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Contents

(Continued overleaf)

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.

II *Acts whose publication is not obligatory*

Commission

Corrigenda

EN

[1] Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1338/2002

of 22 July 2002

imposing a definitive countervailing duty and collecting definitively the provisional countervailing duty imposed on imports of sulphanilic acid originating in India

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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 [1], and in particular Article 15 thereof,

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

Whereas:

A. PROVISIONAL MEASURES

(1) The Commission by Regulation (EC) No 573/2002 [2] ('provisional Regulation') imposed a provisional countervailing duty on imports of sulphanilic acid originating in India. The Commission by Regulation (EC) No 575/2002 [3] ('provisional anti-dumping Regulation') also imposed a provisional anti-dumping duty on imports of sulphanilic acid originating in the People's Republic of China and in India.

B. SUBSEQUENT PROCEDURE

(2) Subsequent to the disclosure of the essential facts and considerations on the basis of which it was decided to impose a provisional countervailing duty, a number of interested parties submitted comments in writing. All interested parties who requested a hearing were granted an opportunity to be heard by the Commission.

(3) The Commission continued to seek and verify all information deemed necessary for the definitive findings.

(4) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive countervailing duty and the definitive collection of amounts secured by way of the provisional countervailing duty. They were also granted a period within which they could make representations subsequent to this disclosure.

(5) The oral and written arguments submitted by the parties were taken into account.

(6) Having reviewed the provisional findings on the basis of the information gathered since then, the main findings as set out in the provisional Regulation are confirmed.

C. PRODUCT CONCERNED AND LIKE PRODUCT

1. Product concerned

(7) Subsequent to the publication of the provisional Regulation, a number of interested parties claimed that the definition of the product concerned was incorrect. They argued that the technical and purified grades of sulphanilic acid were substantially different in terms of their purity and had different properties and applications. It was claimed that the two grades of sulphanilic acid could not be considered as a homogeneous product and should therefore have been treated as distinct products for the purposes of the investigation. In support of this assertion, it was argued that there was insufficient interchangeability between the two grades of sulphanilic acid. Whilst it was accepted that the purified grade could be used in all applications, the same could not be said of technical grade sulphanilic acid because of the level of impurities it contained, most notably aniline residues. These impurities consequently made technical grade sulphanilic acid unsuitable for use in the production of optical brighteners and food dyes.

(8) It is recalled that purified grade sulphanilic acid results from the purification of technical grade sulphanilic acid in a process which removes certain impurities. This purification process does not alter the molecular properties of the compound or the way in which it reacts with other chemicals. Therefore, technical and purified grades share the same basic chemical characteristics. The fact that interchangeability may only be in one direction in some applications because of concerns about impurities is therefore not considered to be sufficient justification that purified and technical grades constitute different products which should be treated separately in two different investigations. Whilst accepting that the purification process adds certain additional costs to the production process, it is recalled that these were taken into account when making a fair comparison between the different grades produced by the Community industry and those imported from the country concerned for the purposes of calculating the level of price undercutting and the injury elimination level.

(9) Consequently, it was not considered that the comments made by interested parties concerning the definition of the product concerned were sufficient to alter the findings on this issue that had been reached at the provi-

[1] OJ L 288, 21.10.1997, p. 1.
[2] OJ L 87, 4.4.2002, p. 5.
[3] OJ L 87, 4.4.2002, p. 28.

sional stage. It is therefore definitively concluded that both grades of sulphanilic acid should be treated as one single product for the purpose of the present proceeding.

2. **Like product**

(10) No new elements were brought to the attention of the Commission that would lead it to alter the conclusions reached at the provisional stage, namely that sulphanilic acid produced and sold by Community producers and that produced in India and exported to the Community are like products.

(11) The provisional findings concerning the like product as set out in recital 13 of the provisional Regulation are hereby confirmed.

D. **SUBSIDY**

(12) The findings made in the provisional Regulation concerning the countervailable subsidies obtained by the exporting producers are hereby confirmed, unless it is otherwise expressly stated bellow.

1. **Export Processing Zones (EPZ)/Export Oriented Units (EOU)**

(13) No new comments were received under this heading. The findings as set out in recitals 18 to 28 of the provisional Regulation are hereby confirmed.

2. **Duty Entitlement Passbook Scheme (DEPB) — post-export**

(14) The Government of India ('GOI') claimed that the Agreement on subsidies and countervailing measures (ASCM) is infringed both in spirit and letter by the Commission not investigating the practical utilisation of the DEPB in each case. They argued that the Commission's assessment of the benefits under these schemes was incorrect since only the excess duty drawback could be considered a subsidy in accordance with Article 2 of Regulation (EC) No 2026/97 ('basic Regulation'). Therefore, in order to establish whether a subsidy exists, an examination as to whether an excess exists must be undertaken.

(15) The Commission used the following approach in order to establish whether the DEPB on post–exportbasis constitutes a countervailable subsidy and if so, to calculate the amount of benefit.

(16) Pursuant to Article 2(1)(a)(ii) of the basic Regulation, it is concluded that this scheme involves a financial contribution by the GOI since government revenue (i.e. import duties on imports) otherwise due is not collected. There is also a benefit conferred, within the meaning of Article 2(2) of the basic Regulation, to the recipient since the exporting producers were relieved of having to pay normal import duties. The DEPB subsidy is contingent upon export performance and is thus countervailable under Article 3(4) of the basic Regulation unless one of the exceptions provided for by the basic Regulation applies.

(17) Article 2(1)(a)(ii) provides for such an exception for, *inter alia*, drawback and substitution drawback schemes which conform to the strict rules laid down in Annex I item (i), Annex II (definition and rules for drawback) and Annex III (definition and rules for substitution drawback).

(18) The analysis revealed that DEPB on post-export basis is not a drawback or a substitution drawback scheme. This scheme lacks a built-in obligation to import only goods that are consumed in the production of the exported goods (Annex II of the basic Regulation) which would ensure that the requirements of Annex I item (i) were met. Additionally, there is no verification system in place to check whether the imports are actually consumed in the production process. It is also not a substitution drawback scheme because the imported goods do not need to be of the same quantity and characteristics as the domestically sourced inputs that were used for export production (Annex III of the basic Regulation). Lastly, exporting producers are eligible for the DEPB benefits regardless of whether they import any inputs at all. In order to obtain the benefit, it is enough for an exporter to simply export goods without showing that any input material was imported. Thus, exporting producers which procure all of their inputs locally and do not import goods which can be used as inputs are still entitled to the DEPB benefits. Hence, the DEPB on post-export basis does not conform to any of the provisions of Annexes I to III. Since the above exception to the subsidy definition does not therefore apply, the countervailable benefit is the remission of total import duties normally due on all imports.

(19) From the above it clearly follows, according to the basic Regulation, that the excess remission of import duties is the basis for calculating the amount of the benefit only in the case of bona fide drawback and substitution drawback schemes. Since it is established that the DEPB on post-export basis does not fall in one of these two categories, the benefit is the total remission of import duties, not any supposed excess remission, since all duty remission is deemed to be in excess in such cases.

(20) For the above reasons, the claim of the GOI cannot be accepted and the provisional findings regarding the countervailability of this scheme and the calculation of the benefit, as set out in recitals 35 to 40 of the provisional Regulation, are confirmed.

3. **Income Tax Exemption Scheme (ITES)**

(21) The cooperating company claimed that when calculating the benefit under this scheme, the actual amount of tax paid by the company was not fully taken into account because only the Minimum Alternative Tax (MAT) was included in the original calculation and not the prepaid income taxes of previous years.

(22) This claim was found to be valid. The benefit to the company was recalculated and was found to be negligible.

4. **Advance Licence — Advance Release Orders (ARO) Scheme**

(23) The GOI submitted that the ARO is merely a legitimate extension of a legitimate substitution drawback scheme (Advance Licence). According to the GOI this is proved by the fact that there is an unbreakable link between the licences gained (even if subsequently exchanged for AROs) and the importation of the necessary inputs for the manufacture of exported goods. Furthermore, the system is organised and administered by the GOI in such a way as to prevent there being any possibility of excess drawback occurring.

(24) In this respect, the GOI argued that a substitution drawback scheme does not require that a company obtaining duty drawback benefits against imported inputs need consume those exact inputs in the production of the relevant exported goods. According to the GOI, the company may consume domestically procured inputs in the manufacture of the exported product provided they are consumed in equivalent volumes as the inputs on which the benefit of remission of import duty is taken. The GOI further argued that a user of an ARO may only exchange it for the input product (procured indigenously) indicated on the advance licence and that the advance licence was obtained by reference to an exported product which has already consumed a matching quantity of the same input.

(25) When addressing these arguments, it should be recalled that advance licences are available to exporters (manufacturer-exporters or merchant-exporters) to enable them to import inputs used in the production of exports, duty-free. The advance licences measure the units of authorised imports either in terms of their quantity or in terms of their value. In both cases the rates used to determine the allowed duty free purchases are established, for most products including the product covered by this investigation, on the basis of the Standard Input Output Norms (SION). The input items specified in the advance licences are items used in the production of the relevant exported finished product.

(26) The advance licence holder intending to source the inputs from indigenous sources, in lieu of direct import, has the option to source them against AROs. In such cases the advance licences are validated as AROs and are endorsed to the supplier upon delivery of the items specified therein. In accordance with the 'export and import policy' document, the endorsement of the ARO entitles the supplier to the benefits of deemed export such as deemed exports drawback and refund of terminal excise duty.

(27) In this case, the cooperating company made very limited use of advance licences to import duty-free inputs. Instead, the company converted the licences into AROs and endorsed them to local suppliers obtaining commercial benefits. The commercial benefits of the AROs correspond to the amount of duties that the AROs enable the supplier to forgo under the deemed export drawback facility.

(28) It is acknowledged that duty drawback systems can allow for the refund or drawback of import charges on inputs which are consumed in the production process of another product and where the export of the latter product contains domestic inputs having the same quality and characteristics as those substituted for the imported inputs. It would for instance be allowed for a company, in case of a shortage of duty-free inputs, to use domestic inputs and incorporate these in the exported goods, and then, at a later stage, import the corresponding quantity of duty-free inputs. In this context, the existence of a verification system or procedure is important because it enables, in this case, the GOI to ensure and demonstrate that the quantity of inputs for which drawback is claimed does not exceed the quantity of similar products exported, in whatever form, and that there is not drawback of import charges in excess of those originally levied on the imported inputs in question.

(29) As stated in the provisional Regulation, the verification established that there was no system or procedure in place to confirm whether and which inputs, sourced against AROs, are consumed in the production process of the exported product or whether an excess benefit of import duties occurred within the meaning of item (i) of Annex I and Annexes II and III of the basic Regulation. In particular, the exporter is under no obligation to actually consume the inputs sourced against AROs in the production process. Since the remission of import duties is not limited to that payable on goods consumed in the production process of the exported products, the condition that only goods actually consumed in the production process of the exported products may benefit from such remission is not fulfilled. It is therefore concluded that the ARO element of the Advance Licence scheme is not a permitted remission/drawback scheme within the meaning of the basic Regulation.

(30) In addition, the AROs cannot be considered as a duty drawback scheme, since there appears to be no requirement of importing inputs. In this context, a scheme could only be considered as a bona fide duty drawback scheme in cases where an import element exists, i.e. when there is a link between the imported inputs and the exported goods. The quantity of imported inputs should be corresponding to exported goods.

(31) For the above reasons, these claims cannot be accepted and the provisional findings as regards the countervailability of this scheme and the calculation of the benefit are confirmed.

5. **Package Scheme of Incentives (PSI) of the Government of Maharashtra**

(32) As stated in the provisional Regulation, the PSI scheme is only available to companies having invested in certain designated geographical areas within the jurisdiction of the State of Maharashtra. It is not available to companies located outside these areas. The level of the benefit is different according to the area concerned. The scheme is therefore specific in accordance with Article 3(2)(a) and Article 3(3) of the basic Regulation.

(33) The GOI and the company concerned claimed that this scheme is a non-countervailable subsidy since it meets the criteria of Article 4(3) of the basic Regulation, and thus qualifies as a 'green-light' regional subsidy granted within the State of Maharashtra.

(34) Under this Article, in order not to be subject to countervailing measures, subsidies to disadvantaged regions within the territory of the country of origin and/or export would have to comply with certain criteria; most notably, they would have to be: (i) pursuant to a general framework of regional development, (ii) the regions concerned would have to be clearly designated contiguous geographical areas with a definable economic and administrative identity, and (iii) be regarded as disadvantaged on the basis of neutral and objective criteria which must be clearly spelled out by law or other official document. These criteria shall include a measurement of economic development which shall be based on at least one of the following factors: income per capita, or household income per capita, or GDP per capita (in each case, not above 85 % of the average for the territory of the country of origin or export concerned), or unemployment rate as measured over a three-year period (at least 110 % of the average for the territory of the country of origin or export concerned).

(35) The Government of Maharashtra has in a letter to the Ministry of Commerce and Industry of the GOI stated that the PSI applies to the entire contiguous region outside the relatively advanced region comprised in the Mumbai-Thane belt of the State of Maharashtra, and that the disadvantaged region outside this belt is characterised by a per capita income which is below the State average. Figures were provided which showed that per capita income for the region to which the PSI applies was 74,54 % of the figure for the whole Maharashtra State in 1982/83 and 74,81 % by 1998/99. However, these figures were not substantiated by supporting evidence.

(36) In any event, the examination of the green-light claim has revealed that the per capita income in the State of Maharashtra, as measured over a period of three years (1996/97 to 1998/99), is more than 60 % higher than the national average of India. It should be clear that the 85 % benchmark is measured against the per capita income for the whole of the country of origin or export and not that of a particular State or region. On this basis, it is clear that the income per capita of the eligible region in Maharashtra, although less than 85 % of the regional average, is well above the national average income per capita, and the region therefore does not fall into the green-light category on the basis of this criterion. As regards the unemployment criterion, no information was provided by the Indian authorities.

(37) On the basis of the above, it is concluded that, in this case, this scheme does not meet the criteria of Article 4(3) of the basic Regulation. The provisional findings as regards the countervailability of this scheme are, therefore, confirmed.

(38) Concerning the calculation of the subsidy amount as set out in recitals 72 to 74 of the provisional Regulation, the GOI and the company concerned claimed that the amount of benefit obtained under the tax deferral incentive should be allocated over the total sales during the investigation period ('IP') rather than over the total domestic sales during the IP as it was provisionally allocated, because it is a benefit to the company as a whole and should for this reason not solely be attributed to its domestic sales.

(39) In addition, they brought to the attention of the Commission certain factors by which the calculations of the benefit obtained by the company concerned under the sales tax exemption incentive were inflated.

(40) The claim concerning the basis of allocation of the benefit obtained under the tax deferral incentive was considered valid and the Commission amended the calculations of the subsidy amount accordingly.

(41) In relation to the sales tax exemption incentive, after taking into account the comments of the interested parties and after a detailed review of the provisional findings, the provisional calculations were adjusted resulting in an overall reduction of the amount of subsidy.

(42) On the basis of the revised calculations described above, the amount of subsidy that the company has obtained under this scheme is 0,8 %.

6. **Amount of countervailable subsidies**

(43) The amount of countervailable subsidies, calculated in accordance with the provisions of the basic Regulation, expressed *ad valorem*, is 7,1 %, for the investigated exporting producer.

(44) The level of cooperation for India was high (above 80 %). In view of the high level of cooperation, it was decided to set the residual subsidy margin at the level of the subsidy found for the cooperating exporting producer, i.e. 7,1 %.

Type of subsidy	EOU (*)	DEPB (*)	EPCGS	ITES	Advance Licence/ARO (*)	Maharashtra State scheme	TOTAL
Kokan Synthetics and Chemicals Private Limited	1,4 %	1,7 %	0	0	3,2 %	0,8 %	7,1 %
All others							7,1 %

(*) Subsidies marked with an asterisk are export subsidies.

E. **COMMUNITY INDUSTRY**

(45) Following the publication of the provisional Regulation, a number of interested parties queried the definition of the Community industry and its standing in terms of Article 10(8) of the basic Regulation. In particular, it was suggested that the complainant producer, Sorochimie Chime Fine, did not have the support of the second Community producer, Quimigal S.A., when it lodged its complaint.

(46) It is recalled that whilst Quimigal was not a party to the original complaint, it did express it support for the proceeding at the initiation stage and has fully cooperated in the investigation. In response to the claims of certain interested parties, it has also reiterated its support for the proceeding during the course of the investigation. Therefore, as no new elements were brought to the attention of the Commission that would lead it to alter its earlier findings, the provisional findings concerning the definition of the Community industry and its standing as detailed in recital 78 of the provisional Regulation are hereby confirmed.

F. **INJURY**

1. **Preliminary remarks**

(47) Several interested parties questioned the way in which the Commission had established figures for imports of sulphanilic acid into the Community, Community consumption and market shares. They claimed that there had been insufficient disclosure of the Commission's findings regarding imports, in both volume and value terms, and that consequently their rights of defence had been impeded. It was noted that some of this information was also missing from the public version of the complaint with the result that the complaint did not meet the standards detailed in Article 10(2) of the basic Regulation.

(48) It is to be noted that according to Article 29(1) of the basic Regulation, information which is submitted in confidence by parties to an investigation shall be treated as such by the investigation authority so long as the information concerned warrants such treatment. It is recalled that sulphanilic acid is manufactured by a relatively small number of producers around the world. Consequently, it was not possible for reasons of confidentiality to disclose precise information relating to imports of the product into the Community, especially for those countries where there is only one exporting producer. Therefore, for the purposes of disclosure, indexed figures and an explanatory narrative were made available to interested parties concerning this and related items.

(49) As none of the interested parties which raised the issue of insufficient disclosure were able to demonstrate that the information made available to them in a summarised form did not enable them to defend their rights, their arguments in this respect had to be rejected.

2. **Imports concerned**

(50) One interested party suggested that the figure for the increase in imports noted in the provisional Regulation was misleading. It was claimed that as a number of other producers had withdrawn from the market, users in the Community were obliged to purchase sulphanilic acid on the world market, thereby leading to the sharp rise in import volumes. This claim had to be rejected for a number of reasons. In the first instance, no additional evidence concerning the level of imports was submitted so as to alter the findings reached at the provisional stage on this point. Similarly, whilst it was acknowledged in recital 161 of the provisional Regulation that imports from India were expected to continue to play a significant role in meeting demand in the Community, it was also noted that had the Community industry not been subject to the injurious effects of the subsidised imports, it would have been able to put into effect certain expansion plans, thereby satisfying a larger part of Community demand. In the light of the above, the provisional findings concerning imports into the Community from India and the level of price undercutting as noted in recitals 81 to 85 of the provisional Regulation are confirmed.

3. **Situation of the Community industry**

(51) In accordance with Article 8(5) of the basic Regulation, the examination of the impact of the subsidised imports on the Community industry included an evaluation of all relevant economic factors and indices having a bearing on its state.

(52) Subsequent to provisional disclosure, a number of interested parties questioned the manner in which the Commission had reached its provisional determination concerning injury as certain indicators were showing positive developments. In particular, it was suggested that the increase in the Community industry's production, sales and capacity utilisation during the analysis period (1 January 1997 to 30 June 2001) proved that it had not suffered injury. One interested party also claimed that the Commission had failed to make a proper assessment of wage costs as required by the Article 8(5) of the basic Regulation.

(53) It is recalled that according to Article 8(5) of the basic Regulation, none of the economic factors or indices listed in the aforementioned article shall necessarily be decisive in the determination of injury. It is indeed true that certain indicators relating to quantities produced and sold by the Community industry showed positive developments. However, this should be seen in the light of the fact that Community consumption of sulphanilic acid increased by some 13 % during the analysis period and that there has been a reduction of the number of suppliers on the market due to the closure of certain Community producers.

(54) More importantly, it should be recalled that the Community industry suffered injury in the form of price depression and price suppression. In particular, its average selling price declined sharply between 1997 and 1998 as the pressure exerted by the increasing volume of imports on the market became evident. Subsequently, although the Community industry was able to increase its average selling price as demand on the Community market also increased, it failed to achieve a level which would enable it to cover its full cost of production and losses continued to be incurred in the IP.

(55) With regard to the argument raised concerning wages, it is noted that although the number of workers employed by Sorochimie decreased during the analysis period, the average employment cost per employee increased. This is due to the fact that there was a change in the mix of employee during the period and also to general wage inflation. With regard to Quimigal, it is to be noted that in the base year for the index (1998) the company was not producing sulphanilic acid. When it began production in 1999, the workers were engaged full time in this activity with an extra day being worked from 2000 onwards. Neither company noted that the wages of those employed in sulphanilic acid activities had been effected by the imports concerned. Therefore, wages were not considered to be an indicator of injury.

(56) In view of the above, the provisional findings that the Community industry suffered material injury within the meaning of Article 8 of the basic Regulation, as detailed in recitals 88 to 107 of the provisional Regulation, are confirmed.

G. **CAUSATION**

1. **General comments on the Commission's conclusions regarding the causation of injury**

(57) Certain interested parties argued that the Community industry was itself partly responsible for the injury it had suffered. Several parties questioned the quality of Sorochimie's management, product and customer service, and highlighted the fact it had itself imported sulphanilic acid during the analysis period. One party also alleged that the injury suffered by Sorochimie should be attributed to its other business activity (glue) which experienced significant difficulties during the IP. With regard to the situation of Quimigal, the second company forming part of the Community industry, it was argued that its decision to enter the market with a low price strategy during its start-up phase had also contributed to the alleged injury. Finally, it was also claimed that the Community industry had to meet stringent environmental regulations and had higher labour and transport costs than exporting producers in India with the implication that imports originating in that country had a competitive advantage and were not made at injurious prices.

(58) The investigation showed that Sorochimie, despite its financial difficulties linked to the excessively low prices prevailing on the market, was able to gain new customers during the analysis period and to adapt its products to meet their needs. The company was obliged to purchase certain quantities of the product concerned during the analysis period in order to meet existing customer requirements while its production equipment was undergoing essential repairs. It cannot thus be considered that Sorochimie contributed to its own injury. Similarly, it is recalled that any exceptional costs relating to the company's difficulties in its glue business have been excluded from the current investigation as they are not linked to the product concerned and thus are not reflected in the injury indicators described in the provisional Regulation.

(59) It was noted in recital 118 of the provisional Regulation that Quimigal's decision to enter the market was taken at a time when prices for sulphanilic acid on the Community market were higher. Quimigal was able to establish itself on the market at a time of both increasing demand in the Community and changes in the number of suppliers of sulphanilic acid both in the Community and outside. It was also noted that the company was obliged to offer prices similar to those of the dumped and subsidised imports in order to establish itself on the market and gain market share in 1999 and 2000 in that its relatively small size meant that it was a price taker rather than a price setter. Nevertheless, its market share decreased slightly in the IP as imports from India increased in volume. No indication has therefore been found that the deterioration of the situation of the Community industry is due to excessive intra-Community industry competition.

(60) With regard to the allegedly higher costs that the Community industry is obliged to meet in terms of complying with environmental regulations and other items, it should be recalled that the competitive advantage of the imports concerned was taken into account in the determination of normal value. Consequently, the provisional findings concerning causation as set out in recitals 121 to 123 of the provisional Regulation are confirmed.

H. **COMMUNITY INTEREST**

(61) Following the publication of the provisional Regulation, one interested party questioned how the Commission could determine, in the light of Sorochimie being in administration, that the Community industry was viable and competitive. It is recalled that Sorochimie was obliged to seek protection from its creditors following certain difficulties in its glue business and other pressures in its sulphanilic acid activities. The Commercial Court of Charleville Mézières has appointed an administrator to oversee the company's trading activities and has granted the company a period of time in which to prepare a restructuring plan. This period of time has recently been extended until 31 January 2003. In the absence of other unforeseen events, the company should continue to be in existence for the immediate future and therefore be in a position to benefit from the imposition of definitive measures. Consequently, the provisional findings that the imposition of measures is in the interest of the Community industry as noted in recital 134 of the provisional Regulation are confirmed.

(62) A number of interested parties claimed that the Commission had failed to make an objective assessment of the situation of users in not taking into account any increase in the Community industry's prices that would likely follow the imposition of measures. It was also claimed that measures were against the Community interest as the production capacity of the Community industry was insufficient to meet Community demand and as a possible duopolistic situation based on the two Community producers could result from the closure of the market to imports from India and also from the PRC, which is itself subject to the parallel anti-dumping investigation.

(63) In respect of the claim that the Commission failed to take account of the various interests in an objective manner when determining the imposition of measures, it is recalled that at the provisional stage, the Commission made a detailed analysis of each of the main user sectors (optical brighteners, concrete additives, dyes and colorant producers). This analysis included an assessment of the impact of measures on their costs on the basis that the prices of the imports concerned would increase in line with the proposed measures. At the same time, due allowance was made in this calculation for a maximum possible increase in the price of sulphanilic acid sold by the Community industry of 10 % on the basis that its prices would increase to a level similar to that of the imports concerned following the imposition of measures taking into account that it was already operating at a fairly high rate of capacity utilisation in the IP. As such, no new elements were submitted by interested parties which would alter the provisional findings concerning the possible increase in the manufacturing costs of the different user industries.

(64) Regarding the supply and competition situation on the Community market, it is to be noted that the current production capacity of the Community industry could satisfy in the region of 50 % of Community demand. The purpose of the measures is in any event not to close the market to imports from India but to ensure that they are made at non-subsidised and non-injurious prices. It is therefore expected that imports from third countries including India will continue to enter the market. At the same time, measures should ensure continued sulphanilic acid production in the Community with the result that users will have more choice between domestic and foreign suppliers and competition between all suppliers should be maintained. It should also be stressed that the Community industry has plans to increase its output by investing in new facilities if the capital expenditure can be justified. For this to occur, the injurious effects of the subsidised imports need to be removed.

(65) In the light of the above, the provisional findings that the imposition of measures is not contrary to the interest of the Community as noted in recital 164 of the provisional Regulation is confirmed.

I. **ANTI-SUBSIDY MEASURES**

1. **Injury elimination level**

(66) In the absence of any new submissions on this point, the methodology used to establish the injury margin as set out at recitals 165 to 167 of the provisional Regulation is hereby confirmed.

2. **Definitive measures**

(67) As the injury elimination level is higher than the subsidy margin established, the definitive measures should be based on the latter. The following duty therefore applies:

India (all companies): 7,1 %.

3. **Definitive collection of provisional duties**

(68) In view of the magnitude of subsidisation found and in the light of the seriousness of the injury caused to the Community industry, it is considered necessary that the amounts secured by way of the provisional countervailing duty shall be definitively collected at the rate of the duty definitively imposed. Amounts secured under the provisional duty in excess of the definitive duty shall be released.

J. **UNDERTAKING**

(69) Subsequent to the imposition of provisional measures, the sole cooperating exporting producer in India offered a price undertaking in accordance with Article 13(1) of the basic Regulation. By doing so, it agreed to sell the product concerned at or above price levels which would have the effect of eliminating the injurious effects of subsidisation. The company will also provide the Commission with regular and detailed information concerning its exports to the Community, meaning that the undertaking can be monitored effectively by the Commission. Furthermore, the sales structure of the exporting producer is such that the Commission considers that the risk of circumventing the agreed undertaking is limited.

(70) In view of this, the offer of an undertaking was accepted by the Commission in Decision 2002/611/EC [1].

(71) 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 to the relevant customs authority, exemption from the duty should be conditional upon presentation of a commercial invoice containing the information listed in the Annex to this Regulation. Where no such invoice is presented, or when it does not correspond to the product concerned presented to customs, the appropriate rate of countervailing duty should instead be payable.

(72) It should be noted that in the event of a breach or withdrawal of the undertaking or a suspected breach, a countervailing duty may be imposed pursuant to Article 13(9) and (10) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive countervailing duty is hereby imposed on imports of sulphanilic acid, falling within CN code ex 2921 42 10 (TARIC code 2921 42 10*60) and originating in India.

2. The rate of the definitive countervailing duty applicable to the net, free-at-Community-frontier price, before duty shall be 7,1 %.

3. Notwithstanding paragraph 1, the definitive duty shall not apply to imports released for free circulation in accordance with Article 2.

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

Article 2

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

Country	Company	TARIC additional code
India	Kokan Synthetics & Chemicals Pvt Ltd, 14 Guruprasad, Gokhale Road (N), Dadar (W), Mumbai 400 028, India	A398

[1] See page 36 of this Official Journal.

2. Imports mentioned in paragraph 1 shall be exempt from the duty on condition that:

(i) a commercial invoice containing at least the elements of the necessary information listed in the Annex is presented to Member States customs authorities upon presentation of the declaration for release into free circulation; and

(ii) the goods declared and presented to customs correspond precisely to the description on the commercial invoice.

Article 3

The amounts secured by way of the provisional countervailing duty imposed pursuant to Regulation (EC) No 573/2002 shall be definitively collected at the rate of duties definitively imposed. Amounts secured in excess of the definitive rate of countervailing duty shall be released.

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, 22 July 2002.

For the Council

The President

P. S. MØLLER

ANNEX

Elements to be indicated in the commercial invoice referred to in Article 2(2)

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 are to be customs cleared at the Community frontier.
6. The exact description of the goods, including:
   — the Product Code Number (PCN), i.e. 'PA99', 'PS85' or 'TA98',
   — the technical/physical specifications of the PCN, i.e. for 'PA99' and 'PS85' white free-flowing powder and for 'TA98' grey free-flowing powder,
   — the company product code number (CPC) (if applicable),
   — CN code,
   — quantity (to be given in tonnes).
7. The description of the terms of the sale, including:
   — price per tonne,
   — 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 commercial 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 Kokan Synthetics & Chemicals Pvt Ltd, 14 Guruprasad, Gokhale Road (N), Dadar (W), Mumbai 400 028, India, and accepted by the European Commission through Decision 2002/611/EC. I declare that the information provided on this invoice is complete and correct.'

COUNCIL REGULATION (EC) No 1339/2002

of 22 July 2002

imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of sulphanilic acid originating in the People's Republic of China and 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 9 thereof,

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

Whereas:

A. PROVISIONAL MEASURES

(1) The Commission by Regulation (EC) No 575/2002 [2] ('provisional Regulation') imposed a provisional anti-dumping duty on imports of sulphanilic acid originating in the People's Republic of China ('PRC') and India. The Commission by Regulation (EC) No 573/2002 [3] ('provisional anti-subsidy Regulation') also imposed a provisional countervailing duty on imports of sulphanilic acid originating in India.

B. SUBSEQUENT PROCEDURE

(2) Subsequent to the disclosure of the essential facts and considerations on the basis of which it was decided to impose provisional anti-dumping measures, a number of interested parties submitted comments in writing. All interested parties who requested a hearing were granted an opportunity to be heard by the Commission.

(3) The Commission continued to seek and verify all information deemed necessary for the definitive findings.

(4) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping duties and the definitive collection of amounts secured by way of provisional duties. They were also granted a period within which they could make representations subsequent to this disclosure.

(5) The oral and written arguments submitted by the parties were taken into account.

(6) Having reviewed the provisional findings on the basis of the information gathered since then, it is concluded that the main findings as set out in the provisional Regulation are confirmed.

C. PRODUCT CONCERNED AND LIKE PRODUCT

1. Product concerned

(7) Subsequent to the publication of the provisional Regulation, a number of interested parties claimed that the definition of the product concerned was incorrect. They argued that the technical and purified grades of sulphanilic acid were substantially different in terms of their purity and had different properties and applications. It was claimed that the two grades of sulphanilic acid could not be considered as a homogeneous product and should therefore have been treated as distinct products for the purposes of the investigation. In support of this assertion, it was argued that there was insufficient interchangeability between the two grades of sulphanilic acid. Whilst it was accepted that the purified grade could be used in all applications, the same could not be said of technical grade sulphanilic acid because of the level of impurities it contained, most notably aniline residues. These impurities consequently made technical grade acid unsuitable for use in the production of optical brighteners and food dyes.

(8) It is recalled that purified grade sulphanilic acid results from the purification of technical grade sulphanilic acid in a process which removes certain impurities. This purification process does not alter the molecular properties of the compound or the way in which it reacts with other chemicals. Therefore, technical and purified grades share the same basic chemical characteristics. The fact that interchangeability may only be in one direction in certain applications because of concerns about impurities is therefore not considered to be sufficient justification that purified and technical grades constitute different products which should be treated separately in two different investigations. Whilst accepting that the purification process adds certain additional costs to the production process, it is recalled that these were taken into account when making a fair comparison between the different grades produced by the Community industry and those imported from the countries concerned for the purposes of calculating the level of price undercutting and the injury elimination level.

[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 87, 4.4.2002, p. 28.
[3] OJ L 87, 4.4.2002, p. 5.

(9) Consequently, it was not considered that the comments made by interested parties concerning the definition of the product concerned were sufficient to alter the findings on this issue that had been reached at the provisional stage. It is therefore definitively concluded that both grades of sulphanilic acid should be treated as one single product for the purpose of the present proceeding.

2. **Like product**

(10) No new elements were brought to the attention of the Commission that would lead it to alter the conclusions reached at the provisional stage, namely that sulphanilic acid produced and sold by Community producers and that produced in the countries concerned and exported to the Community are like products.

(11) The provisional findings concerning the like product as set out in recital 12 of the provisional Regulation are hereby confirmed.

D. **DUMPING**

1. **India**

1.1. *Normal value*

(12) The Indian exporting producer contested the methodology for the determination of the profit margin used in the construction of normal value as set out in recital 18 of the provisional Regulation. It claimed that the opening and closing stocks of the like product should be taken into account in this determination.

(13) This claim was rejected because the company suggested taking into account opening and closing stocks only in determining the profit margin and not in determining the cost of manufacturing used to calculate the constructed normal value. Thus, the use of two different costs of manufacturing for the same purpose cannot be accepted. Moreover, the cost of manufacturing used in calculating normal value in the provisional Regulation was that incurred during the investigation period ('IP') and was considered more appropriate since it is not affected by any ad hoc valuation of stocks.

1.2. *Export price*

(14) The same company claimed that for the sales made via its related importer, the export price should be constructed by using the actual profit margin of its related importer. This claim could not be accepted since the profit margin realised by the related importer is based on transfer prices between associated parties (the company in question and its related importer) and as such these prices cannot be considered to be reliable in accordance with Article 2(9) of Regulation (EC) No 384/96 ('basic Regulation').

(15) On the basis of the above, the findings set in recitals 19 to 21 of the provisional Regulation are confirmed.

1.3. *Comparison*

(16) No comments were received under this heading. The findings as set out in recitals 22 to 26 of the provisional Regulation are therefore confirmed.

1.4. *Dumping margin*

(17) As no comments were submitted justifying changes to the dumping findings as set out in the provisional Regulation, the dumping margin (24,6 %) established in recital 29 of the provisional Regulation is confirmed.

2. **People's Republic of China**

2.1. *Normal value*

(18) As no new information was submitted under this heading, the findings as set out in recitals 30 to 35 of the provisional Regulation are confirmed.

2.2. *Export price*

(19) As no new information was submitted under this heading, the findings as set out in recitals 36 to 39 of the provisional Regulation are confirmed.

2.3. *Comparison*

(20) As no new information was submitted under this heading, the findings as set out in recital 40 of the provisional Regulation are confirmed.

2.4. *Dumping margin*

(21) The dumping margin (21,0 %) established in recitals 41 and 42 of the provisional Regulation is confirmed.

E. **COMMUNITY INDUSTRY**

(22) Following the publication of the provisional Regulation, a number of interested parties queried the definition of the Community industry and its standing in terms of Article 5(4) of the basic Regulation. In particular, it was suggested that the complainant producer, Sorochimie Chime Fine did not have the support of the second Community producer, Quimigal S.A. when it lodged its complaint.

(23) It is recalled that whilst Quimigal was not a party to the original complaint, it did express its support for the proceeding at the initiation stage and has fully cooperated in the investigation. In response to the claims of certain interested parties, it has also reiterated its support for the proceeding during the course of the investigation. Therefore, as no new elements were brought to the attention of the Commission that would lead it to alter its earlier findings, the provisional findings concerning the definition of the Community industry and its standing as detailed in recital 44 of the provisional Regulation are hereby confirmed.

F. **INJURY**

1. **Preliminary remarks**

(24) Several interested parties questioned the way in which the Commission had established figures for imports of sulphanilic acid into the Community, Community consumption and market shares. They claimed that there had been insufficient disclosure of the Commission's findings regarding imports, in both volume and value terms, and that consequently their rights of defence had been impeded. It was noted that some of this information was also missing from the public version of the complaint with the result that the complaint did not meet the standards detailed in Article 5(2) of the basic Regulation.

(25) It is to be noted that according to Article 19(1) of the basic Regulation, information which is submitted in confidence by parties to an investigation shall be treated as such by the investigation authority so long as the information concerned warrants such treatment. It is recalled that sulphanilic acid is manufactured by a relatively small number of producers around the world. Consequently, it was not possible for reasons of confidentiality to disclose precise information relating to imports of the product into the Community, especially for those countries where there is only one exporting producer. Therefore, for the purposes of disclosure, indexed figures and explanatory narrative were made available to interested parties concerning this and related items.

(26) As none of the interested parties which raised the issue of insufficient disclosure were able to demonstrate that the information made available to them in a summarised form did not enable them to defend their rights, their arguments in this respect had to be rejected.

2. **Imports concerned**

(27) One interested party suggested that the figure for the increase in imports noted in the provisional Regulation was misleading. It was claimed that as a number of other producers had withdrawn from the market, users in the Community were obliged to purchase sulphanilic acid on the world market, thereby leading to the sharp rise in import volumes. This claim had to be rejected for a number of reasons. In the first instance, no additional evidence oncerning the level of imports was submitted so as to alter the findings reached at the provisional stage on this point. Similarly, whilst it was acknowledged in recital 127 of the provisional Regulation that imports were expected to continue to play a significant role in meeting demand in the Community, it was also noted that had the Community industry not been subject to the injurious effects of the dumped imports, it would have been able to put into effect certain expansion plans, thereby satisfying a larger part of Community demand. In the light of the above, the provisional findings concerning imports into the Community from the countries concerned and their level of price undercutting as noted in recitals 47 to 54 of the provisional Regulation are confirmed.

3. **Situation of the Community industry**

(28) In accordance with Article 3(5) of the basic Regulation, the examination of the impact of the dumped imports on the Community industry included an evaluation of all relevant economic factors and indices having a bearing on its state.

(29) Subsequent to provisional disclosure, a number of interested parties questioned the manner in which the Commission had reached its provisional determination concerning injury as certain indicators were showing positive developments. In particular, it was suggested that the increase in the Community industry's production, sales and capacity utilisation during the analysis period (1 January 1997 to 30 June 2001) proved that it had not suffered injury. One interested party also claimed that the Commission had failed to make a proper assessment of wage costs as required by the Article 3(5) of the basic Regulation.

(30) It is recalled that according to Article 3(5) of the basic Regulation, none of the economic factors or indices listed in the aforementioned article shall necessarily be decisive in the determination of injury. It is indeed true that certain indicators relating to quantities produced and sold by the community industry showed positive developments. This should be seen in the light of the fact that Community consumption of sulphanilic acid increased by some 13 % during the analysis period and that there has been a reduction of the number of suppliers on the market due to the closure of certain Community producers.

(31) More importantly, it should be recalled that the Community industry suffered injury in the form of price depression and price suppression. In particular, its average selling price declined sharply between 1997 and 1998, as the pressure exerted by the increasing volume of the imports concerned on the market became evident. Subsequently, although the Community industry was able to increase its average selling price as demand on the Community market also increased, it failed to achieve a level which would enable it to cover its full cost of production and losses continued to be incurred in the IP.

(32) With regard to the argument raised concerning wages, it is noted that although the number of workers employed by Sorochimie decreased during the analysis period, the average employment cost per employee increased. This is due to the fact that there was a change in the mix of employee during the period and also to general wage inflation. With regard to Quimigal, it is to be noted that in the base year for the index (1998) the company was

not producing sulphanilic acid. When it began production in 1999, the workers were engaged full time in this activity with an extra day being worked from 2000 onwards. Neither company noted that the wages of those employed in sulphanilic acid activities had been effected by the imports concerned. Therefore, wages were not considered to be an indicator of injury.

(33) In view of the above, the provisional findings that the Community industry suffered material injury within the meaning of Article 3 of the basic Regulation, as detailed in recitals 57 to 76 of the provisional Regulation, are confirmed.

G. **CAUSATION**

1. **General comments on the Commission's conclusions regarding the causation of injury**

(34) Certain interested parties argued that the Community industry was itself partly responsible for the injury it had suffered. Several parties questioned the quality of Sorochimie's management, product and customer service and highlighted the fact it had itself imported sulphanilic acid during the analysis period. One party also alleged that the injury suffered by Sorochimie should be attributed to its other business activity (glue) which experienced significant difficulties during the IP. With regard to the situation of Quimigal, the second company forming part of the Community industry, it was argued that its decision to enter the market with a low price strategy during its start-up phase had also contributed to the alleged injury. Finally, it was also claimed that the Community industry had to meet stringent environmental regulations and had higher labour and transport costs than exporting producers in India with the implication that imports originating in that country had a competitive advantage and were not made at injurious prices.

(35) The investigation showed that Sorochimie, despite its financial difficulties linked to the excessively low prices prevailing on the market, was able to gain new customers during the analysis period and to adapt its products to meet their needs. The company was obliged to purchase certain quantities of the product concerned during the analysis period in order to meet existing customer requirements while its production equipment was undergoing essential repairs. It cannot thus be considered that Sorochimie contributed to its own injury Similarly, it is recalled that any exceptional costs relating to the company's difficulties in its glue business have been excluded from the current investigation as they are not linked to the product concerned and thus are not reflected in the injury indicators described in the provisional Regulation.

(36) It was noted in recital 85 of the provisional Regulation that Quimigal's decision to enter the market was taken at a time when prices for sulphanilic acid on the Community market were higher. Quimigal was able to establish itself on the market at a time of both increasing demand in the Community and changes in the number of suppliers of sulphanilic acid both in the Community and outside. It was also noted that the company was obliged to offer prices similar to those of the dumped imports in order to establish itself on the market and gain market share in 1999 and 2000 in that its relatively small size meant that it was a price taker rather than a price setter. Nevertheless, its market share decreased slightly in the IP as imports from the countries concerned increased in volume. No indication has therefore been found that the deterioration of the situation of the Community industry is due to excessive intra Community industry competition.

(37) With regard to the allegedly higher costs that the Community industry is obliged to meet in terms of complying with environmental regulations and other items, it should be recalled that the competitive advantage of the imports concerned was taken into account in the determination of normal value. Consequently, the provisional findings concerning causation as set out in recitals 88 and 89 of the provisional Regulation are confirmed.

H. **COMMUNITY INTEREST**

(38) Following the publication of the provisional Regulation, one interested party questioned how the Commission could determine, in the light of Sorochimie being in administration, that the Community industry was viable and competitive. It is recalled that Sorochimie was obliged to seek protection from its creditors following certain difficulties in its glue business and other pressures in its sulphanilic acid activities. The Commercial Court of Charleville Mézières has appointed an administrator to oversee the company's trading activities and has granted the company a period of time in which to prepare a restructuring plan. This period of time has recently been extended until 31 January 2003. In the absence of other unforeseen events, the company should continue to be in existence for the immediate future and therefore be in a position to benefit from the imposition of definitive measures. Consequently, the provisional findings that the imposition of measures is in the interest of the Community industry as noted in recital 100 of the provisional Regulation are confirmed.

(39) A number of interested parties claimed that the Commission had failed to make an objective assessment of the situation of users in not taking into account any increase in the Community industry's prices that would likely follow the imposition of measures. It was also claimed that measures ran counter to the Community interest as the production capacity of the Community industry was insufficient to meet Community demand and a possible duopolistic situation based on the two Community producers could result from the closure of the market to imports from India and the PRC.

(40) In respect of the claim that the Commission failed to take account of the various interests in an objective manner when determining whether the imposition of measures ran counter to the Community interest, it is recalled that at the provisional stage, the Commission made a detailed analysis of each of the main user sectors (optical brighteners, concrete additives and dyes and colorant producers). This analysis included an assessment of the impact of measures on their costs on the basis that the prices of the imports concerned would increase in line with the proposed measures. At the same time, due allowance was made in this calculation for a maximum possible increase in the price of sulphanilic acid sold by the Community industry of 10 % on the basis that its prices would increase to a level similar to that of the imports concerned following the imposition of measures taking into account that it was already operating at a fairly high rate of capacity utilisation in the IP. As such, no new elements were submitted by interested parties which would alter the provisional findings concerning the possible increase in the manufacturing costs of the different user industries.

(41) Regarding the supply and competition situation on the Community market, it is to be noted that the current production capacity of the Community industry could satisfy in the region of 50 % of Community demand. In any event, the purpose of the measures is not to close the market to imports from the countries concerned but to ensure that they are made at non-dumped and non-injurious prices. It is therefore expected that imports from third countries including India and the PRC will continue to enter the market. At the same time, measures should ensure continued sulphanilic acid production in the Community with the result that users will have more choice and competition between suppliers. It should also be stressed that the Community industry has plans to increase its output by investing in new facilities if the capital expenditure can be justified. For this to occur, the injurious effects of the dumped imports need to be removed.

(42) In the light of the above, the provisional findings that the imposition of measures is not contrary to the interest of the Community as noted in recital 130 of the provisional Regulation is confirmed.

I. ANTI-DUMPING MEASURES

1. Injury elimination level

(43) The methodology to establish the injury margin as set out at recitals 131 to 133 of the provisional Regulation is hereby confirmed.

2. Definitive measures

(44) Since for both India and the PRC the dumping margin has been found to be lower than the injury elimination level, the definitive duties to be imposed should correspond to the dumping margins established, in accordance with Article 9(4) of the basic Regulation.

(45) However, with regard to the parallel anti-subsidy proceeding in respect of India, in accordance with Article 24(1) of Council Regulation (EC) No 2026/97 [1] ('the basic anti-subsidy Regulation') and Article 14(1) of the basic Regulation, no product shall be subject to both anti-dumping and countervailing duties for the purpose of dealing with one and the same situation arising from dumping or export subsidisation. It is therefore necessary to determine whether, and to what extent, the subsidy amounts and the dumping margins arise from the same situation.

(46) With regard to India, a definitive countervailing duty corresponding to the amount of subsidy, which was found to be lower than the injury margin, was proposed in accordance with Article 15(1) of the basic anti-subsidy Regulation. Certain of the subsidy schemes investigated, which were found to be countervailable in India, constituted export subsidies within the meaning of Article 3(4)(a) of the basic anti-subsidy Regulation. As such, these subsidies could only affect the export price of the Indian exporting producer, thus leading to an increased margin of dumping. In other words, the definitive dumping margin established for the sole cooperating Indian producer is partly due to the existence of export subsidies. In these circumstances, it is not considered appropriate to impose both countervailing and anti-dumping duties to the full extent of the relevant export subsidy amount and dumping margin definitively established. Therefore, the definitive anti-dumping duty should be adjusted to reflect the actual dumping margin remaining after the imposition of the definitive countervailing duty offsetting the effect of the export subsidies. Consequently, the definitive anti-dumping duty rate for India has been set at the level of the dumping margin (24,6 %) minus the rate of definitive countervailing duty of the export subsidies (6,3 %).

(47) The Government of India and the Indian exporting producer opposed this approach and claimed that the definitive anti-dumping duty should be reduced by the total level of subsidisation found (7,1 %) and not only by the amount export subsidies. They argued that in practice any benefit may be used to cross-subsidise any area of activity the exporter so chooses, which would mean that if the subsidy is not used to lower the export prices it should not be countervailed. Alternatively, they argued, if the subsidy is used to lower domestic prices then only part of that subsidy which enables unfair export pricing should be countervailed.

[1] OJ L 288, 21.10.1997, p. 1.

(48) In this respect, it is noted that subsidies which are not contingent upon export performance ('domestic subsidies') are considered to affect equally the export price and the normal value of the Indian exporting producer, which means that they have a neutral effect on the margin of dumping. It is, therefore, concluded that the amounts of domestic subsidies and the dumping margins do not arise from the same situation and consequently no adjustment to the dumping duty is warranted from the existence of such subsidisation.

(49) For the PRC, the anti-dumping duty rate has been set at the level of the dumping margin.

3. **Definitive collection of provisional duties**

(50) In view of the magnitude of the dumping found for the exporting producers, and in the light of the seriousness of the injury caused to the Community industry, it is considered necessary that the amounts secured by way of provisional anti-dumping duties shall be collected at the rate of the duty definitively imposed.

J. **UNDERTAKING**

(51) The sole cooperating company in the PRC, Mancheng Gold Star Chemical Industry Co., Ltd of Baoding ('Mancheng'), has proposed a joint undertaking together with the state controlled trading company, Sinochem Hebei Import & Export Corporation. However, it is recalled that Mancheng was a producer which did not meet the requirements to be granted individual treatment because it was not licensed to export and all its exports were made via the said state controlled trading company. Moreover, due to the very low level of cooperation obtained from exporting producers in the PRC, the Commission is not a position to consider further an undertaking proposed by a trading company because of the high inherent risk of circumvention of such an undertaking. The Chinese parties concerned were informed accordingly.

(52) Subsequent to the imposition of provisional measures, the sole cooperating exporting producer in India of the product concerned offered a price undertaking in accordance with Article 8(1) of the basic Regulation. By doing so, it agreed to sell the product concerned at or above price levels which eliminate the injurious effects of dumping. The company will also provide the Commission with regular and detailed information concerning its exports to the Community, meaning that the undertaking can be monitored effectively by the Commission. Furthermore, the sales structure of the exporting producer is such that the Commission considers that the risk of circumventing the agreed undertaking is limited.

(53) In view of this, the offer of an undertaking was accepted by the Commission in Decision 2002/611/EC [1].

(54) 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 to the relevant customs authority, exemption from the duty should be conditional upon presentation of a commercial invoice containing the information listed in the Annex to this Regulation which is necessary for customs to ascertain that shipments correspond to the commercial documents at the required level of detail. Where no such invoice is presented, or when it does not correspond to the product concerned presented to customs, the appropriate rate of anti-dumping duty should instead be payable.

(55) 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,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of sulphanilic acid falling within CN codes ex 2921 42 10 (TARIC code 2921 42 10*60) originating in the People's Republic of China and India.

2. The rate of definitive anti-dumping duty applicable, before duty, to the net, free-at-Community frontier price of the products described in paragraph 1, shall be as follows:

Country	Definitive duty (%)
The People's Republic of China	21,0
India	18,3

3. Notwithstanding paragraph 1, the definitive duty shall not apply to imports released for free circulation in accordance with Article 2.

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

[1] See page 36 of this Official Journal.

Article 2

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

Country	Company	TARIC additional code
India	Kokan Synthetics & Chemicals Pvt Ltd, 14 Guruprasad, Gokhale Road (N), Dadar (W), Mumbai 400 028, India	A398

2. Imports mentioned in paragraph 1 shall be exempt from the duty on condition that:

(i) a commercial invoice containing at least the elements of the necessary information listed in the Annex is presented to Member States customs authorities upon presentation of the declaration for release into free circulation; and

(ii) the goods declared and presented to customs correspond precisely to the description on the commercial invoice.

Article 3

The amounts secured by way of the provisional anti-dumping duty imposed pursuant to Regulation (EC) No 575/2002 shall be definitively collected at the rate of the duties definitively imposed on imports of sulphanilic acid originating in the People's Republic of China and India, as defined in that Regulation.

The amounts secured in excess of the definitive rate of anti-dumping duties shall be released.

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, 22 July 2002.

For the Council

The President

P. S. MØLLER

ANNEX

Elements to be indicated in the commercial invoice referred to in Article 2(2):

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 are to be customs-cleared at the Community frontier
6. The exact description of the goods, including:
   - — the Product Code Number (PCN), i.e. 'PA99', PS85 or 'TA98',
   - — the technical/physical specifications of the PCN, i.e. for 'PA99' and 'PS85' white free flowing powder, and for 'TA98' grey free-flowing powder.
   - — the company product code number (CPC) (if applicable),
   - — CN code,
   - — quantity (to be given in tonnes).
7. The description of the terms of the sale, including:
   - — price per tonne,
   - — 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 commercial 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 Kokan Synthetics & Chemicals Pvt Ltd, 14 Guruprasad, Gokhale Road (N), Dadar (W), Mumbai 400 028, India, and accepted by the European Commission through Decision 2002/611/EC. I declare that the information provided on this invoice is complete and correct.'

COUNCIL REGULATION (EC) No 1340/2002

of 22 July 2002

amending Regulation (EC) No 397/1999 imposing a definitive anti-dumping duty on imports of bicycles originating in Taiwan

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],

Having regard to Council Regulation (EC) No 397/1999 of 22 February 1999 imposing a definitive anti-dumping duty on imports of bicycles originating in Taiwan and collecting definitely the provisional duty imposed [2], and in particular to Article 2 thereof,

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

Whereas:

A. **PREVIOUS PROCEDURE**

(1) By Regulation (EC) No 397/1999 the Council imposed a definitive anti-dumping duty on imports into the Community of bicycles falling within CN codes 8712 00 10, 8712 00 30 and 8712 00 80 originating in Taiwan. Sampling was applied to Taiwanese exporting producers and individual duty rates ranging from 2,4 % to 18,2 % were imposed on the companies in the sample, while other cooperating companies not included in the sample were attributed a weighted average duty rate of 5,4 %. A duty rate of 18,2 % was imposed on companies which either did not make themselves known or did not cooperate in the investigation.

(2) Article 2 of Regulation (EC) No 397/1999 stipulates that where any new exporting producer in Taiwan provides sufficient evidence to the Commission that:

— it did not export to the Community the products described in Article 1(1) of that Regulation during the investigation period (1 November 1996 to 31 October 1997),

— it is not related to any of the exporters or producers in Taiwan which are subject to the anti-dumping measures imposed by that Regulation,

— it has actually exported to the Community the products concerned after the investigation period on which the measures are based, or it has entered into an irrevocable contractual obligation to export a significant quantity to the Community,

then Article 1(3) of Regulation (EC) No 397/1999 may be amended by granting that exporting producer the duty rate applicable to cooperating producers which were not included in the sample, namely 5,4 %.

B. **NEW EXPORTING PRODUCERS' REQUEST**

(3) One new Taiwanese exporting producer, after having applied to be treated like the companies which cooperated in the original investigation but were not included in the sample, has provided on request evidence showing that it meets the requirements set out in Article 2 of Regulation (EC) No 397/1999. The evidence provided by the applicant company is considered sufficient to allow that Regulation to be amended by adding the applicant to the Annex thereto. That Annex specifies the Taiwanese exporting producers which are to be subject to the weighted average duty rate of 5,4 %,

HAS ADOPTED THIS REGULATION:

Article 1

The following company shall be added to the list of exporting producers from Taiwan listed in the Annex to Regulation (EC) No 397/1999:

'— Oyama Industrial Co. Ltd, Tainan'.

Article 2

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

[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 49, 25.2.1999, p. 1.

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

Done at Brussels, 22 July 2002.

For the Council
The President
P. S. MØLLER

COMMISSION REGULATION (EC) No 1341/2002

of 24 July 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 25 July 2002.

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

Done at Brussels, 24 July 2002.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

[1] OJ L 337, 24.12.1994, p. 66.
[2] OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 24 July 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	85,0
	064	75,1
	999	80,0
0707 00 05	052	83,4
	999	83,4
0709 90 70	052	65,9
	999	65,9
0805 50 10	388	59,3
	524	72,9
	528	55,3
	999	62,5
0806 10 10	052	145,8
	220	97,3
	508	77,4
	512	89,8
	600	147,8
	624	182,8
	999	123,5
0808 10 20, 0808 10 50, 0808 10 90	388	81,5
	400	112,8
	404	94,8
	508	93,6
	512	100,7
	524	62,5
	528	73,8
	720	147,6
	800	99,9
	804	104,9
	999	97,2
0808 20 50	388	71,2
	512	79,5
	528	78,3
	804	112,6
	999	85,4
0809 10 00	052	161,2
	064	171,1
	999	166,1
0809 20 95	052	348,9
	400	256,0
	404	246,2
	616	281,4
	999	283,1
0809 30 10, 0809 30 90	052	120,7
	999	120,7
0809 40 05	064	64,8
	624	157,7
	999	111,3

(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 1342/2002

of 24 July 2002

amending Regulation (EC) No 1227/2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine [1], as last amended by Regulation (EC) No 2585/2001 [2], and in particular Articles 10, 15 and 80 thereof,

Whereas:

(1) In order to resolve a particular practical problem, the time limit laid down in Article 2(3) of Regulation (EC) No 1493/1999 for derogating from Article 2(2) should be amended. Applying the various provisions regarding the grant of the derogation imposes a serious and complex administrative burden, particularly as regards checks and penalties. In the interests of sound administration, the date in question should thus be postponed to 30 November 2002.

(2) Commission Regulation (EC) No 1227/2000 [3], as last amended by Regulation (EC) No 1253/2001 [4], fixed the deadline for the period referred to in Article 2(3)(b) of Regulation (EC) No 1493/1999 in which a producer may obtain replanting rights after the area concerned has been planted. For practical reasons linked to obtaining these rights, this period should be adapted.

(3) Experience has shown that the premium scheme for the permanent abandonment of vine growing on areas not exceeding 25 ares should be simplified in order to avoid an excessive administrative burden.

(4) Following the amendment of Article 11(3) of Regulation (EC) No 1493/1999 by Regulation (EC) No 2585/2001, the conditions for granting support under the former material improvement plans and aid to young farmers should be laid down so as not to weaken the general objective of the market organisation as regards controlling wine-growing potential.

(5) In the context of the restructuring and conversion programmes, a distinction should be made between cases where the support is paid for carrying out all the measures covered by the plan and those where the support is paid for a specific measure. Detailed rules should therefore be laid down for paying the support in advance.

(6) Account should be taken of weather and health and hygiene constraints in adapting the duration of restructuring and conversion plans when the support is paid in advance.

(7) The penalties laid down should be amended to make them proportional to the completion of measures included in a plan but not implemented within the time limits laid down. For inspection purposes, verification of whether the said measures have been completed should be specified as a criterion.

(8) Experience has shown that specific provisions should be laid down for cases where a producer chooses not to implement a plan or decides not to receive the support in advance.

(9) Regulation (EC) No 1227/2000 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1227/2000 is hereby amended as follows:

1. Article 2 is amended as follows:

   (a) the following paragraph 1a is added:

   '1a. The deadline of 31 July 2002 laid down in Article 2(3) of Regulation (EC) No 1493/1999 shall be postponed to 30 November 2002.';

   (b) in paragraph 5, '31 March 2002' is replaced by '15 July 2002';

2. Article 8 is amended as follows:

   (a) paragraph 4 is replaced by the following:

   '4. For all holdings where the wine-growing area does not exceed 25 ares, a premium may be awarded at a maximum level per hectare not exceeding EUR 4 300.

   The Member States may decide to grant the premium referred to in the first subparagraph to holdings where the wine-growing area exceeds 25 ares for the purpose of grubbing up areas between a minimum of 10 ares and a maximum of 25 ares.';

   (b) paragraph 6 is deleted;

[1] OJ L 179, 14.7.1999, p. 1.
[2] OJ L 345, 29.12.2001, p. 10.
[3] OJ L 143, 16.6.2000, p. 1.
[4] OJ L 173, 27.6.2001, p. 31.

3. Article 12 is replaced by the following:

'*Article 12*

1. For the purposes of Article 11(3) of Regulation (EC) No 1493/1999:

(a) "the normal renewal of vineyards which have come to the end of their natural life" means the replanting of the same parcel of land with the same variety according to the same system of vine cultivation;

(b) "young farmers" means farmers who are under 40 years of age, who possess adequate occupational skill and competence and who are setting up for the first time on a wine-producing holding as the head of the holding.

2. The new planting rights referred to in the third subparagraph of Article 11(3) of Regulation (EC) No 1493/1999 shall include the rights referred to in Article 25(1) of this Regulation.';

4. Article 13 is replaced by the following:

'*Article 13*

1. The competent authorities of the Member States shall lay down a minimum size of parcel which may qualify for support for restructuring and conversion, and a minimum size of parcel resulting from restructuring and conversion.

2. The competent authorities of the Member States shall lay down:

(a) definitions of the measures to be contained in plans;

(b) time limits for their implementation, which shall not exceed five years;

(c) a requirement that all plans shall state, for each financial year, the measures to be implemented in that financial year, and the area concerned by each measure;

(d) procedures for monitoring such implementation.

3. The competent authorities of the Member States shall lay down rules restricting the use, in implementing a plan, of replanting rights which arise from grubbing-up as set out in the plan where so doing would lead to a possible increase in the yield of the area covered by it. The rules shall be designed to ensure that the objective of the scheme is met, and in particular that there is no overall increase in production potential in the Member State concerned.

The competent authorities of the Member States shall lay down rules governing the use of new planting rights. These rules shall provide that such rights may be used only if they are necessary from a technical point of view and in a proportion not exceeding 10 % of the total area covered by the plan. These rules shall also provide for an appropriate reduction of the support granted for these areas.

As regards the new planting rights referred to in the third subparagraph of Article 11(3) of Regulation (EC) No 1493/1999, the rules referred to in the second subparagraph of this paragraph shall provide that:

(a) the limit of 10 % referred to in the second subparagraph of this paragraph shall not apply,

(b) the new planting rights granted to young farmers shall not exceed 30 % of the amount of the newly created planting rights attributed to the Member State concerned under Article 6(1)(a) of Regulation (EC) No 1493/1999.

4. The competent authorities of the Member States shall adopt rules governing the specific scope and the levels of support to be granted. Subject to Chapter III of Title II of Regulation (EC) No 1493/1999 and this Chapter, those rules may provide in particular for the payment of flat-rate amounts, maximum levels of support per hectare and differentiation of support on the basis of objective criteria. The rules shall in particular provide for appropriately higher levels of support in cases where replanting rights arising from grubbing-up under the plan are used in implementing the plan.';

5. Article 15 is replaced by the following:

'*Article 15*

1. The support shall be paid once it is ascertained that a given measure has been implemented.

If checks show that the measure covered by the aid application has not been fully implemented, but has nevertheless been implemented on more than 80 % of the area concerned within the time limit laid down, then the support shall be paid minus an amount equal to twice the additional support which would have been granted if the measure had been implemented on the entire area.

2. As an exception to paragraph 1, the Member States may provide for support for a given measure to be advanced to producers before that measure has been implemented, provided that implementation has begun and the beneficiary has lodged a security equal to 120 % of the support. For the purposes of Regulation (EEC) No 2220/85, the obligation shall be to implement the measure concerned within two years of the advance being paid.

That period may be adjusted by the Member State in cases where:

(a) the areas concerned are part of an area which has suffered a natural disaster recognised by the competent authorities of the Member State concerned;

(b) the planned measure cannot be implemented because the plant material suffers health problems which have been certified by a body recognised by the Member State concerned.

In order for support to be paid in advance, any previous measure carried out on the same parcel, for which the producer also received support in advance, must have been fully implemented.

If checks show that the measure covered by the aid application, and for which an advance has been paid, has not been fully implemented, but has nevertheless been implemented on more than 80 % of the area concerned within the time limit laid down, then the security shall be released minus an amount equal to twice the additional support which would have been granted if the measure had been implemented on the entire area.

Where a producer opts, before a deadline set by the Member State concerned, against support being paid in advance, 95 % of the security shall be released. The Member States shall notify the Commission of the deadline they set to implement this subparagraph.

Where a producer decides, before a deadline set by the Member State concerned, not to implement a measure, that producer shall repay any advance which has already been paid, after which 90 % of the security shall be released. The Member States shall notify the Commission of the deadline they set to implement this subparagraph.

3. Where not all the measures covered by an support application are implemented within the deadline fixed under Article 13(2), the producer shall repay the full amount of the support paid out under that application.

However, if all the measures covered by the support application have been implemented on more than 80 % of the areas concerned within the time limits, then the amount to be repaid shall be equal to twice the additional support which would have been granted if all the measures in the plan had been implemented on all the areas.

4. For the purpose of this Article, a tolerance of 5 % shall be applied when the areas concerned are checked.

Article 15a

1. As an exception to Article 15, the Member States may provide that the support is to be paid after verification that all the measures covered by the support application have been implemented. If checks show that all the measures covered by the support application have not been fully implemented, but have nevertheless been implemented on more than 80 % of the area concerned within the time limit laid down, then the support shall be paid minus an amount equal to twice the additional support which would have been granted if the measure had been implemented on the entire area.

2. As an exception to paragraph 1, the Member States may allow the support for all the measures covered by the support application to be advanced to producers before those measures have been implemented, provided that implementation has begun and the beneficiary has lodged a security equal to 120 % of the support. For the purposes of Regulation (EEC) No 2220/85, the obligation shall be to implement all the measures within two years of the advance being paid.

That period may be adjusted by the Member State in cases where:

(a) the areas concerned are part of an area which has suffered a natural disaster recognised by the competent authorities of the Member State concerned;

(b) the planned measure cannot be implemented because the plant material suffers health problems which have been certified by a body recognised by the Member State concerned.

If checks show that all the measures covered by the support application, and for which an advance has been paid, have not been fully implemented, but have nevertheless been implemented on more than 80 % of the area concerned within the time limit laid down, then the security shall be released minus an amount equal to twice the additional support which would have been granted if all the measures had been implemented on the entire area.

Where a producer opts, before a deadline set by the Member State concerned, against support being paid in advance, 95 % of the security shall be released. The Member States shall notify the Commission of the deadline they set to implement this subparagraph.

Where a producer decides, before a deadline set by the Member State concerned, not to implement all the measures covered by the support application, that producer shall repay any advance which has already been paid, after which 90 % of the security shall be released. The Member States shall notify the Commission of the deadline they set to implement this subparagraph.

3. For the purpose of this Article, a tolerance of 5 % shall be applied when the areas concerned are checked.'

Article 2

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

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

Done at Brussels, 24 July 2002.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1343/2002

of 24 July 2002

on the issue of import licences on 30 July 2002 for sheepmeat and goatmeat products pursuant to GATT-WTO non-country specific tariff quotas for the third quarter of 2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1439/95 of 26 June 1995 laying down detailed rules for the application of Council Regulation (EC) No 2467/98 as regards the import and export of products in the sheepmeat and goatmeat sector [1], as last amended by Regulation (EC) No 272/2001 [2], and in particular Article 16(4) thereof,

Whereas:

(1) Regulation (EC) No 1439/95 laid down, in Title II B, detailed rules, in respect of imports of products falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204 pursuant to GATT/WTO non-country specific tariff quotas; provision should be made, pursuant to Article 16(4) of Regulation (EC) No 1439/95, for determining the extent to which import licences may be issued in connection with applications lodged in respect of the third quarter of 2002.

(2) In cases where the quantities in respect of which licence applications have been lodged exceed the quantities which may be imported pursuant to Article 15 of Regulation (EC) No 1439/95, such quantities should be reduced by a single percentage figure in accordance with Article 16(4)(b) of that Regulation.

(3) All the licence applications may be granted in cases where the quantities in respect of which licence applications have been lodged do not exceed the quantities provided for in Regulation (EC) No 1439/95.

(4) Applications relating to products originating in Namibia have been lodged in Denmark and Italy,

HAS ADOPTED THIS REGULATION:

Article 1

Denmark and Italy shall, on 30 July 2002, issue the import licences provided for in Title II B of Regulation (EC) No 1439/95 and applied for from 1 to 10 July 2002. For products falling within CN code 0204 the quantities applied for originating in Namibia shall be granted in full.

Article 2

This Regulation shall enter into force on 25 July 2002.

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

Done at Brussels, 24 July 2002.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

[1] OJ L 143, 27.6.1995, p. 7.
[2] OJ L 41, 10.2.2001, p. 3.

COMMISSION REGULATION (EC) No 1344/2002

of 24 July 2002

determining the extent to which applications submitted in July 2002 for import licences for the tariff quota for beef and veal provided for in Council Regulation (EC) No 2475/2000 for the Republic of Slovenia can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2673/2000 of 6 December 2000 laying down detailed rules for the application of the tariff quota for beef and veal provided for in Council Regulation (EC) No 2475/2000 for the Republic of Slovenia [1], and in particular Article 4(4) thereof,

Whereas:

Article 2(1) of Regulation (EC) No 2673/2000 fixes the quantity of fresh or chilled beef and veal originating in Slovenia which may be imported under special conditions from 1 July to 31 December 2002. The quantity of meat for which import licences have been submitted is such that applications may be granted in full,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences shall be granted for the full quantities covered by applications submitted for the quota referred to in Regulation (EC) No 2673/2000 for the period 1 July to 31 December 2002.

Article 2

This Regulation shall enter into force on 25 July 2002.

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

Done at Brussels, 24 July 2002.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

[1] OJ L 306, 7.12.2000, p. 19.

COMMISSION REGULATION (EC) No 1345/2002

of 24 July 2002

amending, for the second time, Council Regulation (EC) No 310/2002 concerning certain restrictive measures in respect of Zimbabwe

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 310/2002 of 18 February 2002 concerning certain restrictive measures in respect of Zimbabwe [1], as last amended by Commission Regulation (EC) No 1224/2002 of 8 July 2002 [2], and in particular Article 8 thereof,

Whereas:

(1) Article 8 of Regulation (EC) No 310/2002 empowers the Commission to amend Annex I to that Regulation on the basis of decisions in respect of the Annex of Common Position 2002/145/CFSP [3].

(2) Annex I to Regulation (EC) No 310/2002 lists the persons, entities and bodies covered by the freezing of funds and economic resources under that Regulation.

(3) On 22 July 2002, the Council has decided to amend the Annex of Common Position 2002/145/CFSP and, therefore, Annex I should be amended accordingly.

(4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I of Regulation (EC) No 310/2002 shall be replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 24 July 2002.

For the Commission
Christopher PATTEN
Member of the Commission

[1] OJ L 50, 21.2.2002, p. 4.
[2] OJ L 179, 9.7.2002, p. 10.
[3] OJ L 50, 21.2.2002, p. 1.

ANNEX

List of persons, entities and bodies referred to in Article 2 of Regulation (EC) No 310/2002

1. Mugabe, Robert Gabriel	President, born 21.2.1924, Kutama
2. Utete, Charles	Cabinet Secretary, born 30.10.1938
3. Mnangagwa, Emmerson	Parliamentary Speaker, born 15.9.1946
4. Nkomo, John	Home Affairs Minister, born 22.8.1934
5. Goche, Nicholas	Security Minister, born 1.8.1946
6. Manyika, Elliot	Youth Minister, born 30.7.1955
7. Moyo, Jonathan	Information Minister, born 12.1.1957
8. Charamba, George	Information Minister's Permanent Secretary and Spokesman
9. Chinamasa, Patrick	Justice Minister, born 25.1.1947
10. Made, Joseph	Agricultural Minister, born 21.11.1954
11. Chombo, Ignatius	Local Govt Minister, born 1.8.1952
12. Mudenge, Stan	Foreign Minister, born 17.12.1941, Zimutu Reserve
13. Chiwewe, Willard	Ministry of Foreign Affairs Senior Secretary, born 19.3.1949
14. Zvinavashe, Vitalis	General (CDS), born 1943
15. Chiwenga, Constantine	Lt Gen (Army), born 25.8.1956
16. Shiri, Perence	Air Marshal (Air Force), born 1.11.1955
17. Chihuri, Augustine	Commissioner (Police), born 10.3.1953
18. Muzonzini, Elisha	Brig. (Intelligence), born 24.6.1957
19. Zimonte, Paradzai	Prisons chief
20. Sekeramayi, Sidney	Defence Minister, born 30.3.1944
21. Muzenda, Simon Vengesai	Vice President, born 28.10.1922
22. Msika, Joseph	Vice President, born 6.12.1923
23. Makoni, Simbarashe	Minister of Finance, born 22.3.1950
24. Murerwa, Herbert	Minister for Industry and International Trade, born 31.7.1941
25. Mujuru, Joyce	Minister for Rural Resources and Water, born 15.4.1955
26. Moyo, July	Public Service, Labour and Social Welfare Minister, born 7.5.1950
27. Chigwedere, Aeneas	Education, Sports and Culture Minister, born 25.11.1939
28. Stamps, Timothy	Health and Child Welfare Minister, born 15.10.1936
29. Mobeshora, Swithun	Transport and Communications Minister, born 20.8.1945
30. Chindori-Chininga, Edward	Mines and Energy Minister, born 14.3.1955
31. Nhema, Francis	Environment and Tourism Minister, born 17.4.1959
32. Mumbengegwi, Samuel	Higher Education and Technology Minister, born 23.10.1942
33. Nyoni, Sithembiso	Minister of State, Informal Sector, born 20.9.1949
34. Muchena, Olivia	Minister of State in Vice-President Msika's Office, born 18.8.1946
35. Buka, Flora	Minister of State in Vice President Muzenda's Office, born 25.2.1968
36. Dabengwa, Dumiso	Senior Committee Member, born 1939
37. Mujuru, Solomon	Senior Committee Member, born 1949
38. Nkomo, Stephen	Senior Committee Member, born 1925
39. Mugabe, Sabina	Senior Committee Member, born 14.10.1934
40. Muzenda, Tsitsi	Senior Committee Member
41. Karimanzira, David	Secretary for Finance, born 25.5.1947
42. Mutasa, Didymus	Secretary for External Relations, born 27.7.1935
43. Shamuyarira, Nathan	Secretary for Information and Publicity, born 29.9.1928
44. Tungamirai, Josiah	Secretary for Employment and Indigenisation, born 8.10.1948

45. Ndlovu, Naison	Secretary for Production and Labour, born 22.10.1930
46. Hove, Richard	Secretary for Economic Affairs, born 1935
47. Muchinguri, Oppah	Secretary for Gender and Culture, born 14.12.1958
48. Masuku, Angeline	Secretary for Disabled and Disadvantaged Person's Welfare
49. Sikhosana Absolom	Secretary for Youth Affairs
50. Lesabe, Thenjiwe	Secretary for Women's Affairs, born 1933
51. Chikowore, Enos	Secretary for Land and Resettlement, born 1936
52. Kuruneri, Christopher	Deputy Minister, Finance and Economic Development, born 4.4.1949
53. Ncube, Abedinico	Deputy Minister, Foreign Affairs, born 13.10.1954
54. Mohadi, Kembo	Deputy Minster of Local Government, Public Works and National Housing, born 15.11.1949
55. Shumba, Isaiah	Deputy Minister, Education, Sports and Culture, born 3.1.1949
56. Parirenyatwa, David	Deputy Minister, Health and Child Welfare, born 2.8.1950
57. Mangwana, Paul	Deputy Minister, Justice, Legal and Parliamentary Affairs, born 10.8.1961
58. Mushohwe, Christopher	Deputy Minister, Transport and Communications, born 6.2.1954
59. Mahofa, Shuvai	Deputy Minister for Youth Development, Gender and Employment Creation, born 4.4.1941
60. Gumbo, Rugare	Deputy Minister, Home Affairs, born 8.3.1940
61. Mangwende, Witness	Deputy-Secretary for Administration, born 1946
62. Tawengwa, Solomon	Deputy-Secretary for Finance
63. Ndlovu, Sikhanyiso	Deputy-Secretary for Commissariat, born 20.9.1949
64. Mpofu, Obert	Deputy-Secretary for National Security, born 12.10.1951
65. Moyo, Simon Khaya	Deputy-Secretary for Legal Affairs, born 1945
66. Malinga, Joshua	Deputy-Secretary for Disabled and Disadvantaged
67. Madzongwe, Edna	Deputy-Secretary for Production and Labour, born 11.7.1943
68. Sakupwanya, Stanley	Deputy-Secretary for Health and Child welfare
69. Pote, S M	Deputy-Secretary for Gender and Culture
70. Kasukuwere, Saviour	Deputy-Secretary for Youth Affairs, born 23.10.1970
71. Mathuthu, T	Deputy-Secretary for Transport and Social Welfare
72. Mugabe, Grace	Spouse of Robert Mugabe, born 23.7.1965

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 January 2002

on the aid scheme which France is planning to implement for the start-up of new short sea shipping services

(notified under document number C(2002) 372)

(Only the French text is authentic)

(Text with EEA relevance)

(2002/610/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments pursuant to the abovementioned articles and having regard to their comments,

Whereas:

I. PROCEDURE

(1) By letter dated 13 October 2000, the French authorities notified the Commission of a planned aid scheme to facilitate the start-up of new short sea shipping services.

(2) By letter dated 22 December 2000, the Commission informed France of its decision to initiate the procedure laid down in Article 88(2) of the EC Treaty in respect of the operating aid to cover the costs of running new services. By the same letter, the Commission informed France that it had decided to raise no objections to the financing of preliminary feasibility studies.

(3) The Commission decision to initiate the procedure was published in the *Official Journal of the European Communities* [1]. The Commission invited interested parties to submit their comments on the measure.

(4) The Commission received comments from interested parties. It forwarded them to France, which was given an opportunity to react, and received comments from France by letter dated 3 August 2001.

II. DETAILED DESCRIPTION OF THE AID

(5) The objective of the scheme which the Commission decided to review is to alleviate the financial difficulties inherent in starting up new short sea shipping services.

(6) The aid is to be paid for a maximum of three years and is to be limited to 30 % of the eligible expenditure, with a ceiling in absolute figures of EUR 1 million in the first year, two-thirds of the amount granted in the second year and one third of this amount in the third year.

(7) Aid may be granted only to projects involving several players in the transport chain and shippers. The projects funded must concern the creation of a new service either (a) between French ports or (b) between a French port and a port in another Member State.

[1] OJ C 37, 3.2.2001, p. 16.

(8) The eligible costs correspond to the expenditure eligible under Council Regulation (EC) No 2196/98 of 1 October 1998 concerning the granting of Community financial assistance for actions of an innovative nature to promote combined transport ([1]), that is to say:

(a) the cost of hiring, leasing or amortisation of combinations of vehicles (lorries, trailers, semi-trailers, swap bodies or containers of 20 feet or more);

(b) the cost of hiring, leasing or amortisation of rolling stock (including locomotives) and inland waterway and seagoing vessels subject, in the case of inland waterway vessels, to compliance with the specific rules on structural improvements to inland waterway transport;

(c) investment expenditure or the cost of hiring, leasing or amortisation of installations permitting transhipment between railways, inland waterways, shipping routes and roads;

(d) the cost of using rail, inland waterway and maritime infrastructures, with the exception of harbour dues and transhipment costs;

(e) expenditure relating to the commercial operation of techniques, technologies or equipment previously tested and approved, in particular transport information technology;

(f) the cost of measures related to staff training and the dissemination of project results, as well as expenses for information and communication action to make new transport services known.

Expenditure and/or costs under (a), (b), (c) and (e) are eligible provided the beneficiaries undertake to keep the equipment on the route concerned.

Grounds for initiating the procedure

(9) In its decision initiating the procedure, the Commission expressed reservations as to whether the implementing arrangements guarantee that the operating aid is both necessary and strictly proportionate to the set objective. The Commission expressed doubts about the following points in particular:

(a) the planned aid measures must contribute to reducing the share of road traffic by integrating short sea shipping in the intermodal chain of door-to-door transport services. By contrast, they must not result in diversion of traffic flows between neighbouring ports, or between transport modes which also have a positive role to play in the framework of a sustainable mobility policy, such as the railways or inland waterway transport;

(b) in order to ensure the financial transparency of the aid scheme, to facilitate monitoring and to avoid the risk of cross-subsidies, the Commission decision initiating the procedure stressed that the legal entity receiving the aid must have a separate accounting system so that the financial flows for funding the projects selected can be clearly identified;

(c) the Commission also stressed that the criteria which the French authorities intended to apply in order to select the projects to be funded had not been specified sufficiently clearly. In this connection, the Commission considered that only projects which would be viable in the long term and likely to make a real contribution to the development of short sea shipping should be selected to receive operating aid. The arrangements must also guarantee that there would be no discrimination on grounds of nationality between any operators in the transport chain and shippers;

(d) the Commission also stated that, as the aim of the aid is exclusively to facilitate the start-up of short sea shipping services which will be commercially viable in the long term, it considered that, in principle, such aid should not be granted in addition to financial compensation for public service obligations imposed on the same services.

III. **COMMENTS FROM INTERESTED PARTIES**

(10) Following publication of the decision to initiate the procedure, several interested parties (shipping operators and port authorities) submitted their comments to the Commission. In essence, they shared the Commission's doubts and stressed the need to avoid the danger that, instead of leading to a reduction in the share of road traffic and a corresponding increase in the share carried by sea, the opening of new short sea shipping services could divert traffic away from the existing shipping services run by other operators from other ports and to the new services receiving the aid. Some interested parties expressed concern that the aid must be kept to a reasonable level, particularly when the national aid was combined with Community support for pilot actions for combined transport (PACT). The importance of establishing a clear, transparent procedure at national level for selecting the projects to receive aid was also stressed to take account, in particular, of the impact of the aid on the relevant market.

([1]) OJ L 277, 14.10.1998, p. 1.

IV. COMMENTS FROM FRANCE

(11) The French authorities stressed their intention to implement the scheme in a transparent, non-discriminatory manner, taking care not to support projects which could distort competition against other alternative modes to road transport. By contrast, they were against making the start-up of a new service conditional on prior agreement by the public authorities concerned and the operators already on the market. As regards the level of aid, the French authorities accepted that in cases where the operating aid is combined with other Community aid schemes, the ceiling of 30 % of eligible expenditure will apply to the combined total of national plus Community aid.

V. ASSESSMENT OF THE AID

(12) The measures in question constitute aid covered by Article 87(1) of the Treaty. They are funded from State resources and benefit individual undertakings by cutting the costs which they would normally have to bear. Since the undertakings are operators on the market in short sea shipping, which is an international economic activity open to competition from other operators in the Community, it can be assumed that this case meets the criterion of affecting trade between Member States.

(13) Paragraphs 2 and 3 of Article 87 allow certain exemptions from the prohibition in paragraph 1 of the same Article. The Commission considers that none of the exemptions listed in paragraph 2 applies to the aid scheme in question. Since its objective is to facilitate the development of short sea shipping, the Commission considers that its compatibility with the common market must be assessed in the light of the exemption allowed by paragraph 3(c).

(14) The Community guidelines on State aid to maritime transport [1] specify which aid programmes may be set up to support the Community's maritime interests. In particular, point 2.2 states that, besides the objectives of safeguarding Community employment, preserving maritime know-how in the Community and improving safety, further objectives of the common transport policy may also be taken into account, such as the construction of a Community framework for sustainable mobility and, as part of this, the promotion of short sea shipping and the development of its full potential.

(15) In its communication on the development of short sea shipping [2], the Commission stressed the contribution which this mode of transport could make towards promoting sustainable, safe mobility, strengthening cohesion within the Union and increasing the efficiency of transport, taking an intermodal approach. It also recognised that short sea shipping must be promoted at all levels, whether Community, national or regional.

(16) The Commission has supported a large number of projects on short sea shipping both under the fourth framework programme for research and development activities or PACT and also under the MEDA accompanying financial and technical measures or from the European Regional Development Fund (ERDF). However, the main obstacle to development of this mode of transport is the high cost of starting up new services.

(17) The aid scheme proposed fits into this context. The objective is, with the aid of a national programme, to supplement the Community aid from PACT in order to finance additional projects, some of which would not be eligible for Community support because only national operators are taking part.

(18) However, in order to qualify for exemption under Article 87(3)(c), these measures must be strictly proportional to the objective set and must have no negative effect on trading conditions to an extent which is not compatible with the common interest. The Commission also notes that these measures constitute operating aid which, in principle, is incompatible with the Treaty [3]. Such aid can be authorised only in exceptional cases, in accordance with the Community guidelines on State aid for environmental protection [4], the guidelines on regional aid [5] and the Community guidelines for State aid in the agriculture sector [6].

(19) In the case in point, if the Commission finds that the objective of the aid proposed fits in with its policy to promote short sea shipping it must nevertheless make sure that the arrangements will lead to no distortion of competition which is incompatible with the common interest.

(20) In the light of the grounds for initiating the procedure and of the comments from interested parties, the Commission has found as follows.

[1] OJ C 205, 5.7.1997, p. 5.

[2] COM(1999) 317 final.

[3] See, in particular, the decisions to initiate the procedure provided for by Article 93(2) of the Treaty in cases C 2/97 (OJ C 93, 22.3.1997) and C 21/98 (OJ C 227, 28.8.1999).

[4] OJ C 72, 10.3.1994, p. 3.

[5] OJ C 74, 10.3.1998, p. 9.

[6] OJ C 28, 1.2.2000, p. 2.

(21) The French authorities have given an undertaking to support only projects which have been demonstrated — by a preliminary feasibility study in particular — to make an effective contribution to reducing the share of road traffic without diverting traffic away from other, more environmentally friendly modes of transport, such as the railways or inland waterways. Accordingly, priority will be given to selecting combined transport projects. In addition, the French authorities have made it clear that 'new' short sea shipping services means any service with a point of departure and point of destination differing from the existing services on the market in question. The Commission considers that these commitments, combined with the introduction of a transparent project selection procedure (see recital 23), avoid the danger that the objective set for the aid scheme proposed could lead to diversion of traffic incompatible with the common interest.

(22) In order to qualify for this aid, a separate legal entity will have to be formed between the partners involved in the service proposed. In practice, this separate legal entity will imply setting up a separate accounting system from those of the partners. The Commission considers that establishment of a separate entity set up solely for the purpose of qualifying for the measures in question will ensure the financial transparency of the aid scheme. According to the information submitted by the French authorities, separate accounts would have to be kept for any other economic activities conducted by the entity.

(23) The French authorities have also stated that the start-up aid for new short sea shipping services may not be combined with compensation for public service obligations granted for the same service. By contrast, the aid may be combined with Community support, particularly from the PACT programme or its successor, the future Marco Polo programme. However, in this case the French authorities have stated that the ceiling of 30 % of eligible expenditure will apply to the combined total of national plus Community aid. The Commission considers that application of the ceiling of 30 % of eligible expenditure in the event of combination of national and Community aid helps to limit the impact of the aid on competition in the sector.

(24) In the course of the review procedure, the French authorities gave details of the project selection procedure. They stated that the submission must contain the relevant details listed in Article 6(2) of Regulation (EC) No 2196/98, particularly:

— the identification of the project, of the applicants and of the beneficiary,

— the amount of financial assistance requested,

— the objectives of and reason for the project, customer potential, prices and service performance, expected receipts and return,

— the itemised costs by heading,

— the need for assistance and information on other sources of financing,

— the expected impact in terms of creating direct or indirect employment,

— the benefits to the environment and safety, compared with the existing situation.

(25) The French authorities also stated that applications for aid will include a feasibility study accompanied by a business plan demonstrating the viability of the project. The file will be submitted for endorsement to a selection panel under the auspices of the Ministry for Transport and made up, alongside representatives of the Ministry, of one representative of the Intermodal and Combined Transport Bureau (which represents France in the PACT programme) plus one representative from the Ministry for Financial Affairs. The panel may also hear qualified experts acting in an advisory capacity.

(26) To ensure transparency and equal treatment of operators during the project selection procedure, the French authorities have given an undertaking to observe the following procedures:

(a) a call for expressions of interest will be published periodically (for example, at the beginning of each year) in the form of a notice in the *Official Journal of the European Communities* giving details of the arrangements for the aid scheme, the procedure to be followed and the selection criteria;

(b) In the case of projects between a port in France and a port in another Member State, a declaration of intent will be published in the *Official Journal of the European Communities* giving details of the objective of the project and of the aid ceiling proposed. This will invite interested parties to express their interest within 15 working days. If any interested party opposes the aid scheme, stating the reasons, the scheme will have to be notified to the Commission for prior authorisation.

(27) The Commission considers that the combined effect of the project selection procedure described in recital 24, which the French authorities have given an undertaking to put into place, and of the need for prior authorisation from the Commission in the event of opposition from any party affected by the launch of a new international service guarantees transparency and non-discrimination on grounds of nationality between operators in the transport chain.

(28) The Commission also notes that the aid is planned for a maximum of three years and is degressive. This duration corresponds to the maximum period for Community financing under the PACT programme. The Commission considers that the limited duration of the aid scheme, combined with the fact that it is degressive and the twofold ceiling, both in absolute figures and as a percentage of eligible expenditure, will limit the impact of the measures on competition in the sector.

VI. **CONCLUSION**

(29) In the light of the foregoing, the Commission concludes that the doubts as to the compatibility of the operating aid which France is planning to implement for the start-up of new short sea shipping services have been removed,

HAS ADOPTED THIS DECISION:

Article 1

The State aid which France is planning to implement for the start-up of new short sea shipping services is compatible with the common market within the meaning of Article 87(3)(c) of the Treaty.

Implementation of the aid is accordingly authorised.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 30 January 2002.

For the Commission
Loyola DE PALACIO
Vice-President

COMMISSION DECISION

of 12 July 2002

accepting an undertaking offered in connection with the anti-dumping and anti-subsidy proceedings concerning imports of sulphanilic acid originating in India

(2002/611/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

After consulting the Advisory Committee,

Whereas:

A. **PROCEDURE**

(1) By Regulation (EC) No 573/2002 [4] the Commission imposed a provisional countervailing duty on imports of sulphanilic acid originating in India. On the same day by Regulation (EC) No 575/2002 [5], the Commission also imposed a provisional anti-dumping duty on imports of the same product originating in India and in the People's Republic of China.

(2) Following the adoption of the provisional countervailing measures, the Commission continued its investigation of subsidisation, injury and Community interest. The definitive findings and conclusions of this investigation are set out in Council Regulation (EC) No 1338/2002 of 22 July 2002 imposing a definitive countervailing duty and collecting definitively the provisional countervailing duty imposed on imports of sulphanilic acid originating in India [6].

(3) Similarly, following the adoption of the provisional anti-dumping measures, the Commission continued its investigation of dumping, injury and Community interest. The definitive findings and conclusions of this investigation are set out in Council Regulation (EC) No 1339/2002 of 22 July 2002 imposing a definitive anti-dumping duty and collecting definitively the provisional anti-dumping duty imposed on imports of sulphanilic acid originating in India and the People's Republic of China [7].

(4) The investigations confirmed both the provisional findings of injurious subsidisation relating to imports originating in India and the provisional findings of injurious dumping relating to imports originating in India and the People's Republic of China.

B. **UNDERTAKINGS**

(5) Subsequent to the adoption of provisional anti-dumping and countervailing measures, the sole cooperating exporting producer in India ('the Company'), offered a price undertaking in accordance with Article 8(1) of Regulation (EC) No 384/96 ('basic anti-dumping Regulation') and Article 13(1) of Regulation (EC) No 2026/97 ('basic anti-subsidy Regulation'). By doing so, it has agreed to sell the product concerned at or above price levels, which would have the effect of eliminating the injurious effects of subsidisation and dumping.

(6) The Company will also provide the Commission with regular and detailed information concerning its exports to the Community, meaning that the undertaking can be monitored effectively by the Commission. Furthermore, the sales structure of the Company is such that the Commission considers that the risk of circumventing the agreed undertaking is limited.

(7) In view of the above, the offer of an undertaking is considered acceptable and the company concerned has been informed of the essential facts, considerations and obligations upon which acceptance is based.

(8) In order to ensure the effective monitoring and respect of the undertaking, when the request for release for free circulation pursuant to the undertaking is presented to the relevant customs authority, exemption from duties shall be conditional upon the presentation of a commercial invoice containing the information listed in the Annex to Regulations (EC) No 1338/2002 and (EC) No 1339/2002 which is necessary for customs authorities. Where no such invoice is presented, or when it does not correspond to the product concerned presented to customs, the appropriate rate of countervailing duty and anti-dumping duty shall instead be payable in order to ensure the effective application of the undertaking.

[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 87, 4.4.2002, p. 5.
[5] OJ L 87, 4.4.2002, p. 28.
[6] See page 1 of this Official Journal.
[7] See page 11 of this Official Journal.

(9) It should be noted that in the event of a breach or withdrawal of the undertaking or a suspected breach, a countervailing duty and an anti-dumping duty may be imposed pursuant to Article 13(9) and (10) of the basic anti-subsidy Regulation and Article 8(9) and (10) of the basic anti-dumping Regulation respectively,

HAS DECIDED AS FOLLOWS:

Article 1

The undertaking offered by the producer mentioned below, in the framework of the anti-subsidy proceeding concerning imports of sulphanilic acid originating in India and in the framework of the anti-dumping proceeding concerning imports of the same product originating in India and the People's Republic of China, is hereby accepted.

Country	Company	TARIC additional code
India	Kokan Synthetics & Chemicals Pvt Ltd, 14 Guruprasad, Gokhale Road (N), Dadar (W), Mumbai 400 028, India	A398

Article 2

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

Done at Brussels, 12 July 2002.

For the Commission

Pascal LAMY

Member of the Commission

COMMISSION DECISION

of 16 April 2002

on the allocation of quantities of controlled substances allowed for essential uses in the Community in 2002 under Regulation (EC) No 2037/2000 of the European Parliament and of the Council

(notified under document number C(2002) 1410)

(Only the Danish, Dutch, English, Finnish, French, German, Italian, Portuguese, Spanish and Swedish texts are authentic)

(Text with EEA relevance)

(2002/612/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer [1], as last amended by Regulation (EC) No 2039/2000 [2], and in particular to Articles 3 and 7 thereof;

Whereas:

(1) The Community has already phased out the production and consumption of chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane and hydrobromofluorocarbons.

(2) Each year the Commission has to determine what the essential uses of these controlled substances are, the quantities that may be used and the companies that may use them.

(3) Decision IV/25 of the Parties to the Montreal Protocol on substances that deplete the ozone layer, hereinafter 'Montreal Protocol', sets out the criteria used by the Commission for determining any essential uses.

(4) Decision XII/9 of the Parties to the Montreal Protocol authorises the levels of production and consumption necessary to satisfy essential uses of controlled substances for metered dose inhalers (MDIs) for the treatment of asthma and chronic obstructive pulmonary disease (COPD).

(5) Decision X/19 of the Parties to the Montreal Protocol authorises the production and consumption necessary to satisfy essential uses of controlled substances for laboratory and analytical uses as listed in Annex IV to the report of the seventh meeting of the Parties, subject to the conditions set out in Annex II to the report of the sixth meeting of the Parties, Decision VII/11 and Decision XI/15 of the Parties to the Montreal Protocol.

(6) Decision VIII/9 of the Parties to the Montreal Protocol allows the Secretariat to authorise, in an emergency situation, consumption of quantities not exceeding 20 tonnes of ozone-depleting substances (ODS) for essential uses on application by a Party, and the Community applied for such an emergency use to be allowed for oil-in-water testing in 2002.

(7) The Commission has published a notice [3] to those companies in the Community that intend to use controlled substances for essential uses in the Community in 2002, and has received declarations on intended essential uses of controlled substances in 2002.

(8) To meet the need for controlled substances for essential uses, production may be authorised in accordance with Article 3(5) of Regulation (EC) No 2037/2000 or an import may be licensed in accordance with Article 6 of that Regulation.

(9) The measures provided for in this Decision are in accordance with the opinion of the Committee established pursuant to Article 18 of Regulation (EC) No 2037/2000,

HAS ADOPTED THIS DECISION:

Article 1

1. The quantity of controlled substances of group I (chlorofluorocarbons 11, 12, 113, 114 and 115) subject to Regulation (EC) No 2037/2000 which may be used for essential medical uses in the Community in 2002 shall be 2 558 948,00 ODP (ozone depletion potential) weighted kilograms.

2. The quantity of controlled substances of group I (chlorofluorocarbons 11, 12, 113, 114 and 115) and group II (other fully halogenated chlorofluorocarbons) subject to Regulation (EC) No 2037/2000 which may be used for essential laboratory uses in the Community in 2002 shall be 135 971,59 ODP weighted kilograms.

[1] OJ L 244, 29.9.2000, p. 1.
[2] OJ L 244, 29.9.2000, p. 26.
[3] OJ C 205, 21.7.2001, p. 2.

3. The quantity of controlled substances of group III (halons) subject to Regulation (EC) No 2037/2000 that may be used for essential laboratory use in the Community in 2002 shall be 3 758,70 ODP weighted kilograms.

4. The quantity of controlled substances of group IV (carbon tetrachloride) subject to Regulation (EC) No 2037/2000 that may be used for essential laboratory uses in the Community in 2002 shall be 151 668,50 ODP weighted kilograms.

5. The quantity of controlled substances of group V (1,1,1-trichloroethane) subject to Regulation (EC) No 2037/2000 that may be used for essential laboratory uses in the Community in 2002 shall be 641,18 ODP weighted kilograms.

6. The quantity of controlled substances of group VII (hydrobromofluorocarbons) subject to Regulation (EC) No 2037/2000 that may be used for essential laboratory uses in the Community in 2002 shall be 4,53 ODP weighted kilograms.

7. The quantity of controlled substances of groups I and IV subject to Regulation (EC) No 2037/2000 that may be used for oil-in-water testing in the Community in 2002 shall be 11 927,50 ODP weighted kilograms of CFC 113 and 4 502,50 ODP weighted kilograms of carbon tetrachloride.

Article 2

During the period 1 January to 31 December 2002 the following rules shall apply:

1. the allocation of essential medical use quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 shall be to the companies indicated in Annex I;

2. the allocation of essential laboratory use quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons shall be to the companies indicated in Annex II;

3. the allocation of essential laboratory use quotas for halons shall be to the companies indicated in Annex III;

4. the allocation of essential laboratory use quotas for carbon tetrachloride shall be to the companies indicated in Annex IV;

5. the allocation of essential laboratory use quotas for 1,1,1-trichloroethane shall be to the companies indicated in Annex V;

6. the allocation of essential laboratory use quotas for hydrobromofluorocarbons shall be to the companies indicated in Annex VI;

7. the allocation of essential laboratory use quotas for CFC 113 and carbon tetrachloride for oil-in-water testing shall be to the companies indicated in Annex VII;

8. the essential use quotas for chlorofluorocarbons 11, 12, 113, 114 and 115, other fully halogenated chlorofluorocarbons, carbon tetrachloride, 1,1,1-trichloroethane and hydrobromofluorocarbons shall be as set out in Annex VIII.

Article 3

This Decision is addressed to:

3M Health Care Ltd
3M House
Morley Street
LE11 1EP
Loughborough
United Kingdom

Bespak plc
North Lynn Industrial Estate
King's Lynn
Norfolk
PE30 2JJ
United Kingdom

Boehringer Ingelheim GmbH
Binger Straße 173
D-55216 Ingelheim am Rhein

Chiesi Farmaceutici SpA
Via Palermo, 26/A
I-43100 Parma

GlaxoSmithKline
Speke Boulevard
Speke
Liverpool
L24 9JD
United Kingdom

IG Sprühtechnik GmbH
Im Hemmet 1
D-79664 Wehr

IVAX Ltd
Unit 301 Industrial Park
Waterford
Ireland

Jaba Farmacêutica SA
Rua da Tapada Grande n.º 2
P-Abrunheira, 2710-089, Sintra

Laboratorio Aldo Unión SA
Baronessa de Maldá 73
Esplugues de Llobregat
E-08950 Barcelona

Laboratorios Lesvi SA
Apartado de Correos, 65
E-08740 Sant Andreu de la Barca (Barcelona)

Laboratorios Vita SA
Avinguda Barcelona 69
E-08970 Sant Joan Despí

MIZA Pharmaceuticals Ltd
Astmoor Industrial Estate
9 Arkwright Road
Runcorn WA7 1NU
United Kingdom

Schering-Plough Labo NV
Industriepark 30
B-2220 Heist-op-den-Berg

SICOR SpA
Via Terrazzano, 77
I-20017
Rho (MI)

Valeas SpA Pharmaceuticals
Via Vallisneri, 10
I-20133 Milano

Valois SA
50, avenue de l'Europe
F-78160 Marly Le Roi

Valvole Aerosol Research Italiana (VARI) SpA
LINDAL Group Italia
Via del Pino, 10
I-23854 Olginate (LC)

Acros Organics bvba
Janssen Pharmaceuticalaan 3a
B-2440 Geel

Agfa-Gevaert NV
Septestraat 27
B-2640 Mortsel

Atofina SA
Cours Michelet — La Défense 10
F-92091 Paris La Défense

Airbus France
316, route de Bayonne
F-31300 Toulouse

Bie & Bertsen
Sanbækvej 7
DK-2610 Rødovre

Biosolove BV
Waalreseweg 17
5554 HA Valkenswaard
Nederland

Butterworth Laboratories Ltd
54 Waldegrave Road,
Teddington
TW11 8NY
United Kingdom

Carl Roth GmbH
Schoemperlenstraße 1-5
D-76231 Karlsruhe

Carlo Erba Réactifs
Parc d'Activités des Portes
Ch. du Vexin,
BP 616
F-27106 Val de Reuil Cedex

Codif International
61, rue du Commandant-l'Herminier
Rothéneuf
F-35404 Saint-Malo Cedex

Dow Benelux BV
Herbert H. Dowweg
4530 AA Terneuzen
Nederland

Fisher Scientific GmbH
Im Heiligen Feld 17
D-58239 Schwerte

Fisher Scientific
Bishop Meadow Road
Loughborough
LE11 5RG
United Kingdom

Honeywell Specialty Chemicals
Wunstorfer Straße 40
Postfach 100262
D-30918 Seelze

Ineos Fluor Ltd
PO Box 13, The Heath
WA7 4QF Runcorn
United Kingdom

Katholieke Universiteit Leuven
Krakenstraat 3
B-3000 Leuven

Laboratoires sérobiologiques
3, rue de Seichamps
F-54425 Pulnoy

Mallinckrodt Baker BV
Rijsterborgherweg 20
7412 VA Deventer
Nederland

Merck Eurolab
201, rue Carnot
F-94126 Fontenay-sous-bois

Merck KgaA
Frankfurter Straße 250
D-64271 Darmstadt

Panreac Quimica SA
Riera de Sant Cugat 1
E-08110 Montcada i Reixac (Barcelona)

Promochem GmbH
Mercatorstraße 51
D-46485 Wesel

Rathburn Chemicals Mfg Ltd
Caberston Road
Walkerburn
EH43 6AS
United Kingdom

SDS Solvants, Documentation, Synthèses SA
Z.I. de Valdonn,
BP 4
F-13124 Peypin

Sigma Aldrich Chemie GmbH
Riedstraße 2
D-89555 Steinheim

Sigma Aldrich Chimie SARL
80, rue de Luzais, L'isle d'abeau Chesnes
F-38297 Saint-Quentin-Fallavier

Sigma Aldrich Company Ltd
The Old Brickyard
New Road
Gillingham
SP8 4XT
United Kingdom

Sigma Aldrich Laborchemikalien
Wunstorfer Straße 40
Postfach 100262
D-30918 Seelze

YA Kemia Oy
Teerisuonkuja 4
FIN-00700 Helsinki

Done at Brussels, 16 April 2002.

For the Commission
Margot WALLSTRÖM
Member of the Commission

ANNEX I

ESSENTIAL MEDICAL USES

Quota of controlled substances of Group I that may be used in the production of metered dose inhalers (MDIs) for the treatment of asthma and other chronic obstructive pulmonary diseases (COPDs) are allocated to:

3M (UK)
Bespak (UK)
Boehringer Ingelheim (D)
Chiesi (I)
Glaxo Smith Kline (UK)
IG Sprühtechnik (D)
IVAX (IRL)
Jaba Farmacêutica (P)
Laboratorios Lesvi (E)
Laboratorios Vita (E)
Laboratorio Aldo-Unión (E)
Miza Pharmaceuticals (UK)
Schering-Plough (B)
Sicor (I)
V.A.R.I. (I)
Valeas (I)
Valois (F)

ANNEX II

ESSENTIAL LABORATORY USES

Quota of controlled substances of Group I and II that may be used for laboratory and analytical uses are allocated to:

Agfa-Gevaert (B)
Atofina (F)
Bie & Berntsen (DK)
Biosolve (NL)
Carl Roth (D)
Carlo Erba Réactifs (F)
Dow Benelux (NL)
Fisher Scientific (D)
Fisher Scientific (UK)
Honeywell Specialty Chemicals (D)
Ineos Fluor (UK)
Katholieke Universiteit Leuven (B)
Merck Eurolab (F)
Merck (D)
Panreac Química (E)
Promochem (D)
Rathburn Chemicals (UK)
SDS Solvants (F)
Sigma Aldrich Chemie (D)
Sigma Aldrich Chimie (F)
Sigma Aldrich Company (UK)
YA Kemia Oy (FIN)

ANNEX III

ESSENTIAL LABORATORY USES

Quota of controlled substances of Group III that may be used for laboratory and analytical uses are allocated to:

Airbus (F)
Butterworth Laboratories (UK)
Ineos Fluor (UK)
Sigma Aldrich Company (UK)

ANNEX IV

ESSENTIAL LABORATORY USES

Quota of controlled substances of Group IV that may be used for laboratory and analytical uses are allocated to:

Acros Organics (B)
Agfa-Gevaert (B)
Bie & Berntsen (DK)
Biosolve (NL)
Carlo Erba Réactifs (F)
Codif International (F)
Dow Benelux (NL)
Fisher Scientific (UK)
Katholieke Universiteit Leuven (B)
Laboratoires Sérologiques (F)
Mallinckrodt Baker (NL)
Merck Eurolab (F)
Merck (D)
Panreac Química (E)
Rathburn Chemicals (UK)
SDS Solvants (F)
Sigma Aldrich Chemie (D)
Sigma Aldrich Chimie (F)
Sigma Aldrich Company (UK)
Sigma Aldrich Laborchemikalien (D)
YA Kemia Oy (FIN)

ANNEX V

ESSENTIAL LABORATORY USES

Quota of controlled substances of Group V that may be used for laboratory and analytical uses are allocated to:

Acros Organics (B)
Agfa-Gevaert (B)
Bie & Berntsen (DK)
Dow Benelux (NL)
Katholieke Universiteit Leuven (B)
Mallinckrodt Baker (NL)
Merck (D)
Panreac Química (E)
Rathburn Chemicals (UK)
Sigma Aldrich Chemie (D)
Sigma Aldrich Chimie (F)
Sigma Aldrich Company (UK)

ANNEX VI

ESSENTIAL LABORATORY USES

Quota of controlled substances of Group VII that may be used for laboratory and analytical uses are allocated to:

Ineos Fluor (UK)
Sigma Aldrich Chimie (F)
Sigma Aldrich Company (UK)

ANNEX VII

EMERGENCY ESSENTIAL LABORATORY USE

Quota of controlled substances CFC 113 and carbon tetrachloride that may be imported for the temporarily exempted use of oil-in-water testing are allocated to:

Bie & Berntsen (DK)	Honeywell Specialty Chemicals (D)
Biosolve (NL)	Mallinckrodt Baker (NL)
Carlo Erba Réactifs (F)	Merck (D)
Carl Roth (D)	Promochem (D)
Fisher Scientific (D)	Rathburn Chemicals (UK)

16 430 ODP weighted kilograms of controlled substances may be imported for oil-in-water testing for use by laboratories in Denmark, Finland, the Netherlands, Spain and Sweden. No Member State may authorise production of ozone depleting substances for oil-in-water testing. Laboratories and suppliers cannot supply ozone depleting substances from stocks for oil-in-water testing.

The importers listed in Annex VII shall not supply the controlled substances imported for the exempted use to users in Austria, Belgium, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal and the United Kingdom from 1 January 2002.

Enterprises using ozone depleting substances for oil-in-water testing in Austria, Belgium, France, Germany, Greece, Ireland, Italy, Luxembourg, Portugal and the United Kingdom from 1 January 2002 will be in non-compliance with Regulation No (EC) 2037/00.

COMMISSION DECISION

of 19 July 2002

laying down the importation conditions of semen of domestic animals of the porcine species

(notified under document number C(2002) 2676)

(Text with EEA relevance)

(2002/613/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/429/EEC [1] of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species, as last amended by Commission Decision 2000/39/EC [2], and in particular Article 7(1), Article 9(2) and (3) and Article 10(2) thereof,

Whereas:

(1) Commission Decision 93/160/EEC [3], as last amended by Decision 1999/150/EC [4], lays down the list of third countries from which porcine semen may be imported.

(2) Commission Decision 93/199/EEC [5], as last amended by Decision 94/667/EC [6] lays down animal health conditions and veterinary certification for the importation of porcine semen from third countries.

(3) Commission Decision 95/94/EC [7], as last amended by Decision 2001/727/EC [8], lays down the list of semen collection centres officially approved for the export to the Community.

(4) Cyprus should be added to the list of third countries from which imports are authorised by Decision 93/160/EEC, following Commission missions and in the light of the situation achieved with regard to animal health in this country.

(5) The competent veterinary services of Cyprus, Switzerland, Canada and Hungary have forwarded requests for addition to the list of centres officially approved in their territories for the export of semen of domestic animals of the porcine species to the Community, established by Commission Decision 95/94/EC.

(6) Guarantees regarding compliance with the requirements specified in Article 8 of Directive 90/429/EEC have been provided to the Commission by the competent veterinary services of the countries concerned, and the collection centres concerned have been officially approved for exports to the Community.

(7) The model of the animal health certificate provided for in Commission Decision 93/199/EEC, needs to be adapted to take into account the animal health situation in each third country and the amendments of Directive 90/429/EEC.

(8) It is more convenient to gather, in the same document, all the information relating to the importation of porcine semen (list of third countries authorised, veterinary requirements applying to importations and list of semen collection centres approved in those third countries), and to repeal Decisions 93/160/EEC, 93/199/EEC and 95/94/EC accordingly.

(9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall authorise the importation from third countries listed in Annex I of porcine semen conforming to the conditions laid down in the model veterinary certificate in Annex III, and collected in the approved semen collection centres listed in Annex V.

2. Member States shall authorise the importation from third countries listed in Annex II of porcine semen conforming to the conditions laid down in the model veterinary certificate in Annex IV, and collected in the approved semen collection centres listed in Annex V.

[1] OJ L 224, 18.8.1990, p. 62.
[2] OJ L 13, 19.1.2000, p. 21.
[3] OJ L 67, 19.3.1993, p. 27.
[4] OJ L 49, 25.2.1999, p. 40.
[5] OJ L 86, 6.4.1993, p. 43.
[6] OJ L 260, 8.10.1994, p. 32.
[7] OJ L 73, 1.4.1995, p. 87.
[8] OJ L 273, 16.10.2001, p. 23.

Article 2

Member States may refuse admission of semen from collection centres where boars vaccinated against Aujeszky's disease are admitted, to their territory or to a region of their territory, when it has been recognised as free of Aujeszky's disease in accordance with Article 10 of Council Directive 64/432/EEC [1].

Article 3

Decisions 93/160/EEC, 93/199/EEC and 95/94/EC are repealed.

Article 4

Imports of semen certified according to the provisions and the model of certificate formerly in force shall be accepted for a period of maximum three months after the date of publication of this decision.

Article 5

This Decision shall apply as from the twentieth day following that of its publication in the *Official Journal of the European Communities*.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 19 July 2002.

For the Commission

David BYRNE

Member of the Commission

[1] OJ 121, 29.7.1964, p. 1977/64.

ANNEX I

Canada

New Zealand

United States of America

ANNEX II

Switzerland

Hungary

Cyprus

ANNEX III

(Canada, New Zealand, United States of America)

HEALTH CERTIFICATE (1) **FOR IMPORTS OF SEMEN OF DOMESTIC ANIMALS OF THE PORCINE SPECIES FROM THIRD COUNTRIES IN ACCORDANCE WITH DIRECTIVE 90/429/EEC**	
1. Country of origin and competent authority	2. Health certificate No
A. ORIGIN OF SEMEN	
3. **Approval number of the collection centre of origin of the consignment**	
4. Name and address of the collection centre of origin of the consignment	5. Name and address of the consignor
6. Country and place of loading	7. Means of transport
B. DESTINATION OF SEMEN	
8. Place and Member State of destination	9. Name and address of the consignee
C IDENTIFICATION OF SEMEN	
10. Number and code-mark (including seal number) of semen containers	
11. Identification mark of the doses (2)	12. Number of doses

D. HEALTH INFORMATION

13. Animal Health attestation

I, the undersigned official veterinarian, having read and being familiar with Directive 90/429/EEC as amended, hereby certify that

13.1. ..... (name of third country)

Either: has during the past 12 months been free of foot-and-mouth disease, classical swine fever, African swine fever, swine vesicular disease or porcine enteroviral encephalomyelitis (Teschen disease) and that no vaccinations have been carried out against any of these diseases during the past 12 months [3];

or: is recognised as free of foot-and-mouth disease without vaccination by the International Office of Epizootic Diseases and free of classical swine fever, African swine fever, swine vesicular disease and porcine enteroviral encephalomyelitis in accordance with the rules laid down in the International Animal health Code of the International Office of Epizootic Diseases [3].

13.2. The semen collection centre in which the semen in this consignment was collected:

(a) is approved for export to the Community by the veterinary services of ..... and fulfils the requirements of Annex A to Directive 90/429/EEC (conditions relating to the approval and supervision of semen collection centres);

(b) was situated in an area not restricted during the period commencing three months prior to the date of collection until the date of dispatch because of an outbreak of foot-and-mouth disease, classical swine fever, African swine fever, swine vesicular disease, porcine enteroviral encephalomyelitis (Teschen Disease) or vesicular stomatitis;

(c) was, during the period commencing 30 days prior to the date of collection of the semen to be exported until its date of dispatch, free from clinical signs of tuberculosis, brucellosis, Aujeszsky's disease, rabies;

(d) either contains only animals that have not been vaccinated against Aujeszky's disease and which have reacted negatively to the serum neutralisation or to the ELISA test using all the Aujeszky's disease viral antigens [3] or

is a centre in which some or all boars have been vaccinated against Aujeszky's disease using a gE deleted vaccine; such boars having been seronegative with regard to Aujeszky's disease before vaccination and subjected not sooner than three weeks later to a further serological examination which did not reveal the presence of antibodies induced by the disease virus [3].

Conditions applying to the admission of animals to approved semen collection centres

13.3. When they were admitted to the semen collection centre, all animals:

(a) were subjected to a period of quarantine of at least 30 days in accommodation specifically approved for the purpose by the competent authority, and where only animals having at least the same health status were present;

(b) prior to their entering the quarantine accommodation described in (a), were chosen from herds or holdings:

— which were free of brucellosis in accordance with the Article 3(5)(2)(l) of the International Animal Health Code,

— in which no animal vaccinated against foot-and-mouth disease was present in the preceding 12 months,

— in which no clinical, serological or virological evidence of Aujeszky's disease was detected in the preceding 12 months, and

— which were not situated in a restricted area defined under the provisions of the national legislation due to the emergence of a disease in domestic pigs (foot-and-mouth disease, classical swine fever, African swine fever, swine vesicular disease, porcine enteroviral encephalomyelitis, vesicular stomatitis or Aujeszky's disease).

The animals were not previously kept in any herd of a lower status;

(c) before the period of quarantine specified in (a) and within the previous 30 days, were subjected to the following tests, performed in accordance with international standards, with negative results:

— a buffered brucella antigen test in respect of brucellosis,

— either a serum neutralisation or an ELISA test using all the Aujeszky's disease viral antigens in the case of non-vaccinated pigs [3], or

an ELISA test for Aujeszky's disease gE antigens in the case of pigs vaccinated with a gE deleted vaccine [3],

(d) during the last 15 days of the period of quarantine of at least 30 days specified in (a), were subjected to the following tests with negative results:

— in respect of brucellosis, a buffered brucella antigen test,

— either a serum neutralisation or an ELISA test using all the Aujeszky's disease viral antigens in the case of non-vaccinated pigs [3], or

an ELISA test for Aujeszky's disease gE antigens in the case of pigs vaccinated with a gE deleted vaccine [3].

Without prejudice to the provisions applicable in cases where foot-and-mouth disease or other list A diseases are diagnosed, if any of the abovementioned tests should prove positive, the animal must be removed forthwith from the quarantine accommodation. In the case of group quarantine, the competent authority must take all necessary measures to ensure that the remaining animals have a satisfactory health status before being admitted to the collection centre in accordance with paragraph 13(3).

However, with regard to brucellosis when animals are positive, the following protocol is implemented:

(i) the positive sera are subjected to a sero-agglutination test as well as the test mentioned at the first indent above which has not been carried out;

(ii) an epidemiological survey is carried out on the holdings of origin of the reacting animals,

(iii) on the positive animals, a second series of tests (buffered brucella antigen test, sero-agglutination, complement fixation) is carried out on samples collected more than seven days after the first collection.

The suspicion of brucellosis will be confirmed or ruled out in the light of the results of the survey carried out on the holdings of origin and the comparison of the results of the two series of tests.

When the suspicion of brucellosis is ruled out, the animals negative to the first brucellosis test can be introduced into the centre. Animals positive to one test may be accepted if they answer negatively to two series of tests (buffered brucella antigen test, sero-agglutination, complement fixation) carried out with an interval of at least seven days.

13.4. All tests were carried out in a laboratory approved by the competent authority.

13.5. Animals were only admitted to the semen collection centre with the express permission of the centre veterinarian. All animal movements, both in and out, are recorded.

13.6. No animal admitted to the semen collection centre showed any clinical sign of disease on the day of admission; all animals came directly from quarantine accommodation as referred to in paragraph 13.3(a) which, on the day of consignment and during the period of residency of the animals, officially fulfilled the following conditions:

(a) it was not situated in a restricted area defined under the provisions of national legislation due to the emergence of a disease in domestic pigs (foot-and-mouth disease, classical swine fever, African swine fever, swine vesicular disease, porcine enteroviral encephalomyelitis, vesicular stomatitis or Aujeszky's disease);

(b) no clinical, pathological or serological evidence of Aujeszky's disease had been recorded for the past 30 days.

Compulsory routine tests for animals kept at an approved semen collection centre

13.7. All animals kept at an approved semen collection centre were subjected to the following tests with negative results:

(a) a serum neutralisation or an ELISA test using all the Aujeszky's disease viral antigens in the case of non-vaccinated pigs, or an ELISA test for Aujeszky's disease gE antigens in the case of pigs vaccinated with a gE deleted vaccine;

(b) in respect of brucellosis, a buffered brucella antigen test.

These tests were carried out either:

— on all animals when leaving the centre, but not later than 12 months after admission where they have not left the centre before this time. The sampling may be carried out in the abattoir [3], or

— on 25 % of the animals in the centre, every three months [3].

In that case, samples should be representative of the whole population, with respect to age group and accommodation, ensuring that all animals are tested at least once during their stay at the centre and at least every 12 months if the stay exceeds one year.

13.8. All tests were carried out in a laboratory approved by the competent authority.

13.9. If any of the above tests should prove positive, the animal must be isolated and the semen collected from it since the last negative test may not be the subject of imports.

Semen collected from each animal at the centre since the date of that animal's last negative test shall be held in separate storage and may not be the subjet of imports until the health status of the centre has been re-established.

Conditions which semen collected at approved centres must satisfy

13.10. Semen was obtained from animals which:

(a) have been resident in ..... (name of third country) for a minimum period of three months immediately prior to collection;

(b) showed no clinical signs of disease on the day the semen is collected;

(c) had not been vaccinated against foot-and-mouth disease;

(d) satisfy the requirements of paragraph 13(3);

(e) have not been allowed to serve naturally;

(f) were kept in semen collection centres which were not situated in a restricted area designated under the provisions of the national legislation relating to contagious diseases in domestic pigs (foot-and-mouth disease, classical swine fever, African swine fever, swine vesicular disease, porcine enteroviral encephalomyelitis, vesicular stomatitis or Aujeszky's disease);

(g) were kept in semen collection centres which, during the 30-day period immediately prior to collection, were free from Aujeszky's disease.

13.11. An effective combination of antibiotics, in particular against leptospires and mycoplasmas, was added to the semen after final dilution or to the diluent. In the case of frozen semen, antibiotics were added before the semen was frozen.

This combination must produce an effect at least equivalent to the following dilutions:

not less than:

— 500 µg streptomycin per ml final dilution,

— 500 IU penicillin per ml final dilution,

— 150 µg lincomycin per ml final dilution,

— 300 µg spectinomycin per ml final dilution.

Immediately after the addition of the antibiotics the diluted semen was kept at a temperature of at least 15 °C for a period of not less than 45 minutes.

13.12. The semen in this consignment:

(a) has been stored as laid down in Annex A to Directive 90/429/EEC (conditions relating to the approval and supervision of semen collection centres) prior to dispatch;

(b) is being transported to the country of destination in flasks which were cleaned and disinfected or sterilised before use and which have been sealed prior to dispatch from the approved storage facilities.

(1) *Notes:*
(a) a separate certificate must be issued for each consignment of semen;
(b) the original of this certificate must accompany the consignment to the place of destination.
(2) Corresponding to the identification of the donor animals and date of collection.
(3) Delete as necessary.

E. VALIDITY		
14. Date and place	15. Name and qualification of the official veterinarian	16. Signature of the official veterinarian and stamp

ANNEX IV

(Switzerland, Hungary, Cyprus)

HEALTH CERTIFICATE (1) **FOR IMPORTS OF SEMEN OF DOMESTIC ANIMALS OF THE PORCINE SPECIES FROM THIRD COUNTRIES IN ACCORDANCE WITH DIRECTIVE 90/429/EEC**	
1. Country of Origin and competent authority	2. Health certificate No:
A. ORIGIN OF SEMEN	
3. **Approval number of the collection centre of origin of the consignment:**	
4. Name and adress of the collection centre of origin of the consignment	5. Name and address of the consignor
6. Country and place of loading	7. Means of transport
B. DESTINATION OF SEMEN	
8. Place and Member state of destination	9. Name and address of the consignee
C. IDENTIFICATION OF SEMEN	
10. Number and code-mark (including seal number) of semen containers	
11. Identification mark of the doses (2)	12. Number of doses

D. HEALT INFORMATION

13. Animal Health attestation

I, the undersigned official veterinarian, having read and being familiar with Directive 90/429/EEC as amended, hereby certify that

13.1. ..... (name of third country)

Either: has during the past 12 months been free of foot-and-mounth disease, classical swine fever, African swine fever, swine vesicular disease or porcine enteroviral encephalomyelitis (Teschen disease) and that no vaccinations have been carried out against any of the diseases during the past 12 months [3];

Or: is recognised as free of foot-and-mouth disease without vaccination by the International Office of Epizootic Diseases and free of classical swine fever, African swine fever, swine vesicular disease and porcine enteroviral encephalomyelitis in accordance with the rules laid down in the International Animal health Code of the International Office of Epizootic Diseases [3].

13.2. The semen collection centre in which the semen in this consignment was collected:

(a) is approved for export to the Community by the veterinary services of ..... and and fulfils the requirements of Annex A to Council Directive 90/429/EEC (conditions relating to the approval and supervision of semen collection centres);

(b) was situated in an area not restricted during the period commencing three months prior to the date of collection until the date of dispatch because of an outbreak of foot-and-mouth disease, classical swine fever, African swine fever, swine vesicular disease, porcine enteroviral encephalomyelitis (Teschen Disease) or vesicular stomatitis;

(c) was, during the period commencing 30 days prior to the date of collection of the semen to be exported until its date of dispatch, free from clinical signs of tuberculosis, brucellosis, Aujeszsky's disease, rabies;

(d) either contains only animals that have not been vaccinated against Aujeszky's disease and which have reacted negatively to the serum neutralisation or to the ELISA test using all the Aujeszky's disease viral antigens [3], or

is a centre in which some or all boars have been vaccinated against Aujeszky's disease using a gE deleted vaccine; such boars having been seronegative with regard to Aujeszky's disease before vaccination and subjected not sooner than three weeks later to a further serological examination which did not reveal the presence of antibodies induced by the disease virus [3].

Conditions applying to the admission of animals to approved semen collection centres

13.3. When they were admitted to the semen collection centre, all animals:

(a) were subjected to a period of quarantine of at least 30 days in accommodation specifically approved for the purpose by the competent authority, and where only animals having at least the same health status were present;

(b) prior to their entering the quarantine accommodation described in (a), were chosen from herds or holdings:

— which were free of brucellosis in accordance with the Article 3.5.2.l of the International Animal Health Code,

— in which no animal vaccinated against foot-and-mouth disease was present in the preceding 12 months,

— in which no clinical, serological or virological evidence of Aujeszky's disease was detected in the preceding 12 months, and

— which were not situated in a restricted area defined under the provisions of the national legislation due to the emergence of a disease in domestic pigs (foot-and-mouth disease, classical swine fever, African swine fever, swine vesicular disease, porcine enteroviral encephalomyelitis, vesicular stomatitis or Aujeszky's disease).

The animals were not previously kept in any herd of a lower status;

(c) before the period of quarantine specified in (a) and within the previous 30 days, were subjected to the following tests, performed in accordance with international standards, with negative results:

— a buffered brucella antigen test in respect of brucellosis,

— either a serum neutralisation or an ELISA test using all the Aujeszky's disease viral antigens in the case of non-vaccinated pigs [3], or

an ELISA test for Aujeszky's disease gE antigens in the case of pigs vaccinated with a gE deleted vaccine [3],

— an ELISA test or a serum neutralisation test for presence of antibodies of classical swine fever;

(d) during the last 15 days of the period of quarantine of at least 30 days specified in (a), were subjected to the following tests with negative results;

— in respect of brucellosis, a buffered brucella antigen test,

— either a serum neutralisation or an ELISA test using all the Aujeszky's disease viral antigens in the case of non-vaccinated pigs [3], or

an ELISA test for Aujeszky's disease gE antigens in the case of pigs vaccinated with a gE deleted vaccine [3].

Without prejudice to the provisions applicable in cases where foot-and-mouth disease or other list A diseases are diagnosed, if any of the abovementioned tests should prove positive, the animal must be removed forthwith from the quarantine accommodation. In the case of group quarantine, the competent authority must take all necessary measures to ensure that the remaining animals have a satisfactory health status before being admitted to the collection centre in accordance with paragraph 13(3).

However, with regard to brucellosis when animals are positive, the following protocol is implemented:

(i) the positive sera are subjected to a sero-agglutination test as well as the test mentioned at the first indent above which has not been carried out;

(ii) an epidemiological survey is carried out on the holdings of origin of the reacting animals;

(iii) on the positive animals, a second series of tests (buffered brucella antigen test, sero-agglutination, complement fixation) is carried out on samples collected more than seven days after the first collection.

The suspicion of brucellosis will be confirmed or ruled out in the light of the results of the survey carried out on the holdings of origin and the comparison of the results of the two series of tests.

When the suspicion of brucellosis is ruled out, the animals negative to the first brucellosis test can be introduced into the centre. Animals positive to one test may be accepted if they answer negatively to two series of tests (buffered brucella antigen test, sero-agglutination, complement fixation) carried out with an interval of at least seven days.

13.4. All tests were carried out in a laboratory approved by the competent authority.

13.5. Animals were only admitted to the semen collection centre with the express permission of the centre veterinarian. All animal movements, both in and out, are recorded.

13.6. No animal admitted to the semen collection centre showed any clinical sign of disease on the day of admission; all animals came directly from quarantine accommodation as referred to in paragraph 13(3)(a) which, on the day of consignment and during the period of residency of the animals, officially fulfilled the following conditions:

(a) it was not situated in a restricted area defined under the provisions of national legislation due to the emergence of a disease in domestic pigs (foot-and-mouth disease, classical swine fever, African swine fever, swine vesicular disease, porcine enteroviral encephalomyelitis, vesicular stomatitis or Aujeszky's disease);

(b) no clinical, pathological or serological evidence of Aujeszky's disease had been recorded for the past 30 days;

Compulsory routine tests for animals kept at an approved semen collection centre

13.7. All animals kept at an approved semen collection centre were subjected to the following tests with negative results:

(a) a serum neutralisation or an ELISA test using all the Aujeszky's disease viral antigens in the case of non-vaccinated pigs, or an ELISA test for Aujeszky's disease gE antigens in the case of pigs vaccinated with a gE deleted vaccine;

(b) in respect of brucellosis, a buffered brucella antigen test;

(c) an ELISA test or a serum neutralisation test for presence of antibodies of classical swine fever.

These tests were carried out either:

— on all animals when leaving the centre, but not later than 12 months after admission where they have not left the centre before this time. The sampling may be carried out in the abattoir [3], or

— on 25 % of the animals in the centre, every three months [3].

In that case, samples should be representative of the whole population, with respect to age group and accommodation, ensuring that all animals are tested at least once during their stay at the centre and at least every 12 months if the stay exceeds one year.

13.8. All tests were carried out in a laboratory approved by the competent authority.

13.9. If any of the above tests should prove positive, the animal must be isolated and the semen collected from it since the last negative test may not be the subject of imports.

Semen collected from each animal at the centre since the date of that animal's last negative test shall be held in separate storage and may not be the subjet of imports until the health status of the centre has been re-established.

Conditions which semen collected at approved centres must satisfy

13.10. Semen was obtained from animals which:

(a) have been resident in ..... (name of third country) for a minimum period of three months immediately prior to collection;

(b) showed no clinical signs of disease on the day the semen is collected;

(c) had not been vaccinated against foot-and-mouth disease;

(d) satisfy the requirements of paragraph 13(3);

(e) have not been allowed to serve naturally;

(f) were kept in semen collection centres which were not situated in a restricted area designated under the provisions of the national legislation relating to contagious diseases in domestic pigs (foot-and-mouth disease, classical swine fever, African swine fever, swine vesicular disease, porcine enteroviral encephalomyelitis, vesicular stomatitis or Aujeszky's disease).

(g) were kept in semen collection centres which, during the 30-day period immediately prior to collection, were free from Aujeszky's disease.

13.11. An effective combination of antibiotics, in particular against leptospires and mycoplasmas, was added to the semen after final dilution or to the diluent. In the case of frozen semen, antibiotics were added before the semen was frozen.

This combination must produce an effect at least equivalent to the following dilutions,

not less than:

— 500 µg streptomycin per ml final dilution,

— 500 IU lincomycin per ml final dilution,

— 150 µg lincomycin per ml final dilution,

— 300 µg spectinomycin per ml final dilution.

Immediately after the addition of the antibiotics the diluted semen was kept at a temperature of at least 15 °C for a period of not less than 45 minutes.

13.12. The semen in this consignment:

(a) has been stored as laid down in Annex A to Directive 90/429/EEC (conditions relating to the approval and supervision of semen collection centres) prior to dispatch;

(b) is being transported to the country of destination in flasks which were cleaned and disinfected or sterilised before use and which have been sealed prior to dispatch from the approved storage facilities.

(1) *Notes:*
(a) a separate certificate must be issued for each consignment of semen;
(b) the original of this certificate must accompany the consignment to the place of destination.
(2) Corresponding to the identification of the donor animals and date of collection.
(3) Delete as necessary.

E. VALIDITY

14. Date and place	15. Name and qualification of the official veterinarian	16. Signature of the official veterinarian and stamp

ANNEX V

ISO	Approval Number	Name and address of approved centre
CANADA		
CA	4-AI-02	Centre d'insémination porcine du Québec (CIPQ) 1486 rang Saint-André, Saint Lambert, Québec
CA	4-AI-05	Centre d'insémination génétiporc 77 rang des Bois-Francs sud Sainte-Christine-de-Port-neuf, Québec
CA	4-AI-24	Centre d'insémination C-Prim 2, chemin Saint-Gabriel Saint-Gabriel de Brandon, Québec
CA	5-AI-01	Ontario Swine Improvement Inc P.O. Box 400 Innerkip, Ontario
CA	6-AI-70	Costwold Western Kanada Ltd 17 Speers Road Winnipeg, Manitoba Location SW 27-18-2 EPM
CA	7-AI-100	Aurora GTC Box 177 Kipling, Saskatchewan Location SW 15-10-6 W2
SWITZERLAND		
CH	CH-AI-35	Suissem Schweiz. Schweinesperma AG Schaubern 6213 Knutwil
CH	CH-AI-10S	SUISAG KB-Station Eggetsbühl CH-9545 Wängi
CYPRUS		
CY	AISW-22801/CY001	Dalland Animalia Ltd Marki-Nicosia P.O. Box 25384 1309 Nicosia
HUNGARY		
HU	H 05	OMTV RT Magyarkeresztúri.Al-Állomás 9346 Magyarkeresztúr Kossuth L.u.63
HU	H 06	OMTV RT. Szekszárd Al-Állomás 7101 Szekszárd Móricz Zsigmond u.
HU	HU 008S	HAGE Hajdúsági Agráripari Rt. Mesterséges Termékenyítő Állomása 4181 Nádudvar Horvát tanya

ISO	Approval Number	Name and address of approved centre
UNITED STATES OF AMERICA		
US	94OK001	Pig Improvement Company — Oklahoma Boar Stud Rt. 1, 121 N Main St. Hennessey, OK
US	95IA001	Swine Genetics International, Ltd 30805 595th Avenue Cambridge, IA
US	95IL001	United Swine Genetics RR # 2 Roanoke, IL
US	96AI002	International Boar Semen 30355 260th St. Eldora IA 50627
US	96WI001	Pig Improvement Company — Wisconsin Aid Stud Route # 2 Spring Green, WI
US	97KY001	PIC Kentucky Gene Transfer center 3003 Pleasant Ridge Road Adolphus, KY

COMMISSION DECISION

of 22 July 2002

amending Decision 97/467/EC as regards Slovakia for rabbit meat

(notified under document number C(2002) 2730)

(Text with EEA relevance)

(2002/614/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions of drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs [1], as last amended by Decision 2001/4/EC [2], and in particular Article 2(1) thereof,

Whereas:

(1) Provisional lists of establishments producing rabbit meat and farmed game meat have been drawn up pursuant to Commission Decision 97/467/EC of 7 July 1997 drawing up provisional lists of third country establishments from which the Member States authorise imports of rabbit meat and farmed game meat [3], as last amended by Decision 2001/396/EC [4].

(2) Slovakia has sent a list of establishments producing rabbit meat which have been certified by the competent authority as being in accordance with Community rules.

(3) A provisional list of establishments producing rabbit meat can thus be drawn up for Slovakia.

(4) Decision 97/467/EC should therefore be amended accordingly.

(5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The text in the Annex to this Decision is added to Annex I to Decision 97/467/EC.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 22 July 2002.

For the Commission

David BYRNE

Member of the Commission

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[1] OJ L 243, 11.10.1995, p. 17.
[2] OJ L 2, 5.1.2001, p. 21.
[3] OJ L 199, 26.7.1997, p. 57.
[4] OJ L 139, 23.5.2001, p. 16.

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO — LIITE — BILAGA

País: Eslovaquia — Land: Slovakiet — Land: Slowakei — Κράτος: Σλοβακία — Country: Slovakia — Pays: Slovaquie — Paese: Slovacchia — Land: Slowakije — País: Eslováquia — Maa: Slovakia — Land: Slovakien

1	2	3	4	5	6
SK 1	BP Agrocentrum s.r.o.	Pod Jasterom Hlohovec	Hlohovec	SH, CS	a

SH: Matadero — Slagteri — Schlachthof — σφαγείο — slaughterhouse — abattoir — Macello — slachthuis — Matadouro — teurastamo — Slakteri

CS: Almacén frigorífico — Køle-/frysehus — Kühllager — ψυκτικός χώρος αποθήκευσης — cold store — entreposage — Deposito frigorifero — koelhuis — Armazém frigorífico — kylmävarasto — Kyl- eller fryshus

a: Conejo — kanin — Kaninchen — κουνέλι — rabbit — lapin — Coniglio — konijnenvlees — Coelho — kani — kanin

COMMISSION DECISION

of 22 July 2002

amending Decision 92/486/EEC establishing the form of cooperation between the ANIMO host centre and the Member States

(notified under document number C(2002) 2735)

(Text with EEA relevance)

(2002/615/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning the veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market [1], as last amended by Directive 92/118/EEC [2], and in particular Article 20(3) thereof,

Whereas:

(1) Various Community studies and seminars indicate that the ANIMO network architecture should be reviewed with a view to establishing a veterinary system that includes all the different computerised applications used.

(2) Decision 92/486/EEC of 25 September 1992 establishing the form of cooperation between the ANIMO host centre and the Member States [3], as last amended by Decision 2001/301/EC [4], should be amended accordingly so as to guarantee the continuity of the ANIMO network.

(3) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The following paragraph 7 is added to Article 2a of Decision 92/486/EEC:

'7. For the period from 1 April 2002 to 31 March 2003, the coordination authorities provided for in Article 1 shall ensure that the contracts referred to in that Article are extended for one year.'

The following charge shall apply in respect of this paragraph:

— EUR 386 per unit (central unit, local unit, frontier inspection post) for all the ANIMO units listed in Decision 2002/459/EC [5].

Article 2

This Decision shall apply from 1 April 2002.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 22 July 2002.

For the Commission

David BYRNE

Member of the Commission

[1] OJ L 224, 18.8.1990, p. 29.
[2] OJ L 62, 15.3.1993, p. 49.
[3] OJ L 291, 7.10.1992, p. 20.
[4] OJ L 102, 12.4.2001, p. 73.
[5] OJ L 159, 17.6.2002, p. 27.

COMMISSION DECISION

of 22 July 2002

to authorise France to apply the requirements of Council Directive 64/433/EEC to certain slaughterhouses which handle not more than 2 000 livestock units per year

(notified under document number C(2002) 2745)

(Only the French text is authentic)

(Text with EEA relevance)

(2002/616/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/433/EEC of 26 June 1964 on health conditions for the production and marketing of fresh meat [1], as last amended by Directive 95/23/EC [2] and in particular Article 4(D) thereof,

Whereas:

(1) Directive 64/433/EEC makes it possible for Member States to request for authorisation to apply the requirements of Article 4(A) to certain slaughterhouses which handle not more than 2 000 livestock units per year.

(2) France has sent a request to be authorised to apply the abovementioned Regulations to certain slaughterhouses.

(3) These slaughterhouses are situated in regions such as mountain areas suffering from special geographical constraints.

(4) These regions are affected by supply difficulties because there are no other establishments to slaughter animals in order to supply the population of these remote geographical areas with meat.

(5) Agricultural activities in these regions are based on animal production and the distances for the transport of the slaughter animals are too long.

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

France is authorised to apply the requirements of Article 4(A) of Directive 64/433/EEC to slaughterhouses listed in the Annex to this Decision.

Article 2

This derogation is granted on the condition that:

— the establishments are situated in areas to which access is difficult because transport infrastructure and links with the rest of the country are inadequate to ensure adequate supplies or with particular geographical difficulties,

— the transport distance for slaughter animals of their region to a slaughterhouse approved pursuant to Article 10 of Directive 64/433/EEC is longer than the transport distance to the establishments in the Annex and the transport takes more than one hour under normal conditions,

— the animals slaughtered originate in the region where the slaughterhouse is located,

— the throughput of the slaughterhouse is only raised to a level which still guarantees production in compliance with the hygiene rules and the maximum throughput does not exceed 2 000 livestock units per year,

— at least one official veterinarian is permanently present during production hours.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 22 July 2002.

For the Commission

David BYRNE

Member of the Commission

[1] OJ 121, 29.7.1964, p. 2012/64.
[2] OJ L 243, 11.10.1995, p. 7.

ANNEX

LIST OF SLAUGHTERHOUSES

Name of establishment	Place	Department
Abattoir Montagne Sud	Dommartin-Les-Remiremont	Vosges

CORRIGENDA

Corrigendum to Council Regulation (EC) No 1150/2002 of 27 June 2002 opening an autonomous quota for imports of high-quality beef

(Official Journal of the European Communities L 170 of 29 June 2002)

On page 14, Article 1(1):

for: '1. An annual Community import tariff quota …',

read: '1. A Community import tariff quota …'.

Corrigendum to Commission Regulation (EC) No 1297/2002 of 17 July 2002 establishing unit values for the determination of the customs value of certain perishable goods

(Official Journal of the European Communities L 189 of 18 July 2002)

The title in the contents and on page 4:

for: 'Commission Regulation (EC) No 1297/2002 of 17 July 2002 establishing unit values for the determination of the customs value of certain perishable goods',

read: 'Commission Regulation (EC) No 1297/2002 of 16 July 2002 establishing unit values for the determination of the customs value of certain perishable goods';

and on page 4 in Article 2:

for: 'This Regulation shall enter into force on 18 July 2002.',

read: 'This Regulation shall enter into force on 19 July 2002.'