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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 495/2002

of 18 March 2002

repealing Regulation (EC) No 904/98 with respect to the imposition of a definitive anti-dumping duty on imports into the Community of personal fax machines originating in the People's Republic of China, Japan, the Republic of Korea, Malaysia, Singapore, Taiwan and Thailand

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, and in particular Article 11(3) and (6) thereof,

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

Whereas:

PROCEDURE

1. Measures in force

- (1) By Regulation (EC) No 904/98 ⁽²⁾ the Council imposed a definitive anti-dumping duty on imports of personal fax machines, falling within CN code ex 8517 21 00 and originating in the People's Republic of China, Japan, the Republic of Korea, Malaysia, Singapore, Taiwan and Thailand.

2. Product concerned

- (2) The product concerned, as defined in Regulation (EC) No 904/98, is fax machines with a weight of 5 kilograms or less and with dimensions (width × depth × height) of the main body measuring 470 mm × 450 mm × 170 mm or less, excepting those fax machines using ink-jet or laser or LED printing technology that due to their difference in physical and technical characteristics are designed for professional rather than personal use, and are, to a significant extent, sold through different sales channels.

3. Review investigation

- (3) On 1 July 2000, the Commission initiated on its own initiative ⁽³⁾, an interim review pursuant to Article 11(3) of Regulation (EC) No 384/96 (hereinafter referred to as the 'Basic Regulation') of the anti-dumping measures in

force with regard to imports of personal fax machines originating in the People's Republic of China, Japan, the Republic of Korea, Malaysia, Singapore, Taiwan and Thailand.

- (4) The Commission, in its Notice of Initiation, had invited interested parties to present their comments on the product definition given that there were indications of changed circumstances, in particular certain technical and technological developments. After receipt of the comments, the Commission published a second notice ⁽⁴⁾, setting out a proposal to modify the product definition by removing any reference to weight and dimensions. It was found that the original weight and dimension criteria were no longer valid as it is relatively easy for the producers to adapt their models by, for example, increasing the size of the paper tray of the personal fax machine above the original height limitation.
- (5) It was also examined whether fax machines using the so-called thermal transfer technology and the ones using thermal paper could still be considered as one single product. In this respect no difference was found by comparison to the original investigation where it was concluded that 'in weight and size and their essential technical features, thermal transfer faxes are similar or identical to the thermal paper models. In comparison, the printing technology used for the two product types in question is, from the consumer perspective, just an ancillary element'. This aspect of the definition of the product concerned was therefore reconfirmed by the current review investigation.
- (6) The only Community producer cooperating in the investigation, Österreichische Philips Industrie GmbH (hereinafter referred to as 'Philips'), represented during the period of investigation more than 50 % of the total Community production of personal fax machines pursuant to Articles 4(1) and 5(4) of the Basic Regulation, and therefore, as in the original investigation, constitutes the Community industry. There was no cooperation from any other Community producer, although one company which is subsidiary of an

⁽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 128, 30.4.1998, p. 1.

⁽³⁾ OJ C 184, 1.7.2000, p. 26.

⁽⁴⁾ OJ C 311, 31.10.2000, p. 4.

exporting producer based in Japan, cooperated in the proceeding in its capacity as a importer and it is understood that this related company also produces the product concerned in the Community.

- (7) The Commission officially advised the exporting producers, importers and representative associations of importers or exporters known to be concerned, the representatives of the exporting countries, the representative consumer organisation and the Community producers of the initiation of the review. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the Notice of Initiation.

TERMINATION OF THE PROCEEDING

- (8) In April 2001 Philips formally informed the Commission of its decision to transfer a major part of its manufacturing capacities of personal fax machines outside the Community in the course of 2001. The remaining production of personal fax machines would be gradually phased out. The transfer concerns personal fax machines, which use thermal transfer technology, while the production of personal fax machines using thermal sensitive paper will remain in the Community during the phasing out period. In view of this decision taken by the Community industry it was necessary to evaluate whether the Community interest would be against the continuation of the measures under the changed circumstances.
- (9) When assessing the Community interest aspects of the present case, the following was considered: On the basis of the plans of Philips, the production by the Community industry of products subject to anti-dumping measures is expected to cease in the near future. In such a situation, the maintenance of the anti-dumping measures concerned will not provide any benefit in terms of protecting production against possible unfair trade practices. Therefore, any negative effect of the anti-dumping measures concerned will be clearly disproportionate. Moreover, during the phasing out period, mostly imports of personal fax machines produced by Philips outside the Community would benefit from the continued existence of anti-dumping measures against the countries concerned. It is also noted that on the basis of the information available, the market share of Philips' Community produced fax machines decreased considerably by the end of 2001.
- (10) In view of the above reasons, it is considered that compelling reasons exist on Community interest grounds not to maintain the anti-dumping measures as regards imports of personal fax machines from the countries concerned. The Community industry and the other parties concerned were informed accordingly and were given the opportunity to comment.

- (11) The Community industry made the following comment: The findings on the transfer of production concern facts that have taken place after the period of investigation, whereas no efforts have been made to verify the situation of other Community production after the period of investigation even though one producer from the countries concerned had integrated its production in the Community. Therefore, the new developments should be studied before proposing the discontinuation of measures.
- (12) The situation on the Community market during the period of investigation was evaluated. Additionally, the Community can take into account information relating to events that have occurred after the period of investigation provided that these events have a major impact on the situation on the Community market for the product concerned. The decision of the Community industry to transfer a major part of its production outside the Community is considered such an event. During the proceeding no other Community producer made itself known or submitted any information. As mentioned above, the only other producer in the Community was related to an exporting producer from which it imported the product concerned. For this reason it cannot be considered to form part of the Community industry. In addition, it should be noted that the company, which cooperated in the proceeding in its capacity as a related importer, has actually requested the repeal of the measures.
- (13) It is therefore concluded that the anti-dumping proceeding concerning imports into the Community of personal fax machines originating in the People's Republic of China, Japan, the Republic of Korea, Malaysia, Singapore, Taiwan and Thailand should be terminated without the imposition of anti-dumping measures,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 904/98 is hereby repealed and the anti-dumping proceeding concerning imports of personal fax machines, falling within CN code ex 8517 21 00 and originating in the People's Republic of China, Japan, the Republic of Korea, Malaysia, Singapore, Taiwan and Thailand is hereby terminated.

Article 2

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

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

Done at Brussels, 18 March 2002.

For the Council
The President
M. ARIAS CAÑETE

**COUNCIL REGULATION (EC) No 496/2002
of 18 March 2002**

amending Regulation (EC) No 2604/2000 imposing a definitive anti-dumping duty on imports of certain polyethylene terephthalate originating, amongst other countries, in India

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, and in particular Article 11(4) thereof,

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

Whereas:

A. MEASURES IN FORCE

(1) By Regulation (EC) No 2603/2000 ⁽²⁾, the Council imposed a definitive countervailing duty in the form of a specific amount per tonne of EUR 41,3/tonne on imports of certain polyethylene terephthalate (hereinafter referred to as 'the product concerned') originating, *inter alia*, in India, with the exception of imports from several Indian companies specifically mentioned, which are subject to a lesser rate of duty. By Regulation (EC) No 2604/2000 ⁽³⁾, the Council imposed a definitive anti-dumping duty in the form of a specific amount per tonne of EUR 181,7/tonne on imports of certain polyethylene terephthalate originating, *inter alia*, in India, with the exception of imports from several Indian companies specifically mentioned, which are subject to different rates of duty. The product is currently classifiable under CN code 3907 60 20.

B. CURRENT INVESTIGATION

(2) The Commission subsequently received a request to initiate a 'new exporter' review of Regulation (EC) No 2604/2000, pursuant to Article 11(4) of Regulation (EC) No 384/96 (hereinafter referred to as 'the Basic Regulation'), from the Indian producer Futura Polymers Ltd (hereinafter referred to as 'the company concerned'). This company claimed that it was not related to any of the exporting producers in India subject to the anti-dumping measures in force with regard to the product concerned. Furthermore, it claimed that it had not exported the product concerned during the original period of investigation (1 October 1998 to 30 September 1999), but

had exported the product concerned to the Community since then.

(3) The product covered by the current review is the same as in the original investigation, i.e. polyethylene terephthalate ('PET') with a coefficient of viscosity of 78 ml/g or higher, according to DIN (Deutsche Industrienorm) 53728.

(4) The Commission examined the evidence submitted by the Indian exporting producer concerned and considered it sufficient to justify the initiation of a review in accordance with the provisions of Article 11(4) of the Basic Regulation. After consultation of the Advisory Committee and after the Community industry concerned had been given the opportunity to comment, the Commission initiated, by Regulation (EC) No 1240/2001 ⁽⁴⁾, a review of Regulation (EC) No 2604/2000 with regard to the company concerned and commenced its investigation.

(5) By the Regulation initiating the review, the Commission also repealed the anti-dumping duty imposed by Regulation (EC) No 2604/2000 with regard to imports of the product concerned, produced and exported to the Community by the company concerned and directed customs authorities, pursuant to Article 14(5) of the Basic Regulation, to take appropriate steps to register such imports.

(6) The Commission officially advised the company concerned and the representatives of the exporting country of the initiation of the review. Furthermore, it gave other parties directly concerned the opportunity to make their views known in writing and to request a hearing. However, no such request was received by the Commission.

(7) The Commission sent a questionnaire to the company concerned and received a reply within the deadline. The Commission also sought and verified all the information deemed necessary for the determination of dumping. A verification visit was carried out at the premises of the company concerned.

(8) The investigation of dumping covered the period from 1 April 2000 to 31 March 2001 (hereinafter referred to as 'the investigation period').

(9) The same methodology as that used in the original investigation was applied in the current investigation.

⁽¹⁾ OJ L 56, 06.03.1996, p.1. Regulation as last amended by Regulation (EC) No 2238/2000 (OJ L 257, 11.10.2000, p. 2).

⁽²⁾ OJ L 301, 30.11.2000, p. 1.

⁽³⁾ OJ L 301, 30.11.2000, p. 21.

⁽⁴⁾ OJ L 171, 26.6.2001, p. 3.

C. SCOPE OF THE REVIEW

- (10) As no request for a review of the findings on injury was made in this investigation, the review was limited to dumping.

D. RESULTS OF THE INVESTIGATION

1. New exporter qualification

- (11) The investigation confirmed that the company concerned had not exported the product concerned during the original period of investigation and that it had begun exporting to the Community after this period.

Furthermore, according to documentary evidence submitted, the company was able to satisfactorily demonstrate that it did not have any links, direct or indirect, with any of the Indian exporting producers subject to the anti-dumping measures in force with regard to the product concerned.

Accordingly, it is confirmed that the company concerned should be considered a new exporter in accordance with Article 11(4) of the Basic Regulation, and thus an individual dumping margin should be determined for it.

2. Dumping

Normal value

- (12) As far as the determination of normal value is concerned, the Commission first established, for the company, whether its total domestic sales of polyethylene terephthalate were representative in comparison with its total export sales to the Community. In accordance with Article 2(2) of the Basic Regulation, domestic sales were considered representative since the total domestic sales volume of the exporting producer was at least 5 % of its total export sales volume to the Community. Domestic sales of the product type exported to the Community were also representative, i.e. at least 5 % of the sales volume exported to the Community.
- (13) An examination was also made as to whether the domestic sales could be regarded as having been made in the ordinary course of trade, by establishing the proportion of profitable sales to independent customers. The sales volume of the product concerned sold at a net sales price equal to or above the calculated cost of production ('profitable sales') represented 80 % or more of the total sales volume and the weighted average price of that type was above cost of production. Consequently, normal value was based on the actual domestic price, calculated as a weighted average of the prices of all domestic sales

made during the investigation period, irrespective of whether all these sales were profitable or not.

Export price

- (14) Since all export sales to the Community were made to independent customers in the Community, the export price was established in accordance with Article 2(8) of the Basic Regulation, namely on the basis of export prices actually paid or payable.

Comparison

- (15) For the purpose of ensuring a fair comparison between normal value and export price, due allowance in the form of adjustments was made for differences affecting price comparability in accordance with Article 2(10) of the Basic Regulation.
- (16) All the export sales allowances were accepted. These related to inland freight, other freight, bank charges, other charges and packing.
- (17) All the domestic sales allowances claimed by the company were accepted, i.e. credit costs, commissions and indirect taxes. Since test certificates for the product showed a quality difference between that sold domestically and that exported to the Community, an adjustment for differences in physical characteristics was made. This difference was quantified by comparing prices of the two qualities sold to third countries.

Dumping margin

- (18) According to Article 2(11) of the Basic Regulation, the dumping margin was established on the basis of a comparison between the weighted average normal value by type and the weighted average export price.
- (19) This weighted average dumping margin established for the company, expressed as a percentage of the free-at-Community-frontier price, amounts to 14,7 %.

E. AMENDMENT OF THE MEASURES BEING REVIEWED

- (20) In the light of the foregoing, it is considered that a definitive anti-dumping duty should be imposed at the level of the dumping margin found but, in accordance with Article 9(4) of the Basic Regulation, should not be higher than the country-wide injury margin established for India by the definitive Regulation in the original anti-dumping investigation. In this case the anti-dumping duty was based on the dumping margin mentioned above since the investigation, pursuant to Article 11(4) of the Basic Regulation, was limited to the examination of the situation of dumping of the company concerned and the country-wide injury margin of the original investigation was higher.

- (21) In accordance with Article 14(1) of the Basic Regulation, no product shall be subject to both antidumping and countervailing duties for the purposes of dealing with one and the same situation arising from dumping or from export subsidisation. As anti-dumping duties should be imposed on imports of the product concerned it is necessary to determine whether, and to what extent, the subsidy and the dumping margin arise from the same situation.
- (22) In the case in question the company concerned cooperated in the initial anti-subsidy case and the countervailing duty has been established at 0 %.

F. RETROACTIVE LEVYING OF THE ANTI-DUMPING DUTY

- (23) As the review has resulted in a determination of dumping in respect of the company concerned, the anti-dumping duty applicable to this company shall also be levied retroactively from the date of initiation of this review on imports which have been made subject to registration pursuant to Article 3 of Regulation (EC) No 1240/2001.

G. UNDERTAKING

- (24) The company, Futura Polymers Ltd, offered a price undertaking concerning its exports of the product concerned to the Community, in accordance with Article 8(1) of the Basic Regulation.
- (25) After examination of the offer, the Commission considered the undertaking as acceptable since it would eliminate the injurious effects of dumping pursuant to Article 8(1) of the Basic Regulation. Moreover, the regular and detailed reports which the company undertook to provide to the Commission will allow effective monitoring. Furthermore, the nature of the product and the sales structure of the company is such that the Commission considers that the risk of circumvention is limited.
- (26) In order to ensure the effective respect and monitoring of the undertaking, when the request for release for free circulation pursuant to the undertaking is presented, exemption from the duty is conditional upon presentation to the customs service of the Member State concerned a valid 'Commercial Invoice' issued by Futura Polymers Ltd and containing the information listed in the Annex of Regulation (EC) No 2604/2000. Where no such invoice is presented, or when it does not correspond to the product presented to customs, the appro-

priate rate of anti-dumping duty should be payable in order to ensure the effective application of the undertaking.

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

H. DISCLOSURE AND DURATION OF THE MEASURES

- (28) The company concerned was informed of the facts and considerations on the basis of which it was intended to impose the amended definitive anti-dumping duty on its imports into the Community.
- (29) This review does not affect the date on which Regulation (EC) No 2604/2000 will expire pursuant to Article 11(2) of the Basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The text concerning Futura Polymers Limited in Article 1(3) of Regulation (EC) No 2604/2000 is hereby replaced by:

Country	Company	Definitive duty (Euro/t)	TARIC additional code
India	Futura Polymers Limited	161,2	A184

2. The table in Article 2(3) of Regulation (EC) No 2604/2000 is hereby amended by the insertion of the following as a third entry:

Company	Country	TARIC additional code
Futura Polymers Limited	India	A184

3. The duty hereby imposed shall also be levied retroactively on imports of the product concerned which have been registered pursuant to Article 3 of Regulation (EC) No 1240/2001.
4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

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

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

Done at Brussels, 18 March 2002.

For the Council
The President
M. ARIAS CAÑETE

COMMISSION REGULATION (EC) No 497/2002
of 20 March 2002
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 21 March 2002.

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

Done at Brussels, 20 March 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 20 March 2002 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value	
0702 00 00	052	213,7	
	204	159,3	
	212	174,9	
	624	212,2	
	999	190,0	
0707 00 05	052	174,2	
	204	36,9	
	624	119,8	
	999	110,3	
0709 90 70	052	144,7	
	204	61,8	
	999	103,3	
0805 10 10, 0805 10 30, 0805 10 50	052	61,9	
	204	49,6	
	212	54,7	
	220	49,8	
	421	29,6	
	448	26,7	
	600	63,2	
	624	84,5	
	999	52,5	
	0805 50 10	052	45,4
600		48,4	
999		46,9	
0808 10 20, 0808 10 50, 0808 10 90	060	40,7	
	388	105,1	
	400	127,6	
	404	97,8	
	508	73,3	
	512	83,3	
	524	75,1	
	528	97,4	
	720	114,5	
	728	131,3	
	999	94,6	
	0808 20 50	388	77,4
		400	82,9
512		70,6	
528		72,4	
999		75,8	

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 498/2002
of 20 March 2002
amending Regulation (EC) No 1555/96 on rules of application for additional import duties on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Commission Regulation (EC) No 911/2001 ⁽²⁾, and in particular Article 33(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1555/96 ⁽³⁾, as last amended by Regulation (EC) No 2539/2001 ⁽⁴⁾, provides for surveillance of imports of the products listed in the Annex thereto. That surveillance is to be carried out in accordance with the rules on the surveillance of preferential imports laid down in Article 308d of Commission Regulation (EEC) No 2454/93 ⁽⁵⁾, as last amended by Regulation (EC) No 444/2002 ⁽⁶⁾.
- (2) For the purposes of Article 5(4) of the Agreement on Agriculture ⁽⁷⁾ concluded during the Uruguay Round of multilateral trade negotiations and in the light of the

latest data available for 1998, 1999 and 2000, the trigger levels for additional duties on tomatoes should be adjusted.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1555/96 is hereby replaced by the Annex hereto.

Article 2

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

It shall apply from 1 April 2002.

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

Done at Brussels, 20 March 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 129, 11.5.2001, p. 3.

⁽³⁾ OJ L 193, 3.8.1996, p. 1.

⁽⁴⁾ OJ L 341, 22.12.2001, p. 77.

⁽⁵⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁶⁾ OJ L 68, 12.3.2002, p. 11.

⁽⁷⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

ANNEX

Without prejudice to the rules for the interpretation of the Combined Nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation. Where "ex" appears before the CN code, the scope of the additional duties is determined both by the scope of the CN code and the corresponding trigger period.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	ex 0702 00 00	Tomatoes	— 1 October to 31 March	189 144
78.0020			— 1 April to 30 September	14 449
78.0065	ex 0707 00 05	Cucumbers	— 1 May to 31 October	11 881
78.0075			— 1 November to 30 April	6 621
78.0085	ex 0709 10 00	Artichokes	— 1 November to 30 June	69 158
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	82 028
78.0110	ex 0805 10 10 ex 0805 10 30 ex 0805 10 50	Oranges	— 1 December to 31 May	758 268
78.0120	ex 0805 20 10	Clementines	— 1 November to end of February	85 146
78.0130	ex 0805 20 30 ex 0805 20 50 ex 0805 20 70 ex 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	93 931
78.0155	ex 0805 30 10	Lemons	— 1 June to 31 December	162 700
78.0160			— 1 January to 31 May	46 783
78.0170	ex 0806 10 10	Table grapes	— 21 July to 20 November	205 769
78.0175	ex 0808 10 20 ex 0808 10 50 ex 0808 10 90	Apples	— 1 January to 31 August	881 540
78.0180			— 1 September to 31 December	35 471
78.0220	ex 0808 20 50	Pears	— 1 January to 30 April	219 058
78.0235			— 1 July to 31 December	126 370
78.0250	ex 0809 10 00	Apricots	— 1 June to 31 July	178 499
78.0265	ex 0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	153 116
78.0270	ex 0809 30	Peaches, including nectarines	— 11 June to 30 September	255 305
78.0280	ex 0809 40 05	Plums	— 11 June to 30 September	54 177

COMMISSION REGULATION (EC) No 499/2002
of 20 March 2002
determining the world market price for ungin­ned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for ungin­ned cotton is to be determined periodically from the price for gin­ned cotton recorded on the world market and by reference to the historical relationship between the price recorded for gin­ned cotton and that calculated for ungin­ned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 ⁽³⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for ungin­ned cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable offers and quotations on the world market among those

considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for gin­ned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for ungin­ned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for ungin­ned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 21,630/100 kg.

Article 2

This Regulation shall enter into force on 21 March 2002.

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

Done at Brussels, 20 March 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 27 February 2002

amending Decision 2000/745/EC accepting undertakings offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of certain polyethylene terephthalate originating, *inter alia*, in India

(notified under document number C(2002) 620)

(2002/232/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⁾ (the 'basic AD Regulation'), and in particular Articles 8 and 9 thereof,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community⁽³⁾ (the 'basic AS Regulation'), and in particular Articles 13 and 15 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

(1) By Regulation (EC) No 2603/2000⁽⁴⁾, the Council imposed a definitive countervailing duty in the form of a specific amount per tonne of EUR 41,3/tonne on imports of certain polyethylene terephthalate originating, *inter alia*, in India, with the exception of imports from several Indian companies specifically mentioned, which are subject to a lesser rate of duty. Imports of certain polyethylene terephthalate exported by companies from which an undertaking had been accepted were exempted from that duty pursuant to Article 2(1) of that Regulation.

(2) By Regulation (EC) No 2604/2000⁽⁵⁾, the Council imposed a definitive anti-dumping duty in the form of a specific amount per tonne of EUR 181,7/tonne on imports of certain polyethylene terephthalate originating, *inter alia*, in India, with the exception of imports from several Indian companies specifically mentioned, which are subject to different rate of duty. Imports of certain polyethylene terephthalate exported by companies from which an undertaking had been accepted were exempted from that duty pursuant to Article 2(1) of that Regulation.

(3) On 29 November 2000, the Commission adopted Decision 2000/745/EC⁽⁶⁾, accepting undertakings offered in connection with the two abovementioned proceedings by the exporters mentioned in Article 1 of that Decision and terminated the investigations in their respect.

(4) On 26 June 2001, the Commission, by Regulation (EC) No 1240/2001⁽⁷⁾, announced the initiation of a 'new exporter' review of Council Regulation (EC) No 2604/2000 imposing a definitive anti-dumping duty on imports of certain polyethylene terephthalate originating, *inter alia*, in India, repealing the duty with regard to imports from one exporting producer and making these imports subject to registration.

(5) The definitive findings and conclusions of the investigation are set out in Council Regulation (EC) No 496/2002⁽⁸⁾ amending Regulation (EC) No 2604/2000.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 257, 11.10.2000, p. 2.

⁽³⁾ OJ L 288, 21.10.1997, p. 1.

⁽⁴⁾ OJ L 301, 30.11.2000, p. 1.

⁽⁵⁾ OJ L 301, 30.11.2000, p. 21.

⁽⁶⁾ OJ L 301, 30.11.2000, p. 88.

⁽⁷⁾ OJ L 171, 26.6.2001, p. 3.

⁽⁸⁾ See page 4 of this Official Journal.

B. UNDERTAKING

- (6) Subsequent to the disclosure by which Futura Polymers Ltd (hereinafter referred to as the company concerned) was informed of the facts and considerations on the basis of which it was intended to impose the amended definitive anti-dumping duty on its imports into the Community, the company concerned offered an undertaking in accordance with Article 8(1) of the basic AD Regulation. According to this undertaking, the exporting producer in question has offered not to sell to his unrelated customers below certain minimum prices.
- (7) The Commission considers that the undertaking offered by the company concerned can be accepted since it eliminates the injurious effects of dumping. Moreover, the regular and detailed reports which the company concerned undertook to provide to the Commission will allow effective monitoring. Furthermore, the cooperation of the company concerned during the investigation, its structure and sales organisation, as well as the specificities of the product concerned are such that the Commission considers that the risk of circumvention of the undertaking will be limited.
- (8) In order to further enable the Commission to effectively monitor the compliance of the company with the undertaking, when the request for release for free circulation pursuant to the undertaking is presented to the relevant customs authority, exemption from the duty shall be conditional on presentation of a commercial invoice. Such commercial invoice has to be issued by the company from whom the undertaking is accepted and must contain the information listed in the Annex to Regulation (EC) No 2604/2000. Where no such invoice is presented, or when it does not correspond to the product concerned presented to customs, the appro-

priate rate of anti-dumping duty should instead be payable.

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

HAS ADOPTED THIS DECISION:

Article 1

The table in Article 1 of Decision 2000/745/EC is hereby amended by adding the following:

Company	Country	Taric additional code
Futura Polymers Limited	India	A184

Article 2

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

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

Done at Brussels, 27 February 2002.

For the Commission
Pascal LAMY
Member of the Commission

COMMISSION DECISION

of 20 March 2002

amending and correcting Decision 2002/79/EC imposing special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China and Decision 2002/80/EC imposing special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey

(notified under document number C(2002) 1187)

(Text with EEA relevance)

(2002/233/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs ⁽¹⁾, and in particular Article 10(1) thereof,

After consulting the Member States,

Whereas:

- (1) Commission Decision 2002/79/EC ⁽²⁾ imposes special conditions on the import of peanuts and certain products derived from peanuts originating in or consigned from China. Commission Decision 2002/80/EC ⁽³⁾ imposes special conditions on the import of figs, hazelnuts and pistachios and certain products derived thereof originating in or consigned from Turkey.
- (2) With a view to minimising negative effects on trade, provisions have to be laid down with regard to consignments which left China and Turkey before 11 March 2002, on condition that the operator can demonstrate, by sampling and analysis in accordance with Commission Directive 98/53/EC of 16 July 1998 laying down the sampling methods and the methods of analysis for the official control of the levels for certain contaminants in foodstuffs ⁽⁴⁾, that these consignments comply with the provisions of Community legislation as regards aflatoxin B1 and aflatoxin total.
- (3) It is necessary to add points of entry for Belgium, Spain, France, Italy, The Netherlands, Portugal, Finland, Austria and Sweden through which the products concerned by the Decisions 2002/79/EC and 2002/80/EC may be imported. For the sake of clarity, Annex II to Decisions 2002/79/EC and 2002/80/EC should be replaced.
- (4) Decisions 2002/79/EC and 2002/80/EC should therefore be amended accordingly.

- (5) At the same time it is appropriate to correct certain linguistic errors in the German and Dutch versions of Decision 2002/79/EC and in the German, French and Dutch versions of 2002/80/EC,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2002/79/EC is amended as follows:

1. The following Article 1a is inserted:

'Article 1a

By derogation from Article 1(1), the Member States shall authorise the imports of consignments not accompanied by the results of official sampling and analysis or by a health certificate, which left China before 11 March 2002, when it can be demonstrated by the operator by sampling and analysis, according to the provisions of Commission Directive 98/53/EC ^(*), that these consignments comply with the provisions of Commission Regulation (EC) No 194/97 as regards maximum permitted levels for aflatoxin B1 and total aflatoxin.

^(*) OJ L 201, 17.7.1998, p. 93.'

2. Annex II is replaced by the text set out in the Annex I to this Decision.

Article 2

Decision 2002/79/EC is corrected as follows:

1. In Article 1(5), first sentence:
Concerns only the German version.
2. In Article 2, second sentence:
Concerns only the Dutch version.

⁽¹⁾ OJ L 175, 19.7.1993, p. 1.

⁽²⁾ OJ L 34, 5.2.2002, p. 21.

⁽³⁾ OJ L 34, 5.2.2002, p. 26.

⁽⁴⁾ OJ L 201, 17.7.1998, p. 93.

Article 3

Decision 2002/80/EC is amended as follows:

1. The following Article 1a is inserted.

'Article 1a

By derogation from Article 1(1), Member States shall authorise the imports of consignments not accompanied by the results of official sampling and analysis or by a health certificate, which left Turkey before 11 March 2002, when it can be demonstrated by the operator by sampling and analysis, according to the provisions of Commission Directive 98/53/EC (*) that these consignments comply with the provisions of Commission Regulation (EC) No 194/97 as regards maximum permitted levels for aflatoxin B1 and total aflatoxin.

(*) OJ L 201, 17.7.1998, p. 93.'

2. Annex II is replaced by the text set out in the Annex II to this Decision.

Article 4

Decision 2002/80/EC is corrected as follows:

1. Recital 8 is replaced by the following:
Concerns only the German version.
2. In Article 1(1) fourth indent:
Concerns only the Dutch version.
3. Article 1(5) should read:
Concerns only the French and Dutch versions.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 20 March 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

ANNEX II

List of points of entry through which peanuts and products derived from peanuts originating in or consigned from China may be imported into the Community

Member State	Point of Entry
Belgique-België	Antwerpen, Zeebrugge, Brussel/Bruxelles
Danmark	All Danish harbours and airports and all border stations
Deutschland	HZA Lörrach — ZA Weil am Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München-Flughafen, HZA Hof — ZA Schirnding, HZA Weiden — ZA Furth im Wald-Schafberg, HZA Weiden — ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) — ZA Autobahn, HZA Cottbus — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremerhafen — ZA Container Terminal, HZA Bremerhaven — ZA Rotersand, HZA Hamburg-Freihafen — Abfertigungsstelle, HZA Hamburg-Freihafen — ZA Ericus-Abfertigungsstelle Südbahnhof, HZA Hamburg-Freihafen — ZA Köhlfleetdamm, HZA Hamburg-ST Annen — ZA Altona, HZA Hamburg-Waltershof — Abfertigungsstelle, HZA Hamburg-Waltershof — ZA Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig — Abfertigungsstelle, HZA Hannover — Abfertigungsstelle, HZA Lüneburg — ZA Stade, Stadtverwaltung Dresden, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Dresden-Friedrichstadt (für Bahntransport), Landratsamt Weisseritzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle (für Straßentransport), Landratsamt Niederschlesischer Oberlausitzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Ludwigsdorf (für Straßentransport), HZA Itzehoe — ZA Pinneberg, HZA Trier — ZA Idar-Oberstein, HZA Oldenburg — ZA Wilhelmshaven
Ελλάδα	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
España	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Asturias (Aeropuerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Castellón (Puerto), Ceuta (Puerto) Gijon (Aeropuerto, Puerto), Huelva (Puerto), Irún (Carretera), La Coruña (Puerto), La Junquera (Carretera), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Málaga (Aeropuerto, Puerto), Marin (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto, Aeropuerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcía (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire), Agen (Lot-et-Garonne)
Ireland	Alle harbours, airports and border stations
Italia	Ufficio di Sanità marittima ed aerea di Ancona Ufficio di Sanità marittima ed aerea di Bari Ufficio di Sanità marittima ed aerea di Genova Ufficio di Sanità marittima di Livorno Ufficio di Sanità marittima ed aerea di Napoli Ufficio di Sanità marittima di Ravenna Ufficio di Sanità marittima di Salerno Ufficio di Sanità marittima ed aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità marittima di La Spezia Ufficio di Sanità marittima e aerea di Venezia Ufficio di Sanità marittima e aerea di Reggio Calabria

Member State	Point of Entry
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
Nederland	All harbours and airports and all border stations
Österreich	HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels
Portugal	Lisboa, Leixões
Suomi-Finland	All Finnish customs offices
Sverige	Göteborg, Ystad, Stockholm
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole, Grange-mouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesborough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport'

ANNEX II

ANNEX II

List of points of entry through which figs, hazelnuts and pistachios and products derived thereof originating in or consigned from Turkey may be imported into the Community

Member State	Point of Entry
Belgique-België	Antwerpen, Zeebrugge, Brussel/Bruxelles
Danmark	All Danish harbours and airports and all border stations
Deutschland	HZA Lörrach — ZA Weil am Rhein-Autobahn, HZA Stuttgart — ZA Flughafen, HZA München-Flughafen, HZA Hof — ZA Schirnding, HZA Weiden — ZA Furth im Wald-Schafberg, HZA Weiden — ZA Waidhaus-Autobahn, Bezirksamt Reinickendorf von Berlin, Abteilung Finanzen, Wirtschaft und Kultur, Veterinär- und Lebensmittelaufsichtsamt, Grenzkontrollstelle, HZA Frankfurt (Oder) — ZA Autobahn, HZA Cottbus — ZA Forst-Autobahn, HZA Bremen — ZA Neustädter Hafen, HZA Bremerhafen — ZA Container Terminal, HZA Bremerhaven — ZA Rotersand, HZA Hamburg-Freihafen — Abfertigungsstelle, HZA Hamburg-Freihafen — ZA Ericus-Abfertigungsstelle Südbahnhof, HZA Hamburg-Freihafen — ZA Köhlfleetdamm, HZA Hamburg-ST Annen — ZA Altona, HZA Hamburg-Waltershof — Abfertigungsstelle, HZA Hamburg-Waltershof — ZA Flughafen, HZA Frankfurt-am-Main-Flughafen, HZA Braunschweig — Abfertigungsstelle, HZA Hannover — Abfertigungsstelle, HZA Lüneburg — ZA Stade, Stadtverwaltung Dresden, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Dresden-Friedrichstadt (für Bahntransport), Landratsamt Weisseritzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle (für Straßentransport), Landratsamt Niederschlesischer Oberlausitzkreis, Lebensmittelüberwachungs- und Veterinäramt, Grenzkontrollstelle Ludwigsdorf (für Straßentransport), HZA Itzehoe — ZA Pinneberg, HZA Trier — ZA Idar-Oberstein, HZA Oldenburg — ZA Wilhelmshaven
Ελλάδα	Athina, Pireas, Elefsis, Aerodromio ton Athinon, Thessaloniki, Volos, Patra, Iraklion tis Kritis, Aerodromio tis Kritis, Euzoni, Idomeni, Ormenio, Kipi, Kakavia, Niki, Promahonas, Pithio, Igoumenitsa, Kristalopigi
España	Algeciras (Puerto), Alicante (Aeropuerto, Puerto), Almería (Aeropuerto, Puerto), Asturias (Puerto), Barcelona (Aeropuerto, Puerto, Ferrocarril), Bilbao (Aeropuerto, Puerto), Cádiz (Puerto), Cartagena (Puerto), Castellón (Puerto), Ceuta (Puerto), Gijón (Aeropuerto, Puerto), Huelva (Puerto), Irún (Carretera), La Coruña (Puerto), La Junquera (Carretera), Las Palmas de Gran Canaria (Aeropuerto, Puerto), Madrid (Aeropuerto, Ferrocarril), Málaga (Aeropuerto, Puerto), Marín (Puerto), Melilla (Puerto), Murcia (Ferrocarril), Palma de Mallorca (Aeropuerto, Puerto), Pasajes (Puerto, Aeropuerto), San Sebastián (Aeropuerto), Santa Cruz de Tenerife (Puerto), Santander (Aeropuerto, Puerto), Santiago de Compostela (Aeropuerto), Sevilla (Aeropuerto, Puerto), Tarragona (Puerto), Tenerife Norte (Aeropuerto), Tenerife Sur (Aeropuerto), Valencia (Aeropuerto, Puerto), Vigo (Aeropuerto, Puerto), Villagarcía (Puerto), Vitoria (Aeropuerto), Zaragoza (Aeropuerto)
France	Marseille (Bouches-du-Rhône), Le Havre (Seine-Maritime), Rungis MIN (Val-de-Marne), Lyon Chassieu CRD (Rhône), Strasbourg CRD (Bas-Rhin), Lille CRD (Nord), Saint-Nazaire Montoir CRD (Loire), Agen (Lot-et-Garonne)
Ireland	Alle harbours, airports and border stations
Italia	Ufficio di Sanità marittima ed aerea di Ancona Ufficio di Sanità marittima ed aerea di Bari Ufficio di Sanità marittima ed aerea di Genova Ufficio di Sanità marittima di Livorno Ufficio di Sanità marittima ed aerea di Napoli Ufficio di Sanità marittima di Ravenna Ufficio di Sanità marittima di Salerno Ufficio di Sanità marittima ed aerea di Trieste Dogana di Ferneti-Interporto Monrupino (Trieste) Ufficio di Sanità marittima di La Spezia Ufficio di Sanità marittima e aerea di Venezia Ufficio di Sanità marittima e aerea di Reggio Calabria

Member State	Point of Entry
Luxembourg	Centre douanier, Croix de Gasperich, Luxembourg
Nederland	All harbours and airports and all border stations
Österreich	HZA Graz, Nickelsdorf, Spielfeld, HZA Wien, ZA Wels
Portugal	Lisboa, Leixões
Suomi-Finland	All Finnish customs offices
Sverige	Göteborg, Ystad, Stockholm
United Kingdom	Belfast, Channel Tunnel Terminal, Dover, Felixstowe, Gatwick Airport, Goole, Grange-mouth, Harwich, Heathrow Airport, Heysham, Hull, Immingham, Ipswich, King's Lynn, Leith, Liverpool, London (including Tilbury, Thamesport and Sheerness), Manchester Airport, Manchester Container Port, Manchester (including Ellesmere Port), Medway, Middlesborough, Newhaven, Poole, Shoreham, Southampton, Stansted Airport'