)	73 (*)	72
C1d	> 185 ≤ 215	75 (**)	74 (**)	74
C1e	> 215	76 (***)	75 (***)	75

(*) Limit values in column A shall apply until 30 June 2007;

Limit values in column B shall apply as from 1 July 2007.

(**) Limit values in column A shall apply until 30 June 2008;

Limit values in column B shall apply as from 1 July 2008.

(***) Limit values in column A shall apply until 30 June 2009;

Limit values in column B shall apply as from 1 July 2009.

⁽¹⁾ Indicative figures only. Definitive figures will depend on amendment of the Directive following the report required in Article 3(2) of Directive 2001/43/EC.

⁽²⁾ Limit values for column C will result from the amendment of the Directive following the report required in Article 3(2) of Directive 2001/43/EC.

4.2.1.1. For reinforced (or Extra Load) tyres (see Annex II, section 3.1.8.), the limit values in section 4.2.1. shall be increased by 1 dB(A)

4.2.1.2. For tyres classified in category of use "Special", (see Annex II, section 2.1.3.), the limit values in section 4.2.1. shall be increased by 2 dB(A).

4.2.2. Class C2 tyres with reference to the category of use (see Annex II, section 2.1.3.) of the range of tyres:

Category of use	Limit value expressed in dB(A)
Normal	75
Snow	77
Special	78

4.2.3. Class C3 tyres, with reference to the category of use (see Annex II, section 2.1.3.) of the range of tyres:

Category of use	Limit value expressed in dB(A)
Normal	76
Snow	78
Special	79

Appendix 1

TEST METHOD FOR TYRE-ROAD SOUND LEVELS COAST-BY METHOD

0. Introduction

The presented method contains specifications on measuring instruments, measurement conditions and the measurement method, in order to obtain the noise level of a set of tyres mounted on a test vehicle rolling at high speed on a specified road surface. The maximum sound pressure level is to be recorded, when the test vehicle is coasting, by remote-field microphones; the final result of a reference speed is obtained from a linear regression analysis. Such test results cannot be related to tyre noise measured during acceleration under power or deceleration during braking.

1. Measuring instruments

1.1. Acoustic measurements

The sound level meter or the equivalent measuring system, including the windscreen recommended by the manufacturer, shall at least meet the requirements of Type 1 instruments in accordance with IEC 60651, second edition.

The measurements shall be made using the frequency weighting A, and the time weighting F.

When using a system that includes a periodic monitoring of the A-weighted sound level, a reading should be made at a time interval not greater than 30 ms.

1.1.1. Calibration

At the beginning and at the end of every measurement session, the entire measurement system shall be checked by means of a sound calibrator that fulfils the requirements for sound calibrators of at least precision Class 1 according to IEC 942:1988. Without any further adjustment the difference between the readings of two consecutive checks shall be less than or equal to IEC 942:1988. Without any further adjustment the difference between the readings of two consecutive checks shall be less than or equal to 0,5 dB. If this value is exceeded, the results of the measurements obtained after the previous satisfactory check shall be discarded.

1.1.2. Compliance with requirements

The compliance of the sound calibration device with the requirements of IEC 60942:1988 shall be verified once a year and the compliance of the instrumentation system with the requirements of IEC 60651:1979/A1:1993, second edition, shall be verified at least every two years by a laboratory which is authorised to perform calibrations traceable to the appropriate standards.

1.1.3. Positioning of the microphone

The microphone (or microphones) must be located at a distance of $7,5 \text{ m} \pm 0,05 \text{ m}$ from track reference line CC¹ (figure 1) and $1,2 \text{ m} \pm 0,02 \text{ m}$ above the ground. Its axis of maximum sensitivity must be horizontal and perpendicular to the path of the vehicle (line CC¹).

1.2. Speed measurements

The vehicle speed shall be measured with instruments with an accuracy of $\pm 1 \text{ km/h}$ or better when the front end of the vehicle has reached line PP' (figure 1).

1.3. Temperature measurements

Measurements of air as well as test surface temperature are mandatory. The temperature measuring devices shall be accurate within $\pm 1 \text{ }^\circ\text{C}$.

1.3.1. Air temperature

The temperature sensor is to be positioned in an unobstructed location close to the microphone in such a way that it is exposed to the airflow and protected from direct solar radiation. The latter may be achieved by any shading screen or similar device. The sensor should be positioned at a height of $1,2 \text{ m} \pm 0,1 \text{ m}$ above the test surface level in order to minimise the influence of the test surface thermal radiation at low airflows.

1.3.2. Test surface temperature

The temperature sensor is to be positioned in a location where the temperature measured is representative of the temperature in the wheel tracks, without interfering with the sound measurement.

If an instrument with a contact temperature sensor is used, heat-conductive paste shall be applied between the surface and the sensor to ensure adequate thermal contact.

If a radiation thermometer (pyrometer) is used, the height should be chosen to ensure that a measuring spot with a diameter of $\geq 0,1 \text{ m}$ is covered.

1.4. Wind measurement

The device must be capable of measuring the wind speed with a tolerance of $\pm 1 \text{ m/s}$. The wind shall be measured at microphone height. The wind direction with reference to the driving direction shall be recorded.

2. Conditions of measurement

2.1. Test site

The test site must consist of a central section surrounded by a substantially flat test area. The measuring section must be level; the test surface must be dry and clean for all measurements. The test surface shall not be artificially cooled during or prior to the testing.

The test track must be such that the conditions of a free sound field between the sound source and the microphone are attained to within 1 dB(A). These conditions shall be deemed to be met if there are no large sound reflecting objects such as fences, rocks, bridges or buildings within 50 m of the centre of the measuring section. The surface of the test track and the dimensions of the test site shall be in accordance with Appendix 2 of this Annex.

A central part of at least 10 m radius shall be free of powdery snow, tall grass, loose soil, cinders or the like. There must be no obstacle which could affect the sound field within the vicinity of the microphone and no persons shall stand between the microphone and the sound source. The operator carrying out the measurements and any observers attending the measurements must position themselves so as not to affect the readings of the measuring instruments.

2.2. Meteorological conditions

Measurements shall not be made under poor atmospheric conditions. It must be ensured that the results are not affected by gusts of wind. Testing shall not be performed if the wind speed at the microphone height exceeds 5 m/s.

Measurements shall not be made if the air temperature is below 5 °C or above 40 °C or the test surface temperature is below 5 °C or above 50 °C.

2.3. Ambient noise

The background sound level (including any wind noise) shall be at least 10 dB(A) less than the measured tyre-road sound emission. A suitable windscreen may be fitted to the microphone provided that account is taken of its effect on the sensitivity and directional characteristics of the microphone.

Any measurement affected by a sound peak which appears to be unrelated to the characteristics of the general sound level of tyres shall be ignored.

2.4. Test vehicle requirements

2.4.1. General

The test vehicle shall be a motor vehicle and be fitted with four single tyres on just two axles.

2.4.2. Vehicle load

The vehicle must be loaded such as to comply with the test tyre loads as specified in section 2.5.2. below.

2.4.3. Wheelbase

The wheelbase between the two axles fitted with the test tyres shall for Class C1 be less than 3,50 m and for Class C2 and Class C3 tyres be less than 5 m.

2.4.4. Measures to minimise vehicle influence on sound level measurements

To ensure that tyre noise is not significantly affected by the test vehicle design the following requirements and recommendations are given.

Requirements:

- (a) Spray suppression flaps or other extra device to suppress spray shall not be fitted.
- (b) Addition or retention of elements in the immediate vicinity of the rims and tyres, which may screen the emitted sound, is not permitted.

- (c) Wheel alignment (toe in, camber and castor) shall be in full accordance with the vehicle manufacturer's recommendations.
- (d) Additional sound absorbing material may not be mounted in the wheel housings or under the underbody.
- (e) Suspension shall be in such a condition that it does not result in an abnormal reduction in ground clearance when the vehicle is loaded in accordance with the testing requirement. If available, body level regulation systems shall be adjusted to give a ground clearance during testing which is normal for unladen condition.

Recommendations to avoid parasitic sound:

- (a) Removal or modification of components on the vehicle that any contribute to the background sound of the vehicle is recommended. Any removals or modifications shall be recorded in the test report.
- (b) During testing it should be ascertained that brakes are not poorly released, causing brake noise.
- (c) It should be ascertained that electric cooling fans are not operating.
- (d) Windows and sliding roof of the vehicle shall be closed during testing.

2.5. Tyres

2.5.1. General

Four identical tyres of the same type and range must be fitted to the test vehicle. In the case of tyres with a load capacity index in excess of 121 and without any dual fitting indication, two of these tyres of the same type and range must be fitted to the rear axle of the test vehicle; the front axle must be fitted with tyres of a size suitable for the axle load and planed down to the minimum depth in order to minimise the influence of tyre/road contact noise while maintaining a sufficient level of safety. Winter tyres that in certain Member States may be equipped with studs intended to enhance friction shall be tested without this equipment. Tyres with special fitting requirements shall be tested in accordance with these requirements (e.g. rotation direction). The tyres must have full tread depth before being run-in.

Tyres are to be tested on rims permitted by the tyre manufacturer.

2.5.2. Tyre loads

The test load Q_t for each tyre on the test vehicle shall be 50 % to 90 % of the reference load Q_r , but the average test load $Q_{t,avr}$ of all tyres shall be 75 % \pm 5 % of the reference load Q_r .

For all tyres the reference load Q_r corresponds to the maximum mass associated with the load capacity index of the tyre. In the case where the load capacity index is constituted by two numbers divided by slash (/), reference shall be made to the first number.

2.5.3. Tyre inflation pressure

Each tyre fitted on the test vehicle shall have a test pressure P_t not higher than the reference pressure P_r and within the interval:

$$P_r(Q_t/Q_r)^{1,25} \leq P_t \leq 1,1 P_r(Q_t/Q_r)^{1,25}$$

where P_r is the pressure corresponding to the pressure index marked on the sidewall.

For Class C1 the reference pressure is $P_r = 250$ kPa for "standard" tyres and 290 kPa for "reinforced" tyres, the minimum test pressure shall be $P_t = 150$ kPa.

2.5.4. Preparations prior to testing

The tyres should be "run-in" prior to testing to remove compound nodules or other tyre pattern characteristics resulting from the moulding process. This will normally require the equivalent of about 100 km of normal use on the road.

The tyres fitted to the test vehicle shall rotate in the same direction as when they were run-in.

Prior to testing tyres shall be warmed up by running under test conditions.

3. Method of testing

3.1. General conditions

For all measurements the vehicle must be driven in a straight line over the measuring section (AA' to BB') in such a way that the median longitudinal plane of the vehicle is as close as possible to the line CC'.

When the front end of the test vehicle has reached the line AA', the vehicle's driver must have put the gear selector on neutral position and switched off the engine. If abnormal noise (e.g. ventilator, self-ignition) is emitted by the test vehicle during the measurement, the test must be repeated.

3.2. Nature and number of measurements

The maximum sound level expressed in A-weighted decibels (dB(A)) shall be measured to the first decimal place as the vehicle is coasting between lines AA' and BB' (*figure 1* — front end of the vehicle on line AA', rear end of the vehicle on line BB'). This value will constitute the result of the measurement.

At least four measurements shall be made on each side of the test vehicle at test speeds lower than the reference speed specified in paragraph 4.1. and at least four measurements at test speeds higher than the reference speed. The speeds shall be approximately equally spaced over the speed range specified in paragraph 3.3.

3.3. Test speeds

The test vehicle speeds shall be within the range:

- (i) from 70 km/h to 90 km/h for Class C1 and Class C2 tyres;
- (ii) from 60 km/h to 80 km/h for Class C3 tyres.

4. Interpretation of results

The measurement shall be invalid if an abnormal discrepancy between the maximum value and the other values is recorded.

4.1. Determination of test result

Reference speed V_{ref} used to determine the final result will be:

- (i) 80 km/h for Class C1 and Class C2 tyres;
- (ii) 70 km/h for Class C3 tyres.

4.2. Regression analysis of noise measurements

The (not temperature corrected) tyre-road noise level L_R in dB(A) is determined by a regression analysis according to:

$$L_R = \bar{L} - a \cdot \bar{v}$$

where:

\bar{L} is the mean value of the noise levels L_i , measured in dB(A):

$$\bar{L} = \frac{1}{n} \sum_{i=1}^n L_i$$

n is the measurement number ($n \geq 16$),

\bar{v} is the mean value of logarithms of speeds v_i :

$$\bar{v} = \frac{1}{n} \sum_{i=1}^n v_i$$

With

$$v_i = \lg(v_i / v_{ref})$$

a is the slope of the regression line in dB(A):

$$a = \frac{\sum_{i=1}^n (v_i - \bar{v})(L_i - \bar{L})}{\sum_{i=1}^n (v_i - \bar{v})^2}$$

4.3. Temperature correction

For Class C2 tyres, the final result shall be normalised to a test surface reference temperature h_{ref} by applying a temperature correction, according to the following:

$$L_R(\vartheta_{ref}) = L_R(\vartheta) + K(\vartheta_{ref} - \vartheta)$$

where ϑ is the measured test surface temperature,

$$\vartheta_{ref} = 20 \text{ }^\circ\text{C},$$

For Class C1 tyres, the coefficient K is $-0,03 \text{ dB(A)/}^\circ\text{C}$ when $\vartheta > \vartheta_{ref}$ and K is $-0,06 \text{ dB(A)/}^\circ\text{C}$ when $\vartheta < \vartheta_{ref}$.

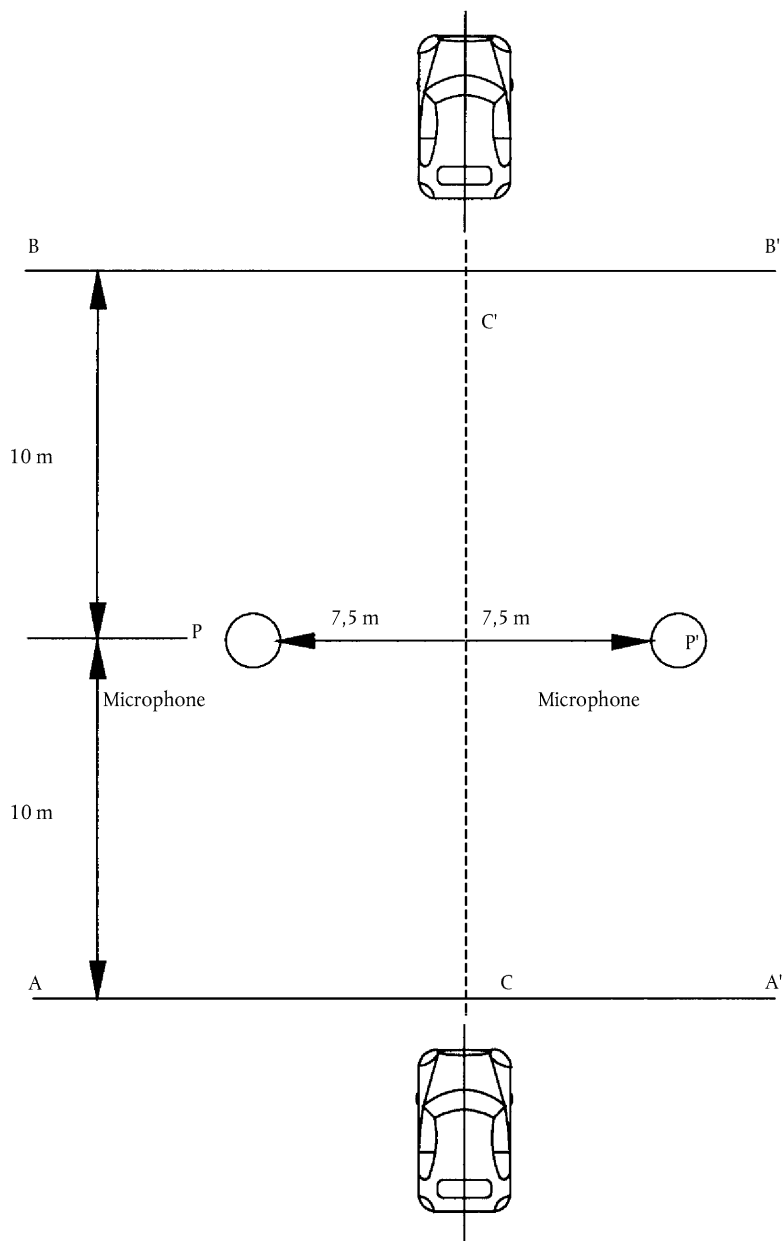
For Class C2 tyres, the coefficient K is $-0,02 \text{ dB(A)/}^\circ\text{C}$

If the measured test surface temperature does not change by more than $5 \text{ }^\circ\text{C}$ within all measurements necessary for the determination of the sound level of one set of tyres, the temperature correction may be made only on the final reported tyre-road sound level as indicated above, utilizing the arithmetic mean value of the measured temperatures. Otherwise each measured sound level L_i shall be corrected, utilizing the temperature at the time of the sound recording.

There will be no temperature correction for Class C3 tyres.

- 4.4. In order to take account of any measuring instrument inaccuracies, the results according to section 4.3. shall be reduced by 1 dB(A) .
- 4.5. The final result, the temperature corrected tyre-road noise level $L_R(\vartheta_{ref})$ in dB(A), shall be rounded down to the nearest lower whole value.

Figure 1:

Microphone Positions for the Measurement*Appendix 2***TEST REPORT**

The test report shall include the following information:

- (a) meteorological conditions inclusive of air and test surface temperature for each test run,
- (b) date and method of check on compliance of the test surface with ISO 10844:1994,
- (c) test rim width,
- (d) tyre data: manufacturer, brand name, trade name, size, load index, reference pressure,
- (e) test vehicle description and wheelbase,
- (f) type test load Q_i in N and in per cent of the reference load Q_r for each test tyre, average test load $Q_{i,avr}$ in N and in per cent of the reference load Q_r ,

- (g) cold inflation pressure in kPa for each test tyre,
- (h) test speeds when the vehicle passed line PP',
- (i) maximum A-weighted sound levels for each test run and each microphone,
- (j) the test result L_R : A-weighted sound level in decibel at reference speed, corrected for temperature (if applicable), rounded down to the nearest lower whole value.
- (k) regression line slope.'

9. The following Annex will be added:

'ANNEX VI

SPECIFICATIONS FOR THE TEST SITE

1. Introduction

This annex describes the specifications relating to the physical characteristics and the laying of the test track. These specifications based on a special standard ⁽¹⁾ describe the required physical characteristics as well as the test methods for these characteristics.

⁽¹⁾ ISO 10844:1994 If a different test surface is defined by ISO, in the future, the reference standard will be amended accordingly.

2. Required characteristics of the surface

A surface is considered to conform to this standard provided that the texture and voids content or sound absorption coefficient have been measured and found to fulfil all the requirements of sections 2.1. to 2.4. below and provided that the design requirements (section 3.2.) have been met.

2.1. Residual voids content

The residual voids content (VC) of the test track paving mixture shall not exceed 8 %. For the measurement procedure, see section 4.1.

2.2. Sound absorption coefficient

If the surface fails to comply with the residual voids content requirement, the surface is acceptable only if its sound absorption coefficient $\alpha \leq 0,10$. For the measurement procedure, see section 4.2. The requirement of sections 2.1. and 2.2. is also met if only sound absorption has been measured and found to be $\alpha \leq 0,10$.

Note: The most relevant characteristic is the sound absorption, although the residual voids content is more familiar among road constructors. However, sound absorption needs to be measured only if the surface fails to comply with the voids requirement. This is justified because the residual voids content has relatively large uncertainties in terms of both measurements and relevance and some surfaces may therefore erroneously be rejected when based only on the voids measurement.

2.3. Texture depth

The texture depth (TD) measured according to the volumetric method (see section 4.3. below) shall be:

$$TD \geq 0,4 \text{ mm}$$

2.4. Homogeneity of the surface

Every practical effort shall be taken to ensure that the surface is made to be as homogeneous as possible within the test area. This includes the texture and voids content, but it should also be observed that if the rolling process results in more effective rolling at some places than others, the texture may be different and unevenness causing bumps may also occur.

2.5. Period of testing

In order to check whether the surface continues to conform to the texture and voids content or sound absorption requirements stipulated in this Annex, periodic testing of the surface shall be carried out at the following intervals:

- (a) For residual voids content (VC) or sound absorption (α):
 when the surface is new;
 if the surface meets the requirements when new, no further periodical testing is required. If it does not meet the requirement when it is new, it may do so later because surfaces tend to become clogged and compacted with time.
- (b) For texture depth (TD):
 when the surface is new;
 when the noise testing starts (NB: not before four weeks after laying);
 then every twelve months.

3. Test surface design

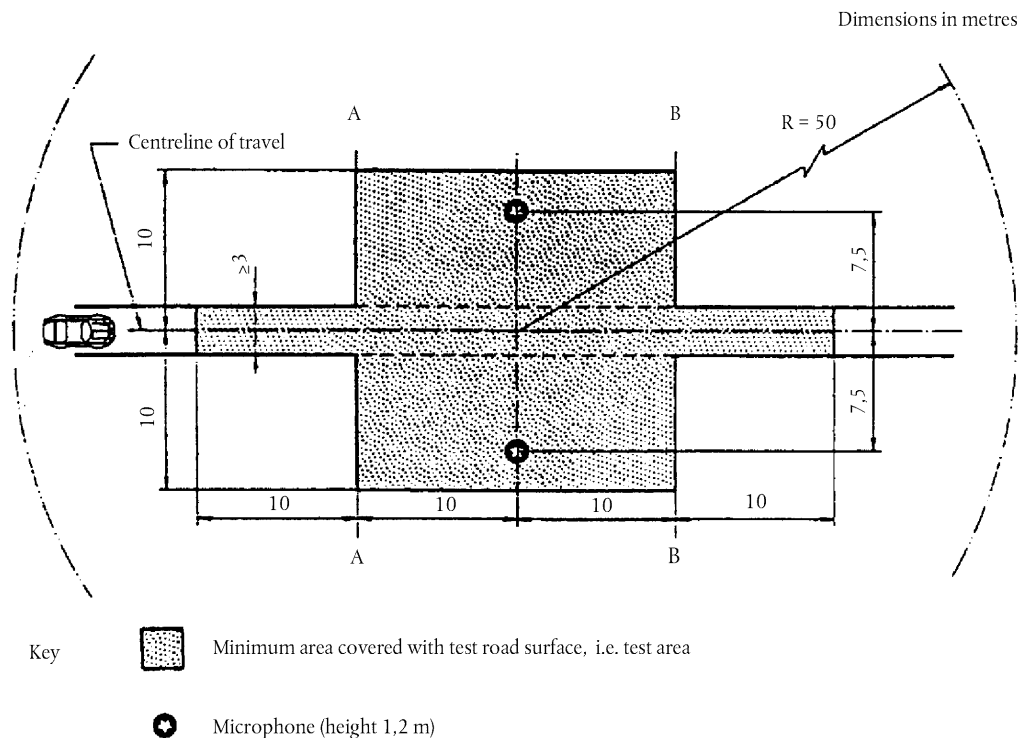
3.1. Area

When designing the test track layout it is important to ensure that, as a minimum requirement, the area traversed by the vehicles running through the test strip is covered with the specified test material with suitable margins for safe and practical driving. This will require that the width of the track is at least 3 m and the length of the track extends beyond lines AA and BB by at least 10 m at either end. Figure 1 shows a plan of a suitable test site and indicates the minimum area which shall be machine laid and machine compacted with the specified test surface material. According to Annex 5, Appendix 1, section 3.2., measurements have to be made on each side of the vehicle. This can be made either by measuring with two microphone locations (one on each side of the track) and driving in one direction, or measuring with a microphone only on one side of the track but driving the vehicle in two directions. If the latter method is used, then there are no surface requirements on that side of the track where there is no microphone.

Figure 1

Minimum requirements for test surface area

The shaded part is called "Test Area".



3.2. Design and preparation of the surface

3.2.1. Basic design requirements

The test surface shall meet four design requirements:

- 3.2.1.1. It shall be a dense asphaltic concrete.
- 3.2.1.2. The maximum chipping size shall be 8 mm (tolerances allow from 6,3 mm to 10 mm).
- 3.2.1.3. The thickness of the wearing course shall be ≥ 30 mm.
- 3.2.1.4. The binder shall be a straight penetration grade bitumen without modification.

3.2.2. Design guidelines

As a guide to the surface constructor, an aggregate grading curve which will give desired characteristics is shown in Figure 2. In addition, Table 1 gives some guidelines in order to obtain the desired texture and durability. The grading curve fits the following formula:

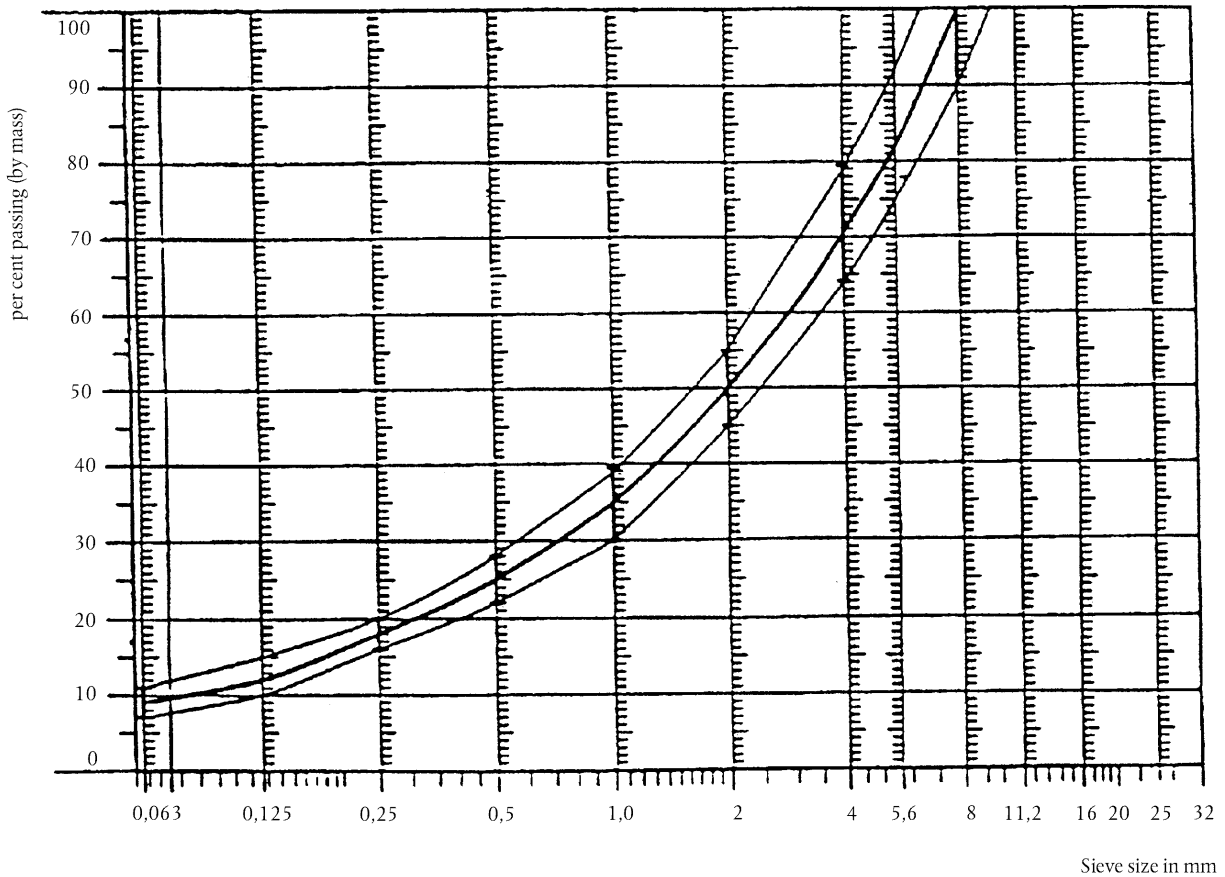
$$P (\% \text{ passing}) = 100 \cdot (d/d_{\text{max}})^{1/2}$$

where:

- d = square mesh sieve size, in mm
- d_{max} = 8 mm for the mean curve
- = 10 mm for the lower tolerance curve
- = 6,3 mm for the upper tolerance curve

Figure 2:

Grading curve of the aggregate in the asphaltic mix with tolerances



In addition to the above, the following recommendations are made:

- (a) The sand fraction ($0,063 \text{ mm} < \text{square mesh sieve size} < 2 \text{ mm}$) shall include no more than 55 % natural sand and at least 45 % crushed sand.
- (b) The base and sub-base shall ensure a good stability and evenness, according to best road construction practice.
- (c) The chippings shall be crushed (100 % crushed faces) and of a material with a high resistance to crushing.
- (d) The chippings used in the mix shall be washed.
- (e) No extra chippings shall be added onto the surface.
- (f) The binder hardness expressed as PEN value shall be 40-60, 60-80 or even 80-100 depending on the climatic conditions of the country. The rule is that as hard a binder as possible shall be used, provided this is consistent with common practice.
- (g) The temperature of the mix before rolling shall be chosen so as to achieve by subsequent rolling the required voids content. In order to increase the probability of satisfying the specifications of sections 2.1. to 2.4. above, the compactness shall be studied not only by an appropriate choice of mixing temperature, but also by an appropriate number of passings and by the choice of compacting vehicle.

Table 1

Design guidelines

	Target values		Tolerances
	By total mass of mix	By mass of the aggregate	
Mass of stones, square mesh sieve (SM) $> 2 \text{ mm}$	47,6 %	50,5 %	± 5
Mass of sand $0,063 < \text{SM} < 2 \text{ mm}$	38,0 %	40,2 %	± 5
Mass of filler $\text{SM} < 0,063 \text{ mm}$	8,8 %	9,3 %	± 2
Mass of binder (bitumen)	5,8 %	N.A.	$\pm 0,5$
Max. chipping size	8 mm		6,3 – 10
Binder hardness	(see para. 3.2.2. (f))		
Polished stone value (PSV)	> 50		
Compactness, relative to Marshall compactness	98 %		

4. Test method

4.1. Measurement of the residual voids content

For the purpose of this measurement, cores have to be taken from the track in at least four different positions which are equally distributed in the test area between lines AA and BB (see figure 1). In order to avoid non-homogeneity and unevenness in the wheel tracks, cores should not be taken in wheel tracks themselves, but close to them. Two cores (minimum) should be taken close to the wheel tracks and one core (minimum) should be taken approximately midway between the wheel tracks and each microphone location.

If there is a suspicion that the condition of homogeneity is not met (see section 2.4.), cores shall be taken from more locations within the test area.

The residual voids content has to be determined for each core, then the average value from all cores shall be calculated and compared with the requirement of section 2.1. In addition, no single core shall have a voids value which is higher than 10 %.

The test surface constructor is reminded of the problem which may arise when the test area is heated by pipes or electrical wires and cores must be taken from this area. Such installations must be carefully planned with respect to future core drilling locations. It is recommended to leave a few locations of size approximately $200 \text{ mm} \times 300 \text{ mm}$ where there are no wires/pipes or where the latter are located deep enough in order not to be damaged by cores taken from the surface layer.

4.2. Sound absorption coefficient

The sound absorption coefficient (normal incidence) shall be measured by the impedance tube method using the procedure specified in ISO 10534-1: "Acoustics — Determination of sound absorption coefficient and impedance by a tube method" ⁽¹⁾.

Regarding test specimens, the same requirements shall be followed as regarding the residual voids content (see section 4.1). The sound absorption shall be measured in the range between 400 Hz and 800 Hz and in the range between 800 Hz and 1 600 Hz (at least at the centre frequencies of third octave bands) and the maximum values shall be identified for both of these frequency ranges. Then these values, for all test cores, shall be averaged to constitute the final result.

⁽¹⁾ To be published.

4.3. Volumetric macrotexture measurement

For the purpose of this standard, texture depth measurements shall be made on at least 10 positions evenly spaced along the wheel tracks of the test strip and the average value taken to compare with the specified minimum texture depth. See Standard ISO 10844:1994 for description of the procedure.

5. **Stability in time and maintenance**

5.1. Age influence

In common with any other surfaces, it is expected that the tyre-road noise level measured on the test surface may increase slightly during the first 6 — 12 months after construction.

The surface will achieve its required characteristics not earlier than four weeks after construction. The influence of age on the noise from trucks is generally less than that from cars.

Stability over time is determined mainly by polishing and compaction by vehicles driving on the surface. It shall be periodically checked as stated in section 2.5.

5.2. Maintenance of the surface

Loose debris or dust which could significantly reduce the effective texture depth must be removed from the surface. In countries with winter climates, salt is sometimes used for de-icing. Salt may alter the surface temporarily or even permanently in such a way as to increase noise and is therefore not recommended.

5.3. Repaving the test area

If it is necessary to repave the test track, it is usually unnecessary to repave more than the test strip (of 3 m width in figure 1) where vehicles are driving, provided the test area outside the strip met the requirement of residual voids content or sound absorption when it was measured.

6. **Documentation of the test surface and of tests performed on it**

6.1. Documentation of the test surface

The following data shall be given in a document describing the test surface:

6.1.1. The location of the test track.

6.1.2. Type of binder, binder hardness, type of aggregate, maximum theoretical density of the concrete (DR), thickness of the wearing course and grading curve determined from cores from the test track.

6.1.3. Method of compaction (e.g. type of roller, roller mass, number of passes).

6.1.4. Temperature of the mix, temperature of the ambient air and wind speed during laying of the surface.

6.1.5. Date when the surface was laid and contractor.

6.1.6. All or at least the latest test result, including:

- 6.1.6.1. the residual voids content of each core;
- 6.1.6.2. the locations in the test area from where the cores for voids measurements have been taken;
- 6.1.6.3. the sound absorption coefficient of each core (if measured). Specify the results both for each core and each frequency range as well as the overall average;
- 6.1.6.4. the locations in the test area from where the cores for absorption measurement have been taken;
- 6.1.6.5. texture depth, including the number of tests and standard deviation;
- 6.1.6.6. the institution responsible for tests according to sections 6.1.6.1. and 6.1.6.2. and the type of equipment used;
- 6.1.6.7. date of the test(s) and date when the cores were taken from the test track.

6.2. Documentation of vehicle noise tests conducted on the surface

In the document describing the vehicle noise test(s) it shall be stated whether all the requirements of this standard were fulfilled or not. Reference shall be made to a document according to section 6.1. describing the results which verify this.'

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 26 July 2001

on accepting undertakings offered in connection with the anti-dumping proceeding concerning imports of certain iron or steel ropes and cables originating in the Czech Republic, the Republic of Korea, Malaysia, Russia, Thailand and Turkey and terminating the proceeding in respect of imports originating in the Republic of Korea and Malaysia

(notified under document number C(2001) 2351)

(2001/602/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 Articles 8 and 9 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) By Regulation (EC) No 230/2001 ⁽³⁾, the Commission imposed a provisional anti-dumping duty on imports of certain iron or steel ropes and cables (SWR) originating in the Czech Republic, Russia, Thailand and Turkey and accepted undertakings offered by certain exporting producers in the Czech Republic and Turkey.
- (2) No provisional measures were imposed on imports from the Republic of Korea (Korea) and Malaysia since the dumping margins found in the case of these two countries were below the 2 % threshold set in Article 9(3) of Regulation (EC) No 384/96 ('basic Regulation').
- (3) Following the imposition of provisional anti-dumping measures, the Commission continued the investigation of dumping, injury and Community interest. The definitive findings and conclusions of the investigation are set out in Council Regulation (EC) No 1601/2001 ⁽⁴⁾

imposing a definitive anti-dumping duty and definitively collecting the provisional anti-dumping duty imposed on imports of certain iron or steel ropes and cables originating in the Czech Republic, Russia, Thailand and Turkey.

- (4) The investigation confirmed the provisional findings of injurious dumping relating to imports originating in the Czech Republic, Russia, Thailand and Turkey. It was also confirmed that the dumping margins for imports originating in Korea and Malaysia were *de minimus*.

B. UNDERTAKINGS

- (5) Subsequent to the imposition of provisional anti-dumping measures, the cooperating exporting producers in Russia and in Thailand offered undertakings in accordance with Article 8(1) of the basic Regulation.
- (6) According to these undertakings, the exporting producers in question have offered to sell the product concerned at or above price levels which eliminate the injurious effects of dumping.
- (7) The Commission considers that the undertakings offered by the exporting producers concerned can be accepted since they eliminate the injurious effect of dumping. Moreover, the companies will also provide the Commission with regular and detailed information concerning their exports to the Community, meaning that the undertakings can be monitored effectively by the Commission. Furthermore, the nature of the product, the structure of the companies and their sales patterns are such that the risk of them circumventing the agreed undertakings is limited.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 257, 11.10.2000, p. 2.

⁽³⁾ OJ L 34, 3.2.2001, p. 4.

⁽⁴⁾ See page 1 of this Official Journal.

(8) To further enable the Commission to effectively monitor the compliance of the companies with the undertaking, when the request for release for free circulation pursuant to the undertakings is presented to the relevant customs authority, exemption from the duty shall be conditional on the presentation of a commercial invoice issued by the exporting producer from whom the undertaking is accepted and containing at least the elements listed in the Annex to Council Regulation (EC) No 1601/2001. This level of information is also necessary to enable customs authorities to ascertain with sufficient precision that shipments correspond to the commercial documents. Where no such invoice is presented or when it does not correspond to the product presented to customs, the appropriate rate of anti-dumping duty will instead be payable.

(9) In the event of a suspected breach, breach or withdrawal of the undertakings, an anti-dumping duty may be imposed pursuant to Article 8(9) and (10) of the basic Regulation.

(10) The Advisory Committee was consulted and no objections were raised as to the acceptance of the undertakings offered.

C. TERMINATION OF THE PROCEEDING

(11) In view of the results of the investigation concerning Korea and Malaysia, and considering that the dumping margins found were *de minimis*, the proceeding should be terminated without the imposition of anti-dumping measures in respect of imports of the product concerned originating in Korea and Malaysia,

HAS ADOPTED THIS DECISION:

Article 1

The undertakings offered by the companies mentioned below, in the framework of the anti-dumping proceeding concerning imports of certain iron or steel ropes and cables originating in the Czech Republic, the Republic of Korea, Malaysia, Russia, Thailand and Turkey are hereby accepted.

Country	Company	TARIC additional code
Russia	Open Joint Stock Company Cherepovetsky Staleprokatny Zavod, Russia, 162200, Cherepovets, Vologda Region, ul. 50-letia Oktiabria, 1/33	A217
Thailand	Usha Siam Steel Ind. Public Company Ltd. 888/116 Mahatun Plaza Building, Ploenchit Road, Bangkok 10330, Thailand	A218

Article 2

The proceeding concerning imports of certain iron or steel ropes and cables originating in the Republic of Korea and Malaysia is hereby terminated.

Article 3

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

Done at Brussels, 26 July 2001.

For the Commission

Pascal LAMY

Member of the Commission