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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1696/2002
of 23 September 2002
amending the Annex to Regulation (EC) No 2042/2000 imposing a definitive anti-dumping duty on imports of television camera systems originating in Japan

THE COUNCIL OF THE EUROPEAN UNION,

camera systems which were explicitly exempted from the definitive anti-dumping duty.

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 the proposal submitted by the Commission, after having consulted the Advisory Committee,

Whereas:

(4) In October 1997, the Council, by Regulation (EC) No 1952/97 ⁽⁴⁾, amended the rates of the definitive anti-dumping duty for two companies concerned, namely for Sony Corporation and Ikegami Tsushinki in accordance with Article 12 of Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community (hereinafter the basic Regulation). Furthermore, the Council specifically excluded from the scope of the anti-dumping duty certain new models of professional camera systems by adding them to the Annex.

1. PREVIOUS PROCEDURES

(1) The Council, by Regulation (EC) No 1015/94 ⁽²⁾, imposed a definitive anti-dumping duty on imports of television camera systems (TCS) originating in Japan.

(2) In Article 1(3)(e) of Regulation No 1015/94, the Council specifically excluded from the scope of the anti-dumping duty camera systems listed in the Annex to that Regulation (hereinafter the Annex), representing high-end professional camera systems technically falling within the product definition under Article 1(2) of Regulation (EC) No 1015/94, but which cannot be regarded as television camera systems.

(3) In October 1995, the Council, by Regulation (EC) No 2474/95 ⁽³⁾, amended the abovementioned Regulation (EC) No 1015/94, in particular as regards the like product definition and certain models of professional

(5) In January 1999 and 2000, the Council, by Regulation (EC) No 193/1999 ⁽⁵⁾ and Regulation (EC) No 176/2000 ⁽⁶⁾ amended Regulation (EC) No 1015/94 adding certain successor models of professional camera systems to the Annex and thus excluding those from the application of the definitive anti-dumping duty.

(6) In September 2000, the Council, by Regulation (EC) No 2042/2000 ⁽⁷⁾, confirmed the definitive anti-dumping duties imposed by Regulation (EC) No 1015/94 in accordance with Article 11(2) of the basic Regulation.

(7) In January 2001 and in May 2001, the Council introduced the latest amendments to Regulation (EC) No 2042/2000 by adding certain successor models of professional camera systems to the Annex and thus excluding them from the application of the definitive anti-dumping duty.

⁽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 111, 30.4.1994, p. 106. Regulation as last amended by Regulation (EC) No 176/2000 (OJ L 22, 27.1.2000, p. 29).

⁽³⁾ OJ L 255, 25.10.1995, p. 11.

⁽⁴⁾ OJ L 276, 9.10.1997, p. 20.

⁽⁵⁾ OJ L 22, 29.1.1999, p. 10.

⁽⁶⁾ OJ L 22, 27.1.2000, p. 29.

⁽⁷⁾ OJ L 244, 29.9.2000, p. 38. Regulation as last amended by Regulation (EC) No 951/2001 (OJ L 134, 17.5.2001, p. 18).

- (8) Finally, in September 2001, the Council, by Regulation (EC) No 1900/2001⁽¹⁾, further to an interim review in accordance with Article 11(3) of the basic Regulation, confirmed the level of the definitive anti-dumping duty imposed to the exporting producer Hitachi Denshi Ltd.

2. INVESTIGATION CONCERNING NEW MODELS OF PROFESSIONAL CAMERA SYSTEMS

2.1. Procedure

- (9) Two Japanese exporting producers, namely Victor Company of Japan Limited (JVC) and Ikegami Tsushinki Co Ltd (Ikegami), informed the Commission on 17 April 2001 and 12 October 2001 respectively, that they intended to introduce new models of professional camera systems into the Community market and requested the Commission to add these new models of professional camera systems including their accessories to the Annex and thus exempt them from the scope of the anti-dumping duties.
- (10) The Commission informed the Community industry accordingly and commenced an investigation limited to the determination of whether the products under consideration fall within the scope of the anti-dumping duties and whether the operational part of Regulation (EC) No 2042/2000 should be amended accordingly.

2.2. Models under investigation

- (11) The applications received concerned the following models of camera systems, supplied with the relevant technical information:
- (i) *JVC*
- remote camera control unit RM-P210E;
- (ii) *Ikegami*
- camera head HDL-37E
 - camera head HDL-10
 - camera head HDL-40
 - camera control unit MA-400
 - camera control unit CCU-37
 - camera control unit CCU-10
 - remote control unit RCU-400
 - remote control unit RCU-240A
 - camera adapter CA-450.

All of the above models were presented as being part of professional camera systems dedicated to the professional video market.

2.3. Findings

- (12) The Commission carried out a technical examination. It resulted from this analysis that, in spite of the technical development shown by these models, these are not sufficient to classify them as broadcast or television camera systems. Therefore, it was concluded that all of the

models concerned should be excluded from the scope of the existing anti-dumping measures.

- (13) The Commission informed the Community industry and the exporter of the TCS of its findings and provided them with an opportunity to present their views. On the basis of the Commission's findings and in the light of the fact that the interested parties did not object to the Commission's conclusions, all models and related equipment listed in recital 11 are considered as professional camera systems. It follows that they should be exempted from the application of the anti-dumping duty applicable on TCS originating in Japan, and the Annex should be amended accordingly.
- (14) Subsequently to the disclosure of above findings, one exporting producer, namely Ikegami, requested that the camera models produced and exported by it should be retroactively exempted from the anti-dumping measures in force, irrespective the date of their importation. It was argued that since these models were found to be professional camera systems, the anti-dumping duty should not apply on imports made prior to the publication of the present Regulation.
- (15) Camera systems listed in the Annex to Regulation (EC) No 2042/2000 can be considered as exempted from the duty, after it has been expressly determined that they cannot be used for broadcast purposes. Such determination can only be made after detailed examination by the Community institutions of the technical specifications of the camera system concerned and, accordingly, such camera systems can only be exempted from the application of the duty from the moment an affirmative decision to include the model in question in the Annex has been made. Being so, the exemption should in principle produce its effects for the future only, i.e. from the date of the publication of the revised Annex.
- (16) However, in specific cases, the Community Institutions found it appropriate to exempt certain professional camera systems from the scope of the anti-dumping duty with retroactive effect. In these cases, the camera models under examination had been imported into the Community only between the moment of the request for exemption and the publication of the relevant amendment of the Annex. Consequently these transactions could be identified in the framework of the examination by the Commission. Under these particular circumstances it was considered acceptable not to levy the duty on such imports occurring after the application for the exemption.
- (17) In the present case, retroactive effect is requested, irrespective of the date of first imports, and would hence cover imports that occurred prior to the request for exemption. The investigation revealed that certain camera models concerned were indeed imported already before an adequate request for exemption had been submitted to the Commission, although initially Ikegami claimed that no imports of the models subject to the request had taken place prior to such request.

⁽¹⁾ OJ L 261, 29.9.2001, p. 3.

- (18) In view of the above, it is considered that retroactive effect cannot be granted to imports which took place before a request for exemption was made to the Commission. Exemptions can only be granted on the basis of an affirmative decision to include certain camera types in the Annex. Indeed the nature of the camera system in question cannot be determined prior to obtaining the technical specifications contained in the request for exemption. There is no possibility for the Commission and Member States Authorities to monitor the accuracy of CN classifications made by exporting producers in respect of camera models not yet brought to the Commission's attention. As a result, should exemption from the duty be granted retroactively to a date before the date of receipt of the application by the Commission, there would be no risk borne by exporting producers seeking to avoid payment of the duty by first importing their camera models under inappropriate CN codes, thus avoiding the duty, and then subsequently applying for an exemption from the date of first importation if and when the irregularities come to the authorities' attention. Hence, whilst requests for retroactive effect from the date of receipt of the application for exemption can be considered, it is not appropriate to extend retroactive effect to imports that have taken place before a request was made, taking account in particular of the serious risk of circumvention of the measures.
- (19) Therefore, it is decided that imports of camera models of Ikegami subject to the present examination imported on a date on or after the date of receipt of the application for exemption, i.e. on or after 12 October 2001, should be exempted from the duty.
- (20) For these same reasons, it is decided that camera models of JVC also subject to the present examination should be exempted from the duty from the date of receipt of the application for exemption by the Commission, i.e. from 17 April 2001,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of Regulation (EC) No 2042/2000 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall apply to imports of the following models produced and exported to the European Community by the following exporting producers from the date of the receipt by the Commission of the relevant request for exemption from the definitive anti-dumping duty for these models, as specified below:

(a) Ikegami Tsushinki Co Ltd from 12 October 2001:

- camera head HDL-37E
- camera head HDL-10
- camera head HDL-40
- camera control unit MA-400
- camera control unit CCU-37
- camera control unit CCU-10
- remote control unit RCU-400
- remote control unit RCU-240A
- camera adapter CA-450;

(b) Victor Company of Japan Limited from 17 April 2001:

- remote camera control unit RM-P210E.

Article 3

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

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

Done at Brussels, 23 September 2002.

For the Council

The President

M. FISCHER BOEL

ANNEX

'ANNEX

List of professional camera systems not qualified as television camera systems (broadcast camera systems) which are exempted from the measures

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adapters
Sony	DXC-M7PK	DXF-3000CE	CCU-M3P	RM-M7G	—	CA-325P
	DXC-M7P	DXF-325CE	CCU-M5P			CA-325AP
	DXC-M7PH	DXF-501CE	CCU-M7P			CA-325B
	DXC-M7PK/1	DXF-M3CE	CUU-M5AP ⁽¹⁾			CA-327P
	DXC-M7P/1	DXF-M7CE				CA-537P
	DXC-M7PH/1	DXF-40CE				CA-511
	DXC-327PK	DXF-40ACE				CA-512P
	DXC-327PL	DXF-50CE				CA-513
	DXC-327PH	DXF-601CE				VCT-U14 ⁽¹⁾
	DXC-327APK	DXF-40BCE				
	DXC-327APL	DXF-50BCE				
	DXC-327AH	DXF-701CE				
	DXC-537PK	DXF-WSCE ⁽¹⁾				
	DXC-537PL	DXF-801CE ⁽¹⁾				
	DXC-537PH					
	DXC-537APK					
	DXC-537APL					
	DXC-537APH					
	EVW-537PK					
	EVW-327PK					
	DXC-637P					
	DXC-637PK					
	DXC-637PL					
	DXC-637PH					
	PVW-637PK					
	PVW-637PL					
	DXC-D30PF					
	DXC-D30PK					
	DXC-D30PL					
	DXC-D30PH					
	DSR-130PF					
	DSR-130PK					
	DSR-130PL					
	PVW-D30PF					
	PVW-D30PK					
	PVW-D30PL					
	DXC-327BPF					
	DXC-327BPK					
	DXC-327BPL					
	DXC-327BPH					
	DXC-D30WSP ⁽¹⁾					
	DXC-D35PH ⁽¹⁾					
	DXC-D35PL ⁽¹⁾					
	DXC-D35PK ⁽¹⁾					
	DXC-D35WSPL ⁽¹⁾					
	DSR-135PL ⁽¹⁾					

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adapters
Ikegami	HC-340	VF15-21/22	MA-200/230	RCU-240	—	CA-340
	HC-300	VF-4523	MA-200A (1)	RCU-390 (1)		CA-300
	HC-230	VF15-39	MA-400 (1)	RCU-400 (1)		CA-230
	HC-240	VF15-46 (1)	CCU-37	RCU-240A		CA-390
	HC-210	VF5040 (1)	CCU-10			CA-400 (1)
	HC-390	VF5040W (1)				CA-450 (1)
	LK-33					
	HDL-30MA					
	HDL-37					
	HC-400 (1)					
	HC-400W (1)					
	HDL-37E					
	HDL-10					
	HDL-40					
	Hitachi	SK-H5	GM-5 (A)	RU-C1 (B)	—	—
SK-H501		GM-5-R2 (A)	RU-C1 (D)			CA-Z2
DK-7700		GM-5-R2	RU-C1			CA-Z1SJ
DK-7700SX		GM-50	RU-C1-S5			CA-Z1SP
HV-C10		GM-8A (1)	RU-C10 (B)			CA-Z1M
HV-C11		GM-9 (1)	RU-C10 (C)			CA-Z1M2
HV-C10F		GM-51 (1)	RC-C1			CA-Z1HB
Z-ONE (L)			RC-C10			CA-C10
Z-ONE (H)			RU-C10			CA-C10SP
Z-ONE			RU-Z1 (B)			CA-C10SJA
Z-ONE A (L)			RU-Z1 (C)			CA-C10M
Z-ONE A (H)			RU-Z1			CA-C10B
Z-ONE A (F)			RC-C11			CA-Z1A (1)
Z-ONE A			RU-Z2			CA-Z31 (1)
Z-ONE B (L)			RC-Z1			CA-Z32 (1)
Z-ONE B (H)			RC-Z11			CA-ZD1 (1)
Z-ONE B (F)			RC-Z2			
Z-ONE B			RC-Z21			
Z-ONE B (M)			RC-Z2A (1)			
Z-ONE B (R)			RC-Z21A (1)			
FP-C10 (B)			RU-Z3 (1)			
FP-C10 (C)			RC-Z3 (1)			
FP-C10 (D)						
FP-C10 (G)						
FP-C10 (L)						
FP-C10 (R)						
FP-C10 (S)						
FP-C10 (V)						
FP-C10 (F)						
FP-C10						
FP-C10 A						
FP-C10 A (A)						
FP-C10 A (B)						

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adapters
Hitachi (cont'd)	FP-C10 A (C) FP-C10 A (D) FP-C10 A (F) FP-C10 A (G) FP-C10 A (H) FP-C10 A (L) FP-C10 A (R) FP-C10 A (S) FP-C10 A (T) FP-C10 A (V) FP-C10 A (W) Z-ONE C (M) Z-ONE C (R) Z-ONE C (F) Z-ONE C HV-C20 HV-C20M Z-ONE-D Z-ONE-D (A) Z-ONE-D (B) Z-ONE-D (C) Z-ONE.DA (1) V-21 (1) V-21W (1)					
Matsushita	WV-F700 WV-F700A WV-F700SHE WV-F700ASHE WV-F700BHE WV-F700ABHE WV-F700MHE WV-F350 WV-F350HE WV-F350E WV-F350AE WV-F350DE WV-F350ADE WV-F500HE (*) WV-F-565HE AW-F575HE AW-E600 AW-E800 AW-E800A	WV-VF65BE WV-VF40E WV-VF39E WV-VF65BE (*) WV-VF40E (*) WV-VF42E WV-VF65B AW-VF80	WV-RC700/B WV-RC700/G WV-RC700A/B WV-RC700A/G WV-RC36/B WV-RC36/G WV-RC37/B WV-RC37/G WV-CB700E WV-CB700AE WV-CB700E (*) WV-CB700AE (*) WV-RC700/B (*) WV-RC700/G (*) WV-RC700A/B (*) WV-RC700A/G (*) WV-RC550/G WV-RC550/B WV-RC700A WV-CB700A WV-RC550 WV-CB550 AW-RP501 AW-RP505	—	—	WV-AD700SE WV-AD700ASE WV-AD700ME WV-AD250E WV-AD500E (*) AW-AD500AE AW-AD700BSE

Company name	Camera heads	Viewfinder	Camera control unit	Operational control unit	Master control unit (*)	Camera adapters
JVC	KY-35E KY-27ECH KY-19ECH KY-17FITECH KY-17BECH KY-F30FITE KY-F30BE KY-27CECH KH-100U KY-D29ECH KY-D29WECH (†)	VF-P315E VF-P550E VF-P10E VP-P115E VF-P400E VP-P550BE VF-P116 VF-P116WE (†) VF-P550WE (†)	RM-P350EG RM-P200EG RM-P300EG RM-LP80E RM-LP821E RM-LP35U RM-LP37U RM-P270EG RM-P210E	—	—	KA-35E KA-B35U KA-M35U KA-P35U KA-27E KA-20E KA-P27U KA-P20U KA-B27E KA-B20E KA-M20E KA-M27E
Olympus	MAJ-387N MAJ-387I		OTV-SX2 OTV-S5 OTV-S6			
	Camera OTV-SX					

(*) Also called master set up unit (MSU) or master control panel (MCP).

(†) Models exempted under the condition that the corresponding triax system or triax-adaptor is not sold on the EC market.

**COUNCIL REGULATION (EC) No 1697/2002
of 23 September 2002**

imposing definitive anti-dumping duties on imports of certain welded tubes and pipes, of iron or non-alloy steel originating in the Czech Republic, Poland, Thailand, Turkey and Ukraine

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⁾ (hereinafter referred to as the Basic Regulation), 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 540/2002 ⁽²⁾ (hereinafter referred to as the Provisional Regulation), imposed a provisional anti-dumping duty on imports of certain welded tubes and pipes, of iron or non-alloy steel falling within CN codes ex 7306 30 51, ex 7306 30 59, ex 7306 30 71 and ex 7306 30 78 (TARIC-codes 7306 30 51 10, 7306 30 59 10, 7306 30 71 10, 7306 30 71 20, 7306 30 78 10 and 7306 30 78 20), originating in the Czech Republic, Poland, Thailand, Turkey and the Ukraine.

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, several interested parties made written submissions making their views known on the provisional findings. The parties who so requested were granted an opportunity to be heard.
- (3) The Commission services 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 anti-dumping duty on imports of certain welded tubes and pipes, of iron or non-alloy steel, originating in the Czech Republic, Poland, Thailand, Turkey and the Ukraine and the definitive collection of the amounts secured by way of the provisional duty. They were also granted a period within which to make representations subsequent to the disclosure of the essential facts and considerations.
- (5) The oral and written comments submitted by the interested parties were considered and, where appropriate, the findings have been modified accordingly.

C. PRODUCT CONCERNED AND LIKE PRODUCT

- (6) In the absence of any comment received after the disclosure of the provisional findings on the product concerned and the like product, the provisional findings as described in recitals 12 to 15 of the Provisional Regulation are hereby confirmed.

D. DUMPING

Poland and Ukraine

- (7) In the absence of any new argument on dumping, the provisional findings as described in recitals 37 to 43 for Poland and 60 to 85 for Ukraine of the Provisional Regulation are hereby confirmed.

⁽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 83, 27.3.2002, p. 3.

Czech Republic

- (8) One Czech exporting producer, Železářny Veselí has reacted to the Commission's provisional findings, claiming that they were allegedly subject to higher technical testing standards for tube types sold on the domestic market in the Czech Republic than for the tube types exported to the Community market. It is noted that this claim was introduced only at a very advanced stage of the investigation, and could therefore not be checked during the on-the-spot-verification carried out at the exporter premises. In addition, the Czech exporting producer did not bring forward any evidence which would support his claim. Moreover, in his reply to the Commission's questionnaire the company stated that quite to the contrary to his present claim, Czech and foreign standards for the product concerned are comparable and that a price comparison does not require an adjustment in that respect. Also no other information obtained during the investigation with regard to sales of the product concerned on the Czech market would suggest that justified differences in technical standards exist. The claim had therefore to be rejected.
- (9) The provisional level of dumping for this producer is hereby confirmed.
- (10) For the other Czech exporting producer, Jákl Karvina, a substantiated claim for differences in physical characteristics between the type of tube chosen for normal value and the type sold for export to the Community was made.
- (11) This claim was considered justified and the final dumping margin was accordingly recalculated at 28,3 %.

Turkey

- (12) With regard to Turkey, minor corrections concerning daily exchange rates and interest rates were requested by three companies and accepted where justified.
- (13) After receiving the definitive disclosure calculations, companies claimed that the dumping margin should have been established on the basis of a comparison of weighted average normal values with a weighted average of all export transactions to the Community on the grounds that exports did not differ significantly among purchasers, regions or time periods. The dumping was not a 'targeted dumping' over time by these companies, but a situation created by the devaluation of the Turkish lira in February 2001, i.e. in the middle of the investigation period (IP). The allegations made by the companies have been verified and it was found that the differences in prices were, in fact, not significant. Consequently, the basis of calculation has been changed to the above method. This led to a reduction in the dumping margins of the companies concerned.
- (14) The final dumping margins for the cooperating companies included in the sample are:
- | | |
|--|-------|
| — Noksel Celik Boru Sanayi AS, Ankara | 0 % |
| — Borusan Birlesik Boru Fabrikalari AS, Istanbul and Mannesmann Boru Endustrisi AS, Istanbul | 5,0 % |
| — Cayirova Boru San Ve Tic AS, Istanbul and Yücel Boru Profil Endüstrisi AS, Istanbul | 0 % |
| — Erbosan Erciyas Boru Sanayii ve Ticaret AS, Kayseri | 6,0 % |
- (15) This exercise led to a revised weighted average dumping margin of 5,2 % for the following cooperating companies not included in the sample:
- Borutas Boru Sanayii ve Ticaret AS, Adapazari,
 - Cinar Boru Profil San. Tic. Ltd STI, Eregli,
 - Guven Boru ve Profil Sanayi ve Ticaret Ltd Sti, Istanbul,
 - Özdemir Boru Profil San.ve Ticaret AS, Eregli,
 - Sevil Boru-Profil Sanayii ve Ticaret AS, Istanbul,
 - Toscelik Profil ve Sac. Endüstrisi AS, Iskenderun,
 - Özborsan Boru San.ve Ticaret AS, Istanbul.
- (16) The level of cooperation for Turkey was high, and the residual definitive dumping margin was set at the same level as for the highest margin level of a cooperating company, i.e. 6,0 %.

Thailand

- (17) An on-the-spot investigation was carried out after publication of the Provisional Regulation at the premises of Saha Thai Steel Pipe Co. Ltd, the sole Thai cooperating exporting producer. This Thai producer initially replied to the questionnaire but had not been in a position to accept an on-the-spot verification in due time.

Normal value

- (18) As far as normal value is concerned, the general methodology set out in recitals 17 to 24 of the Provisional Regulation for all market economy countries concerned has been applied for this sole cooperating Thai producer.
- (19) The following describes only the findings that are specific to that company.
- (20) Normal value was established on the basis of domestic sales for those types of the product concerned which were directly comparable to the types of tubes exported to the Community. Only in those cases where there were no sales of comparable types of tubes on the domestic market was normal value constructed in accordance with Article 2(3) of the Basic Regulation. For that purpose the cooperating exporting producer's own cost of production and the company's own SG&A expenses and profits were used.

Export price

- (21) The procedures and methodologies followed to assess the export price of products originating in Thailand were the same as those explained in recital 25 of the Provisional Regulation, i.e. export sales made directly to an independent customer in the Community were established pursuant to Article 2(8) of the Basic Regulation.

Comparison

- (22) In accordance with the methodologies followed in recital 26 of the Provisional Regulation, adjustments were made for transport, ancillary costs (bank charges), insurance and credit costs, for differences in physical characteristics and for duty drawback.

Dumping margin

- (23) In accordance with the methodologies followed in recital 27 of the Provisional Regulation, the comparison between the normal value and the export price on a weighted to weighted average basis was applied and this method showed the existence of dumping in respect of the sole cooperating exporting producer.

- (24) The definitive dumping margin expressed as a percentage of the cif import price at the Community border for this company is:

Saha Thai Steel Pipe Co. Ltd	21,7 %
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- (25) With regard to the determination of the residual duty, as the level of cooperation for Thailand was very low, the methodology described in recitals 28 and 48 of the Provisional Regulation is hereby confirmed. The residual dumping margin expressed as a percentage of the cif import price at the Community border is 37,6 %.

E. COMMUNITY INDUSTRY

- (26) In the absence of any new argument on the Community production and on the definition of the Community industry, the provisional findings as described in recitals 83 to 85 of the Provisional Regulation are hereby confirmed.

F. INJURY

1. Community consumption

- (27) In the absence of any comment received after the disclosure of the provisional findings on the Community consumption, the provisional findings as described in recitals 86 to 88 of the Provisional Regulation are hereby confirmed.

2. Cumulative assessment of the effects of the imports concerned

- (28) It was argued that in line with previous practice ⁽¹⁾, imports from the Czech Republic should not be cumulated with imports originating in the other countries concerned as the evolution of imports and prices of the Czech Republic during the period considered diverged from the evolutions observed for the other countries concerned. Secondly, it was argued that Czech imports do not undercut Community industry's prices and are not in competition with imports from the other investigated countries as, unlike them, they are destined for Germany.
- (29) It should be noted that in the cases referred to, the diverging trends of imports and prices were not in themselves decisive but only one element which was considered. The conclusions to cumulate or decumulate were based on a number of other factors. What is important are the conditions listed in Article 3(4) of the Basic Regulation (margin of dumping more than *de minimis*, volume of imports not negligible and same conditions of competition between imported products and the conditions of competition between the imported products and the like Community product).
- (30) Firstly, it should be noted that the dumping margin of Czech imports was above *de minimis*.
- (31) Secondly, although imports originating in the Czech Republic decreased constantly since 1998, the volume of imports during the IP was not negligible. Moreover, it should be noted that although according to Eurostat average prices of imports originating in the Czech Republic increased constantly since 1999, they were found substantially to undercut Community industry's prices in the IP, as were imports originating in the other investigated countries. In this respect it should be noted that as within the product concerned different models with different prices exist, the calculations were carried out for comparable models of the product concerned at the same level of trade, in order fully to reflect the price behaviour of the countries concerned.
- (32) Thirdly, contrary to the submission by Czech exporters, cumulation is appropriate in the light of the conditions of competition. In this respect, it should be noted that imports from the Czech Republic are interchangeable with other imports and with sales by the Community industry. They are marketed in the Community through comparable sales channels. It has been found that the Community industry as well as exporters situated in all the investigated countries are all in part selling to Germany. Moreover, Eurostat statistics show that trade flows among Member States are important, this indicating that the market is Community wide. No other indication that Czech sales of the product concerned were not in competition with sales originating in the other investigated countries and with sales of the Community industry has been found. Accordingly, there is no indication of a regionalisation of the market.
- (33) Czech exporters also argued against cumulating on the basis of an alleged market segmentation. It was argued that the alleged segmentation of the Community market was evidenced by the infringement of European competition law by two companies composing the Community industry. These two companies in the past made an illegal agreement on market sharing, albeit for a product other than the product concerned.
- (34) However, the mere fact that two companies infringed the competition law prior to the IP, for a product different from the product concerned cannot, in the absence of any other indication concerning such behaviour during the IP and for the product concerned, be considered as a proof of the market segmentation in the present case. During the present investigation, no evidence was found that would show that such an agreement was in force for the product concerned for any of the companies composing the Community industry. This argument is therefore rejected.

⁽¹⁾ Council Regulation (EC) No 3319/94 concerning urea ammonium nitrate solution originating in Bulgaria and Poland (OJ L 350, 31.12.1994, p. 20) and Council Regulation (EC) No 2022/95 concerning ammonium nitrate originating in Russia (OJ L 198, 23.8.1995, p. 1).

- (35) Some exporters reiterated the request that imports originating in the Czech Republic should be decumulated as they are not causing injury or any threat of injury to the Community industry due to their volume being below the ceiling quota imposed by Council Regulation (EEC) No 1968/93 ⁽¹⁾. Czech exporters also argued in favour of decumulation pointing to the increase of Community exports to the Czech Republic during the period considered. It should be noted that the quota imposed by Regulation (EEC) No 1968/93 was in force only until the end of 1995 and that in the present investigation the period considered for the injury analysis is 1997 to the IP. Furthermore, the level of Community exports to the Czech Republic as such provide no support to the claim that Czech exports should be decumulated. This submission is therefore rejected.
- (36) It was argued that as the Czech Republic was subject to the surveillance of exports under the double-checking system established by Council Regulation (EC) No 87/98 ⁽²⁾, it should be excluded from the present anti dumping proceeding. However, the surveillance system is in place purely in order to monitor Czech imports. The mere fact of its existence does thus not give any indication either in favour or against cumulating. Accordingly it cannot support a claim for decumulation. This argument is therefore rejected.
- (37) Some exporters reiterated the claim that they operate under different conditions of competition either because their sales to the Community were made through a related company unlike sales of the other exporting producers or because they operated without immediate access to raw materials and had consequently longer delivery times.
- (38) The investigation showed that sales made by these exporters to the Community of the product concerned were mainly made through sales channels comparable both to the ones used by other exporters, and as well as the ones of the Community industry (i.e. traders). In any event, the conditions of competition within the meaning of Article 3(4) of the Basic Regulation are established on a country-wide basis and not examined for each individual exporter. These submissions are therefore rejected.
- (39) It was also argued that imports from Ukraine should not be cumulated with imports originating in the other countries concerned given the low volume of imports involved.
- (40) In this respect it is stressed that even if Ukraine's market share was lower than the ones held by the other investigated countries, it cannot be considered as negligible as defined in Article 5(7) of the Basic Regulation and Article 5(8) of the Agreement on implementation of Article VI of the of the General Agreement on Tariffs and Trade 1994. Furthermore, all the other conditions for cumulation as set out in Article 3(4) of the Basic Regulation were met.
- (41) In view of the above, as there were no new facts showing that the conditions for cumulation for the countries concerned were not met, the provisional findings concerning the cumulative assessment of the effects of the imports concerned, as described in recitals 89 to 97 of the Provisional Regulation, are hereby confirmed.

3. Imports originating in the countries concerned

(i) *Volume, market share, price evolution*

- (42) In the absence of any new argument, the provisional findings concerning the volume, the market share and the price evolution of the imports originating in the countries concerned, as described in recitals 98 to 104 of the Provisional Regulation are hereby confirmed.

⁽¹⁾ OJ L 180, 23.7.1993, p. 1. Regulation as last amended by Regulation (EC) No 1005/95 (OJ L 101, 4.5.1995, p. 35).

⁽²⁾ OJ L 13, 19.1.98, p. 43. Regulation as last amended by Council Regulation (EC) No 844/2002, (OJ L 135, 23.5.2002, p. 1).

- (43) It should be noted that after the publication of the Provisional Regulation, two additional Turkish companies were found not to have dumped. If the imports from these exporting producers were excluded, the increase in volume of dumped imports would remain significant, as shown in the table below, namely an increase of 20 %. The market share of the remaining dumped imports increased by 5,9 percentage points during the period considered. The dumped imports still represented more than 24 % of the Community market during the IP.

Dumped imports	1997	1998	1999	2000	IP
Volume (tonnes)	161 759	192 989	168 406	222 489	193 963
Index: 1997 = 100	100	119	104	138	120
Market share	18,2 %	22,2 %	19,9 %	25,6 %	24,1 %

(ii) *Price undercutting*

- (44) Concerning imports originating in Turkey, it is confirmed that the level of undercutting found was on average 14,0 %. It has been established that if the imports from exporting producers found not to have dumped are excluded, this would not significantly alter the level of undercutting.
- (45) In respect of imports originating in the Czech Republic, it was argued that a comparison of Czech export prices either as shown in Eurostat statistics or in some individually selected cases, with the Community industry's ones, would not show any undercutting. It was therefore requested that the undercutting calculation should be revised accordingly.
- (46) According to normal practice, in order to calculate the price undercutting, verified average Community industry's and average exporters' prices were compared for the whole IP on a product type by product type basis and at the same level of trade. This comparison did show undercutting, and accordingly, this argument had to be rejected.
- (47) It was argued that, as Eurostat statistics indicate lower prices in Germany than in the other Member States, the undercutting calculation should be performed comparing prices of the exporting producers with the prices charged by the Community industry in each Member State.
- (48) In this respect it should be noted that the Community is considered as one single market for the purpose of anti-dumping investigations and it is normal practice that, in order fully to reflect the undercutting level, the undercutting calculation is made comparing the prices of each exporting producer to the average prices of the Community industry as a whole. In addition, it should be noted that sales of the product concerned are mainly made through traders who then sell to their customers that can be located in any part of the Community market. The Eurostat statistics confirm this, showing as they do an important level of intra-Community trade.
- (49) The Thai cooperating exporter claimed that in order to compare the product concerned at the same level of trade as that of the Community industry, an adjustment of 10 % should be made to the cif value of the imported goods in order to reflect the importers' SG&A and profits.
- (50) It should be noted that the prices of the imported product concerned have been increased by EUR 10 per tonne in order to reflect the costs that importers incur after importation. Both Community industry and exporters are mainly selling to equal types of customers, namely importing traders who then sell the product to the users. Accordingly, should exporters' prices be increased as requested, they would effectively represent prices at a different level of trade from the ones of the Community industry. In addition, no backing evidence has been provided to support the request. The request is therefore rejected.

- (51) In the absence of any new element concerning the methodology used for the undercutting calculation and taking into account the correction of clerical errors, the products concerned originating in the countries concerned were sold in the Community in the IP at prices which on average undercut the Community industry's prices, when expressed as a percentage of the latter, as follows: the Czech Republic 14,8 %, Poland 14,5 %, Thailand 21,4 %, Turkey 14,0 % and Ukraine 33,0 %.

4. Situation of the Community industry

- (52) In the absence of any new information affecting the findings of the situation of the Community industry, the provisional findings as described in recitals 107 to 139 of the Provisional Regulation are hereby confirmed.

5. Conclusion on injury

- (53) In the absence of any new information on the situation of the Community industry, the provisional findings on the injury suffered by the Community industry as described in recitals 140 to 142 of the Provisional Regulation are hereby confirmed, with the exception of the average level of undercutting indicated in recital 140 which has been revised to 16,6 %.

G. CAUSATION

- (54) No interested parties presented new arguments or evidence on causation. Nevertheless, the effects on the injury suffered by the Community industry by the impact of trade protective measures imposed by third countries and by imports originating in other third countries were further investigated.
- (55) Concerning the trade protective measures imposed by third countries, it was found that even had the level of total exports of the Community industry remained stable at 1997 level, the decrease in production and in the capacity utilisation of the Community industry between 1997 and the IP would nevertheless have remained substantial. This is due to the minor part played by exports compared to total sales. Whilst exports to all countries (i.e. not only to the ones having imposed trade protective measures) declined between 1997 and the IP, this was only from about 9,5 % of total Community sales in 1997 to about 8 % in the IP. Accordingly, the impact of the trade protective measures imposed by third countries was negligible. In addition, stable exports would not have changed the decreasing trend in profitability.
- (56) Concerning imports originating in Romania and Hungary and non-dumped imports originating in Turkey, it was found that in terms of volumes they cumulatively decreased by 25 % between 1997 and the IP. This negative trend is similar to the one observed for sales by the Community industry to unrelated customers, which decreased by 17 %. It is also opposite to the increase by 20 % in dumped imports originating in the five investigated countries. In conclusion, the decreasing trend of the volume of these imports and the low market shares involved confirm that these imports do not alter the findings on causation.
- (57) In the light of the above, the findings of the Provisional Regulation as described in recitals 143 to 168 are hereby confirmed.

H. COMMUNITY INTEREST

- (58) Following the imposition of the provisional measures, the only comments received on Community interests were provided by the Community industry which supported the Commission's provisional conclusions that the imposition of any anti-dumping measure is not likely to cause a considerable increase in users' costs or seriously affect their situation. It should be noted that the main user of the product concerned is the construction industry and that for these users the cost of laying, installing and maintaining the conduits, as linked to the cost of manpower, is much more important than the cost of tubes themselves. In addition, the cost of the installed piping itself is a very small part of the total housing construction cost.

- (59) It should also be noted that as the product concerned is mainly sold in the market through traders, prices that end-users will be actually charged will depend on traders' pricing policy.
- (60) In view of the above and in the absence of any new information on the analysis of the Community interest aspects of the case and in particular in the absence of cooperation or reactions from users, the provisional findings as described in recitals 169 to 196 of the Provisional Regulation are hereby confirmed.
- (61) It was argued that the present anti-dumping proceeding should be terminated in order to avoid a higher level of protection than what is deemed to be necessary as the product concerned is included in the scope of the safeguard investigation initiated on 28 March 2002 ⁽¹⁾.
- (62) The product concerned is indeed covered by the scope of the safeguard investigation. It should be noted, however, that it is not subject to provisional safeguard measures. Should the Commission propose the adoption of any definitive safeguard measures in respect of this product, it will also consider whether the combination of different types of measure could give rise to a higher level of protection than is necessary, and whether the anti-dumping duty should be amended accordingly. Interested parties will be given an opportunity to comment on this issue.

I. DEFINITIVE ANTI-DUMPING MEASURES

1. Injury elimination level

- (63) Some exporters have argued that the methodology used at the provisional stage for establishing the non-injurious prices lead to artificially inflated prices. It was thus requested that the methodology be reviewed.
- (64) The methodology used at the provisional stage to establish non-injurious prices per model and per level of trade involved the following:
- to establish the break even point, the weighted average actual sales prices charged by each Community industry company was adjusted upward or downward according to its actual loss or profits,
 - to that break even point, a profit margin of 5 % was added.
- At the definitive stage, the methodology was reviewed and the non-injurious prices per model and per level of trade were calculated as follows:
- to establish the break even point, the weighted average actual sales prices charged by each Community industry company was adjusted downward according to the Community industry's average actual profit,
 - to that break even point, a profit margin of 5 % was added.
- (65) It should also be noted that by using the profits of the Community industry on a weighted average basis as was done at the definitive stage, the situation of the Community industry in terms of prices, profitability and quantities involved is fully reflected.
- (66) It was also argued that the reviewed methodology led for certain models to discrepancies between cost of production and non-injurious prices. In this respect it should be noted that as the non-injurious prices are based on actual prices of the Community industry they also reflect the market situation of each model. Consequently, this methodology allows a fair comparison of prices.
- (67) Furthermore, the correction of clerical errors made in the context of the price undercutting calculations has been also applied to the injury margin calculation.

⁽¹⁾ OJ C 77, 28.3.2002, p. 39.

- (68) Given the cooperation of only one Thai company at the definitive stage and the low level of cooperation for Thailand and in order not to give a bonus for non cooperation, according to Article 18(6) of the Basic Regulation, the residual injury margin for Thailand has been established on the basis of Eurostat information.
- (69) The revised injury elimination margins found were as follows:

Country	Company	Injury margin
Turkey	Yücel Boru Profil Endüstrisi AS.	27,8 %
	Cayırova Boru San Ve Tic AS.	27,8 %
	Borusan Birslesik Boru Fabrikalari AS.	20,3 %
	Mannesmann Boru Endustrisi AS.	20,3 %
	Noksel Celik Boru Sanayi AS.	17,2 %
	Erbosan Erciyas Boru Sanayii ve Ticaret AS.	10,9 %
	Non-sampled cooperating companies:	
	— Borutas Boru Sanayii ve Ticaret AS.	22,3 %
	— Cinar Boru Profil San. Tic. Ltd STI	22,3 %
	— Guven Boru ve Profil Sanayi ve Ticaret Ltd Sti.	22,3 %
	— Özdemir Boru Profil San.ve Ticaret AS.	22,3 %
	— Sevil Boru-Profil Sanayii ve Ticaret AS.	22,3 %
	— Toscelik Profil ve Sac. Endüstrisi AS.	22,3 %
	— Özborsan San.ve Ticaret AS.	22,3 %
All other companies	27,8 %	
Czech Republic	Jákl Karvina	17,9 %
	Železářny Veselí as.	52,6 %
	All other companies	52,6 %
Poland	Huta Buczek	0,0 %
	All other companies	23,0 %
Ukraine	OJSC Nihnedneprovsky Tube Rolling Plant	56,2 %
	All other companies	56,6 %
Thailand	Saha Thai Steel Pipe Co. Ltd	33,8 %
	All other companies	35,2 %

2. Definitive anti-dumping measures

- (70) It was argued that any measure should not exceed the difference between the target profit margin and the profit obtained by the Community industry during the IP. The target profit margin of 5 % of turnover which the Community industry could be expected to obtain in the absence of injurious dumping was established in recital 199 of the Provisional Regulation.

- (71) It should be noted that duties are imposed for each cooperating company and each investigated country following the lesser duty rule. It should also be noted that the methodology used in order to determine the non-injurious prices for the Community industry reflects the found target profit of 5 % but that it is the difference between the actual level of prices charged by the exporters and the non-injurious prices of the Community industry which determines the level of injury found. The request is therefore rejected.
- (72) In the light of the foregoing, it is considered that, in accordance with Article 9(4) of the Basic Regulation, a definitive anti-dumping duty should be imposed in respect of imports originating in the Czech Republic, Poland, Thailand, Turkey and Ukraine at the level of the dumping margins found, or at the level of the injury margins found, where these are lower.
- (73) On the basis of the above, the proposed definitive duty rates, expressed as a percentage of the cif Community border price, before duty, are as follows:

Country	Company	Level of duty
Turkey	Yücel Boru Profil Endüstrisi AS.	0,0 %
	Cayırova Boru San Ve Tic AS.	0,0 %
	Borusan Birslesik Boru Fabrikalari AS.	5,0 %
	Mannesmann Boru Endustrisi AS.	5,0 %
	Noksel Celik Boru Sanayi AS.	0,0 %
	Erbosan Erciyas Boru Sanayii ve Ticaret AS.	6,0 %
	Non-sampled cooperating companies	
	— Borutas Boru Sanayii ve Ticaret AS.	5,2 %
	— Cinar Boru Profil San. Tic. Ltd STI	5,2 %
	— Guven Boru ve Profil Sanayi ve Ticaret Ltd Sti.	5,2 %
	— Özdemir Boru Profil San.ve Ticaret AS.	5,2 %
	— Sevil Boru-Profil Sanayii ve Ticaret AS.	5,2 %
	— Toscelik Profil ve Sac. Endüstrisi AS.	5,2 %
	— Özborsan San.ve Ticaret AS.	5,2 %
All other companies	6,0 %	
Czech Republic	Jäkl Karvina	17,9 %
	All other companies	52,6 %
Poland	Huta Buczek	0,0 %
	All other companies	23,0 %
Ukraine	OJSC Nihnedneprovsky Tube Rolling Plant	30,9 %
	All other companies	44,1 %
Thailand	Saha Thai Steel Pipe Co. Ltd	21,7 %
	All other companies	35,2 %

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

3. Undertaking

- (76) After provisional measures had been imposed, a number of exporting producers, namely Jäkl Karvina and Železářny Veselý in the Czech Republic, Saha Thai in Thailand and Borusan Birlesik Boru Fabrikalari/Mannesmann Boru Endustrisi in Turkey, offered price undertakings in accordance with Article 8(1) of the Basic Regulation.
- (77) In this respect, the Commission has noted that:
- the product concerned is a commodity product with a considerable volatility in prices even in the very short term, and therefore not very suitable for a fixed price undertaking,
 - the volatility is due to the variation in prices of raw materials, namely hot rolled coils and zinc, which constitute major but variable components of the cost of production. This is also linked to currency exchange rates, which are stable within the Community except for the United Kingdom, Sweden and Denmark, but fast changing with regard to the USD, the currency in which the transactions are made, especially in Thailand and Turkey. A monthly revision of prices would be necessary,
 - if the MIPs (minimum import prices) were indexed to the price of hot rolled coils and zinc, different indexing formulae would have to be established by sub-product group, since the energy and manpower per tonne vary between sizes. For this reason, should a review formula system be implemented, it would be necessary to establish between 3 and 4 sub-formulae for each category of product according to the size range.
- (78) Moreover, some of the producers who offered price undertakings export a variety of steel products such as welded tubes, structural pipes, carbon steel tubes, square tubing, rectangular tubing, etc., which are only partially subject to the anti-dumping investigation. The risk of compensation in prices for the different products exported to the same customers is therefore high. On a general basis, the Community industry also claimed that undertakings, and thus minimum prices, would clearly not be appropriate measures with regard to the product concerned for the same reasons. In light of the above, these offers of price undertakings were rejected.

4. Definitive collection of provisional duties

- (79) In view of the magnitude of the dumping margins found and in the light of the level of the injury caused to the Community industry, it is considered necessary that the amounts secured by way of the provisional anti-dumping duty, imposed by the Provisional Regulation, should be definitively collected at the rate of the duty definitively imposed,

⁽¹⁾ European Commission
Directorate-General Trade
Directorate B
B-1049 Brussels.

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of welded tubes and pipes of iron or non-alloy steel, of circular cross-section and of an external diameter not exceeding 168,3 mm, excluding tubes and pipes of a kind used for oil or gas pipelines, of a kind used in drilling for oil or gas, or with attached fittings for use in civil aircraft, other than precision tubes, falling within CN codes ex 7306 30 51, ex 7306 30 59, ex 7306 30 71, and ex 7306 30 78 (TARIC-codes 7306 30 51*10, 7306 30 59*10, 7306 30 71*91, 7306 30 78*91), and originating in the Czech Republic, Poland, Thailand, Turkey and Ukraine.

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

Country	Company	Rate of duty	TARIC additional code
Turkey	Yücel Boru Profil Endüstrisi AS.	0,0 %	A330
	Cayirova Boru San Ve Tic AS.	0,0 %	A331
	Borusan Birslesik Boru Fabrikalari AS.	5,0 %	A332
	Mannesmann Boru Endustrisi AS.	5,0 %	A333
	Noksel Celik Boru Sanayi AS.	0,0 %	A335
	Erbosan Erciyas Boru Sanayii ve Ticaret AS.	6,0 %	A335
	Non-sampled cooperating companies:		
	— Borutas Boru Sanayii ve Ticaret AS.	5,2 %	A336
	— Cinar Boru Profil San. Tic. Ltd STI	5,2 %	A337
	— Guven Boru ve Profil Sanayi ve Ticaret Ltd Sti.	5,2 %	A338
	— Özdemir Boru Profil San.ve Ticaret AS.	5,2 %	A339
	— Sevil Boru-Profil Sanayii ve Ticaret AS.	5,2 %	A340
	— Toscelik Profil ve Sac. Endüstrisi AS.	5,2 %	A341
	— Özborsan San.ve Ticaret AS.	5,2 %	A342
All other companies	6,0 %	A999	
Czech Republic	Jákl Karvina	17,9 %	A343
	All other companies	52,6 %	A999
Poland	Huta Buczek	0,0 %	A344
	All other companies	23,0 %	A999
Ukraine	OJSC Nizhnedneprovsky Tube Rolling Plant	30,9 %	A345
	All other companies	44,1 %	A999
Thailand	Saha Thai Steel Pipe Co. Ltd	21,7 %	A405
	All other companies	35,2 %	A999

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

Article 2

The amounts secured by way of the provisional anti-dumping duty imposed pursuant to the Provisional Regulation shall be definitively collected at the rate of the duties set out in Article 1, or at the rate of the provisional duty where this is lower. The amounts secured in excess of the definitive rate of anti-dumping duties shall be released.

Article 3

Where any Turkish party provides sufficient evidence to the Commission that it did not export the goods described in Article 1(1) during the IP, that it is not related to any exporter or producer subject to the measures imposed by this Regulation and that it has exported the goods concerned after the IP, or that it has entered into an irrevocable contractual obligation to export a significant quantity to the Community, the Council, acting by simple majority on a proposal submitted by the Commission, after consulting the Advisory Committee, may amend Article 1(2) in order to attribute to that party the duty applicable to cooperating producers/exporters not in the sample, i.e. 5,2 %.

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, 23 September 2002.

For the Council
The President

M. FISCHER BOEL

COMMISSION REGULATION (EC) No 1698/2002
of 26 September 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 27 September 2002.

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

Done at Brussels, 26 September 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 26 September 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	116,0
	060	76,1
	096	11,5
	999	67,9
0707 00 05	052	101,8
	999	101,8
0709 90 70	052	79,5
	999	79,5
0805 50 10	052	77,9
	388	60,5
	524	48,8
	528	53,3
0806 10 10	999	60,1
	052	92,5
	064	105,0
	400	189,1
0808 10 20, 0808 10 50, 0808 10 90	999	128,9
	388	81,1
	400	110,5
	512	95,9
	800	225,3
	804	80,8
0808 20 50	999	118,7
	052	89,7
	388	69,1
	720	93,5
0809 30 10, 0809 30 90	999	84,1
	052	110,1
	999	110,1
0809 40 05	052	115,5
	060	124,6
	066	123,2
	624	199,6
	999	140,7

⁽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 1699/2002

of 26 September 2002

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 27 September 2002.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 104, 20.4.2002, p. 26.

⁽³⁾ OJ L 141, 24.6.1995, p. 12.

⁽⁴⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 26 September 2002.

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

ANNEX

to the Commission Regulation of 26 September 2002 fixing the representative prices and additional import duties to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,38	—	0
1703 90 00 ⁽¹⁾	11,77	—	0

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

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

COMMISSION REGULATION (EC) No 1700/2002
of 26 September 2002
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular the third subparagraph of Article 27(5) thereof,

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1665/2002 ⁽³⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 1665/2002 to the information known to the Commission that the export refunds at

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1665/2002 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 September 2002.

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

Done at Brussels, 26 September 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.
⁽²⁾ OJ L 104, 20.4.2002, p. 26.
⁽³⁾ OJ L 252, 20.9.2002, p. 5.

ANNEX

to the Commission Regulation of 26 September 2002 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	40,92 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	42,17 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	40,92 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	42,17 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4448
1701 99 10 9100	A00	EUR/100 kg	44,48
1701 99 10 9910	A00	EUR/100 kg	45,84
1701 99 10 9950	A00	EUR/100 kg	45,84
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4448

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 28(4) of Council Regulation (EC) No 1260/2001.

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

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

**COMMISSION REGULATION (EC) No 1701/2002
of 26 September 2002**

fixing the maximum export refund for white sugar for the eighth partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1331/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽²⁾, and in particular Article 27(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1331/2002 of 23 July 2002 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, for the 2002/2003 marketing year, requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1331/2002 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

(3) Following an examination of the tenders submitted in response to the eighth partial invitation to tender, the provisions set out in Article 1 should be adopted.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the eighth partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1331/2002 the maximum amount of the export refund is fixed at 49,005 EUR/100 kg.

Article 2

This Regulation shall enter into force on 27 September 2002.

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

Done at Brussels, 26 September 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.
⁽²⁾ OJ L 104, 20.4.2002, p. 26.
⁽³⁾ OJ L 195, 24.7.2002, p. 6.

COMMISSION REGULATION (EC) No 1702/2002
of 26 September 2002
establishing the estimated production of unginned cotton for the 2002/2003 marketing year and
the resulting provisional reduction of the guide price

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular Article 19(2) thereof,

Whereas:

- (1) Article 16(1) of Commission Regulation (EC) No 1591/2001 laying down detailed rules for applying the cotton aid scheme ⁽³⁾, as last amended by Regulation (EC) No 1486/2002 ⁽⁴⁾, lays down that the estimated production of unginned cotton referred to in the first subparagraph of Article 14(3) of Regulation (EC) No 1051/2001 and the resulting provisional reduction of the guide price must be established before 10 September of the marketing year concerned.
- (2) Article 19(2) of Regulation (EC) No 1051/2001 lays down that account must be taken of crop forecasts when establishing the estimated production. Based on the available data for the 2002/2003 marketing year, that production should be fixed as indicated below.
- (3) The provisional reduction of the guide price is calculated in accordance with Article 7 of Regulation (EC) No 1051/2001, replacing, however, actual production with

estimated production plus 15 %. This reduction should accordingly be fixed at the levels indicated below.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Natural Fibres,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 2002/2003 marketing year, estimated production of unginned cotton is fixed at:
 - 1 061 978 tonnes for Greece,
 - 313 828 tonnes for Spain,
 - 1 664 tonnes for Portugal.
2. For the 2002/2003 marketing year, the provisional reduction of the guide price is fixed at:
 - 36,992 EUR/100 kg for Greece,
 - 23,918 EUR/100 kg for Spain,
 - 14,669 EUR/100 kg for Portugal.

Article 2

This Regulation shall enter into force on the third 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, 26 September 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10.

⁽⁴⁾ OJ L 223, 20.8.2002, p. 3.

COMMISSION REGULATION (EC) No 1703/2002
of 26 September 2002
amending the rates of the refunds applicable to certain milk products exported in the form of
goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the markets in the milk and milk products sector ⁽¹⁾, as last amended by Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

- (1) The rates of the refunds applicable from 1 September 2002 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 1560/2002 ⁽³⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 1560/2002 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 1560/2002 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 September 2002.

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

Done at Brussels, 26 September 2002.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 234, 31.8.2002, p. 16.

ANNEX

to the Commission Regulation of 26 September 2002 altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	85,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	94,61
	(b) On exportation of other goods	110,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	100,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	192,25
	(c) On exportation of other goods	185,00

COMMISSION REGULATION (EC) No 1704/2002
of 26 September 2002
fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽³⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

(1) Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

(2) Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.

(3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽⁵⁾, as amended by Regulation (EC) No 2993/95 ⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash,

crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

(6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.

(7) The refund must be fixed once a month. It may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted.

(9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d) of Regulation (EEC) No 1766/92 and in Article 1(1)(c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 27 September 2002.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 147, 30.6.1995, p. 55.

⁽⁶⁾ OJ L 312, 23.12.1995, p. 25.

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

Done at Brussels, 26 September 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 26 September 2002 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C11	EUR/t	11,44	1104 23 10 9100	C14	EUR/t	12,26
1102 20 10 9400 ⁽¹⁾	C11	EUR/t	9,80	1104 23 10 9300	C14	EUR/t	9,40
1102 20 90 9200 ⁽¹⁾	C11	EUR/t	9,80	1104 29 11 9000	C13	EUR/t	0,00
1102 90 10 9100	C14	EUR/t	0,00	1104 29 51 9000	C13	EUR/t	0,00
1102 90 10 9900	C14	EUR/t	0,00	1104 29 55 9000	C13	EUR/t	0,00
1102 90 30 9100	C15	EUR/t	0,00	1104 30 10 9000	C13	EUR/t	0,00
1103 19 40 9100	C16	EUR/t	0,00	1104 30 90 9000	C14	EUR/t	2,04
1103 13 10 9100 ⁽¹⁾	C14	EUR/t	14,71	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C14	EUR/t	11,44	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C14	EUR/t	9,80	1108 11 00 9200	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C14	EUR/t	9,80	1108 11 00 9300	C10	EUR/t	0,00
1103 19 10 9000	C16	EUR/t	12,86	1108 12 00 9200	C10	EUR/t	13,07
1103 19 30 9100	C14	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	13,07
1103 20 60 9000	C16	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	13,07
1103 20 20 9000	C14	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	13,07
1104 19 69 9100	C14	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	63,84
1104 12 90 9100	C13	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	63,84
1104 12 90 9300	C13	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 19 10 9000	C13	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	12,81
1104 19 50 9110	C14	EUR/t	13,07	1702 30 59 9000 ⁽²⁾	C10	EUR/t	9,80
1104 19 50 9130	C14	EUR/t	10,62	1702 30 91 9000	C10	EUR/t	12,81
1104 29 01 9100	C14	EUR/t	0,00	1702 30 99 9000	C10	EUR/t	9,80
1104 29 03 9100	C14	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	9,80
1104 29 05 9100	C14	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	12,81
1104 29 05 9300	C14	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	9,80
1104 22 20 9100	C13	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	13,42
1104 22 30 9100	C13	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	9,31
				2106 90 55 9000	C10	EUR/t	9,80

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

The other destinations are as follows:

C10: All destinations except for Estonia,

C11: All destinations except for Estonia, Hungary, and Poland,

C12: All destinations except for Estonia, Hungary, Latvia and Poland,

C13: All destinations except for Estonia, Hungary and Lithuania,

C14: All destinations except for Estonia and Hungary,

C15: All destinations except for Estonia, Hungary, Latvia, Lithuania and Poland,

C16: All destinations except for Estonia, Hungary, Latvia and Lithuania.

COMMISSION REGULATION (EC) No 1705/2002
of 26 September 2002
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) However, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported.
- (6) The refund must be fixed once a month; whereas it may be altered in the intervening period.
- (7) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 27 September 2002.

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

Done at Brussels, 26 September 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 51.

ANNEX

to the Commission Regulation of 26 September 2002 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	8,17
Cereal products excluding maize and maize products	C10	EUR/t	0,00

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The other destinations are as follows:

C10 All destinations except for Estonia.

COMMISSION REGULATION (EC) No 1706/2002
of 26 September 2002
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 509/2002 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31 of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(2) Regulation (EC) No 1255/1999 provides that when the refunds on the products listed in Article 1 of the above-mentioned Regulation, exported in the natural state, are being fixed, account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 300 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports.

(3) Article 31(5) of Regulation (EC) No 1255/1999 provides that when prices within the Community are being determined account should be taken of the ruling prices

which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices.

(4) Article 31(3) of Regulation (EC) No 1255/1999 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination.

(5) Article 31(3) of Regulation (EC) No 1255/1999 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; the amount of the refund may, however, remain at the same level for more than four weeks.

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 1166/2002 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽⁵⁾, as amended by Commission Regulation (EC) No 680/2002 ⁽⁶⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 79, 22.3.2002, p. 15.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 51.

⁽⁵⁾ OJ L 178, 30.6.2001, p. 1.

⁽⁶⁾ OJ L 104, 20.4.2002, p. 26.

- (7) Commission Regulation (EEC) No 896/84 ⁽¹⁾, as last amended by Regulation (EEC) No 222/88 ⁽²⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 27 September 2002.

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

Done at Brussels, 26 September 2002.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71.

⁽²⁾ OJ L 28, 1.2.1988, p. 1.

ANNEX

to the Commission Regulation of 26 September 2002 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 10 10 9000	970	EUR/100 kg	2,458	0402 91 39 9300	L06	EUR/100 kg	8,058
0401 10 90 9000	970	EUR/100 kg	2,458	0402 91 99 9000	L06	EUR/100 kg	43,93
0401 20 11 9100	970	EUR/100 kg	2,458	0402 99 11 9350	L06	EUR/kg	0,1734
0401 20 11 9500	970	EUR/100 kg	3,798	0402 99 19 9350	L06	EUR/kg	0,1734
0401 20 19 9100	970	EUR/100 kg	2,458	0402 99 31 9150	L06	EUR/kg	0,1816
0401 20 19 9500	970	EUR/100 kg	3,798	0402 99 31 9300	L06	EUR/kg	0,2629
0401 20 91 9000	970	EUR/100 kg	4,806	0402 99 31 9500	L06	EUR/kg	0,4530
0401 20 99 9000	970	EUR/100 kg	4,806	0402 99 39 9150	L06	EUR/kg	0,1816
0401 30 11 9400	970	EUR/100 kg	11,09	0403 90 11 9000	L06	EUR/100 kg	83,81
0401 30 11 9700	970	EUR/100 kg	16,66	0403 90 13 9200	L06	EUR/100 kg	83,81
0401 30 19 9700	970	EUR/100 kg	16,66	0403 90 13 9300	L06	EUR/100 kg	96,22
0401 30 31 9100	L06	EUR/100 kg	40,46	0403 90 13 9500	L06	EUR/100 kg	101,20
0401 30 31 9400	L06	EUR/100 kg	63,20	0403 90 13 9900	L06	EUR/100 kg	109,02
0401 30 31 9700	L06	EUR/100 kg	69,70	0403 90 19 9000	L06	EUR/100 kg	109,59
0401 30 39 9100	L06	EUR/100 kg	40,46	0403 90 33 9400	L06	EUR/kg	0,9622
0401 30 39 9400	L06	EUR/100 kg	63,20	0403 90 33 9900	L06	EUR/kg	1,0902
0401 30 39 9700	L06	EUR/100 kg	69,70	0403 90 51 9100	970	EUR/100 kg	2,458
0401 30 91 9100	L06	EUR/100 kg	79,43	0403 90 59 9170	970	EUR/100 kg	16,66
0401 30 91 9500	L06	EUR/100 kg	116,74	0403 90 59 9310	L06	EUR/100 kg	40,46
0401 30 99 9100	L06	EUR/100 kg	79,43	0403 90 59 9340	L06	EUR/100 kg	59,20
0401 30 99 9500	L06	EUR/100 kg	116,74	0403 90 59 9370	L06	EUR/100 kg	59,20
0402 10 11 9000	L06	EUR/100 kg	85,00	0403 90 59 9510	L06	EUR/100 kg	59,20
0402 10 19 9000	L06	EUR/100 kg	85,00	0404 90 21 9120	L06	EUR/100 kg	72,52
0402 10 91 9000	L06	EUR/kg	0,8500	0404 90 21 9160	L06	EUR/100 kg	85,00
0402 10 99 9000	L06	EUR/kg	0,8500	0404 90 23 9120	L06	EUR/100 kg	85,00
0402 21 11 9200	L06	EUR/100 kg	85,00	0404 90 23 9130	L06	EUR/100 kg	96,80
0402 21 11 9300	L06	EUR/100 kg	96,80	0404 90 23 9140	L06	EUR/100 kg	102,18
0402 21 11 9500	L06	EUR/100 kg	102,18	0404 90 23 9150	L06	EUR/100 kg	110,00
0402 21 11 9900	L06	EUR/100 kg	110,00	0404 90 29 9110	L06	EUR/100 kg	110,78
0402 21 17 9000	L06	EUR/100 kg	85,00	0404 90 29 9115	L06	EUR/100 kg	111,62
0402 21 19 9300	L06	EUR/100 kg	96,80	0404 90 29 9125	L06	EUR/100 kg	112,78
0402 21 19 9500	L06	EUR/100 kg	102,18	0404 90 29 9140	L06	EUR/100 kg	123,38
0402 21 19 9900	L06	EUR/100 kg	110,00	0404 90 81 9100	L06	EUR/kg	0,8500
0402 21 91 9100	L06	EUR/100 kg	110,74	0404 90 83 9110	L06	EUR/kg	0,8500
0402 21 91 9200	L06	EUR/100 kg	111,63	0404 90 83 9130	L06	EUR/kg	0,9680
0402 21 91 9350	L06	EUR/100 kg	112,71	0404 90 83 9150	L06	EUR/kg	1,0218
0402 21 91 9500	L06	EUR/100 kg	123,33	0404 90 83 9170	L06	EUR/kg	1,1000
0402 21 99 9100	L06	EUR/100 kg	110,74	0404 90 83 9936	L06	EUR/kg	0,1734
0402 21 99 9200	L06	EUR/100 kg	111,63	0405 10 11 9500	L05	EUR/100 kg	180,49
0402 21 99 9300	L06	EUR/100 kg	112,71	0405 10 11 9700	L05	EUR/100 kg	185,00
0402 21 99 9400	L06	EUR/100 kg	120,44	0405 10 19 9500	L05	EUR/100 kg	180,49
0402 21 99 9500	L06	EUR/100 kg	123,33	0405 10 19 9700	L05	EUR/100 kg	185,00
0402 21 99 9600	L06	EUR/100 kg	133,79	0405 10 30 9100	L05	EUR/100 kg	180,49
0402 21 99 9700	L06	EUR/100 kg	139,58	0405 10 30 9300	L05	EUR/100 kg	185,00
0402 21 99 9900	L06	EUR/100 kg	146,42	0405 10 30 9700	L05	EUR/100 kg	185,00
0402 29 15 9200	L06	EUR/kg	0,8500	0405 10 50 9300	L05	EUR/100 kg	185,00
0402 29 15 9300	L06	EUR/kg	1,9682	0405 10 50 9500	L05	EUR/100 kg	180,49
0402 29 15 9500	L06	EUR/kg	1,0221	0405 10 50 9700	L05	EUR/100 kg	185,00
0402 29 15 9900	L06	EUR/kg	1,1000	0405 10 90 9000	L05	EUR/100 kg	191,78
0402 29 19 9300	L06	EUR/kg	0,9682	0405 20 90 9500	L05	EUR/100 kg	169,22
0402 29 19 9500	L06	EUR/kg	1,0221	0405 20 90 9700	L05	EUR/100 kg	175,98
0402 29 19 9900	L06	EUR/kg	1,1000	0405 90 10 9000	L05	EUR/100 kg	235,07
0402 29 91 9000	L06	EUR/kg	1,1074	0405 90 90 9000	L05	EUR/100 kg	185,00
0402 29 99 9100	L06	EUR/kg	1,1074	0406 10 20 9100	A00	EUR/100 kg	—
0402 29 99 9500	L06	EUR/kg	1,2044	0406 10 20 9230	L03	EUR/100 kg	—
0402 91 11 9370	L06	EUR/100 kg	6,804		L04	EUR/100 kg	39,41
0402 91 19 9370	L06	EUR/100 kg	6,804		400	EUR/100 kg	—
0402 91 31 9300	L06	EUR/100 kg	8,058		A01	EUR/100 kg	39,41

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund		
0406 10 20 9290	L03	EUR/100 kg	—	0406 30 31 9910	L03	EUR/100 kg	—		
	L04	EUR/100 kg	36,66		L04	EUR/100 kg	8,10		
	400	EUR/100 kg	—		400	EUR/100 kg	—		
	A01	EUR/100 kg	36,66		A01	EUR/100 kg	15,17		
0406 10 20 9300	L03	EUR/100 kg	—	0406 30 31 9930	L03	EUR/100 kg	—		
	L04	EUR/100 kg	16,09		L04	EUR/100 kg	11,87		
	400	EUR/100 kg	—		400	EUR/100 kg	—		
	A01	EUR/100 kg	16,09		A01	EUR/100 kg	22,26		
0406 10 20 9610	L03	EUR/100 kg	—	0406 30 31 9950	L03	EUR/100 kg	—		
	L04	EUR/100 kg	53,46		L04	EUR/100 kg	17,26		
	400	EUR/100 kg	—		400	EUR/100 kg	—		
	A01	EUR/100 kg	53,46		A01	EUR/100 kg	32,38		
0406 10 20 9620	L03	EUR/100 kg	—	0406 30 39 9500	L03	EUR/100 kg	—		
	L04	EUR/100 kg	54,22		L04	EUR/100 kg	11,87		
	400	EUR/100 kg	—		400	EUR/100 kg	—		
	A01	EUR/100 kg	54,22		A01	EUR/100 kg	22,26		
0406 10 20 9630	L03	EUR/100 kg	—	0406 30 39 9700	L03	EUR/100 kg	—		
	L04	EUR/100 kg	60,52		L04	EUR/100 kg	17,26		
	400	EUR/100 kg	—		400	EUR/100 kg	—		
	A01	EUR/100 kg	60,52		A01	EUR/100 kg	32,38		
0406 10 20 9640	L03	EUR/100 kg	—	0406 30 39 9930	L03	EUR/100 kg	—		
	L04	EUR/100 kg	88,94		L04	EUR/100 kg	17,26		
	400	EUR/100 kg	—		400	EUR/100 kg	—		
	A01	EUR/100 kg	88,94		A01	EUR/100 kg	32,38		
0406 10 20 9650	L03	EUR/100 kg	—	0406 30 39 9950	L03	EUR/100 kg	—		
	L04	EUR/100 kg	74,11		L04	EUR/100 kg	19,53		
	400	EUR/100 kg	—		400	EUR/100 kg	—		
	A01	EUR/100 kg	74,11		A01	EUR/100 kg	36,60		
0406 10 20 9660	A00	EUR/100 kg	—	0406 30 90 9000	L03	EUR/100 kg	—		
0406 10 20 9830	L03	EUR/100 kg	—		L04	EUR/100 kg	20,48		
	L04	EUR/100 kg	27,49		400	EUR/100 kg	—		
	400	EUR/100 kg	—		A01	EUR/100 kg	38,40		
	A01	EUR/100 kg	27,49	0406 40 50 9000	L03	EUR/100 kg	—		
0406 10 20 9850	L03	EUR/100 kg	—		L04	EUR/100 kg	94,14		
	L04	EUR/100 kg	33,33		400	EUR/100 kg	—		
	400	EUR/100 kg	—		A01	EUR/100 kg	94,14		
	A01	EUR/100 kg	33,33	0406 40 90 9000	L03	EUR/100 kg	—		
0406 10 20 9870	A00	EUR/100 kg	—		L04	EUR/100 kg	96,66		
	0406 10 20 9900	A00	EUR/100 kg		—	400	EUR/100 kg	—	
		0406 20 90 9100	A00		EUR/100 kg	—	A01	EUR/100 kg	96,66
			0406 20 90 9913	L03	EUR/100 kg	—	0406 90 13 9000	L03	EUR/100 kg
L04				EUR/100 kg	61,46	L04		EUR/100 kg	106,29
400	EUR/100 kg			17,96	400	EUR/100 kg		34,20	
A01	EUR/100 kg	61,46		A01	EUR/100 kg	121,71			
0406 20 90 9915	L03	EUR/100 kg	—	0406 90 15 9100	L03	EUR/100 kg	—		
	L04	EUR/100 kg	81,13		L04	EUR/100 kg	109,84		
	400	EUR/100 kg	23,93		400	EUR/100 kg	35,25		
	A01	EUR/100 kg	81,13		A01	EUR/100 kg	125,77		
0406 20 90 9917	L03	EUR/100 kg	—	0406 90 17 9100	L03	EUR/100 kg	—		
	L04	EUR/100 kg	86,20		L04	EUR/100 kg	109,84		
	400	EUR/100 kg	25,44		400	EUR/100 kg	35,25		
	A01	EUR/100 kg	86,20		A01	EUR/100 kg	125,77		
0406 20 90 9919	L03	EUR/100 kg	—	0406 90 21 9900	L03	EUR/100 kg	—		
	L04	EUR/100 kg	96,33		L04	EUR/100 kg	107,63		
	400	EUR/100 kg	28,38		400	EUR/100 kg	25,29		
	A01	EUR/100 kg	96,33		A01	EUR/100 kg	122,94		
0406 20 90 9990	A00	EUR/100 kg	—	0406 90 23 9900	L03	EUR/100 kg	—		
0406 30 31 9710	L03	EUR/100 kg	—		L04	EUR/100 kg	94,51		
	L04	EUR/100 kg	8,10		400	EUR/100 kg	—		
	400	EUR/100 kg	—		A01	EUR/100 kg	108,69		
	A01	EUR/100 kg	15,17	0406 90 25 9900	L03	EUR/100 kg	—		
0406 30 31 9730	L03	EUR/100 kg	—		L04	EUR/100 kg	93,89		
	L04	EUR/100 kg	11,87		400	EUR/100 kg	—		
	400	EUR/100 kg	—		A01	EUR/100 kg	107,52		
	A01	EUR/100 kg	22,26						

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund	
0406 90 27 9900	L03	EUR/100 kg	—	0406 90 78 9100	L04	EUR/100 kg	94,38	
	L04	EUR/100 kg	85,04		400	EUR/100 kg	13,13	
	400	EUR/100 kg	—		A01	EUR/100 kg	107,15	
	A01	EUR/100 kg	97,38		L03	EUR/100 kg	—	
0406 90 31 9119	L03	EUR/100 kg	—	0406 90 78 9300	L04	EUR/100 kg	91,53	
	L04	EUR/100 kg	78,15		400	EUR/100 kg	—	
	400	EUR/100 kg	14,50		A01	EUR/100 kg	106,96	
	A01	EUR/100 kg	89,64		L03	EUR/100 kg	—	
0406 90 33 9119	L03	EUR/100 kg	—	0406 90 78 9500	L04	EUR/100 kg	97,04	
	L04	EUR/100 kg	78,15		400	EUR/100 kg	—	
	400	EUR/100 kg	14,50		A01	EUR/100 kg	110,84	
	A01	EUR/100 kg	89,64		L03	EUR/100 kg	—	
0406 90 33 9919	L03	EUR/100 kg	—	0406 90 79 9900	L04	EUR/100 kg	96,13	
	L04	EUR/100 kg	71,43		400	EUR/100 kg	—	
	400	EUR/100 kg	—		A01	EUR/100 kg	109,15	
	A01	EUR/100 kg	82,21		L03	EUR/100 kg	—	
0406 90 33 9951	L03	EUR/100 kg	—	0406 90 81 9900	L04	EUR/100 kg	78,47	
	L04	EUR/100 kg	72,14		400	EUR/100 kg	—	
	400	EUR/100 kg	—		A01	EUR/100 kg	90,23	
	A01	EUR/100 kg	82,27		L03	EUR/100 kg	—	
0406 90 35 9190	L03	EUR/100 kg	—	0406 90 85 9930	L04	EUR/100 kg	99,20	
	L04	EUR/100 kg	110,56		400	EUR/100 kg	27,02	
	400	EUR/100 kg	34,88		A01	EUR/100 kg	113,61	
	A01	EUR/100 kg	127,15		L03	EUR/100 kg	—	
0406 90 35 9990	L03	EUR/100 kg	—	0406 90 85 9970	L04	EUR/100 kg	107,14	
	L04	EUR/100 kg	110,56		400	EUR/100 kg	33,67	
	400	EUR/100 kg	22,80		A01	EUR/100 kg	123,32	
	A01	EUR/100 kg	127,15		L03	EUR/100 kg	—	
0406 90 37 9000	L03	EUR/100 kg	—	0406 90 85 9999	L04	EUR/100 kg	98,22	
	L04	EUR/100 kg	106,29		400	EUR/100 kg	29,46	
	400	EUR/100 kg	34,20		A01	EUR/100 kg	113,03	
	A01	EUR/100 kg	121,71		A00	EUR/100 kg	—	
0406 90 61 9000	L03	EUR/100 kg	—	0406 90 86 9100	A00	EUR/100 kg	—	
	L04	EUR/100 kg	117,14	0406 90 86 9200	L03	EUR/100 kg	—	
	400	EUR/100 kg	32,46	L04	EUR/100 kg	90,13		
	A01	EUR/100 kg	135,59	400	EUR/100 kg	17,68		
0406 90 63 9100	L03	EUR/100 kg	—	0406 90 86 9300	A01	EUR/100 kg	106,94	
	L04	EUR/100 kg	116,53		L03	EUR/100 kg	—	
	400	EUR/100 kg	36,31		L04	EUR/100 kg	91,43	
	A01	EUR/100 kg	134,46		400	EUR/100 kg	19,38	
0406 90 63 9900	L03	EUR/100 kg	—	0406 90 86 9400	A01	EUR/100 kg	108,06	
	L04	EUR/100 kg	112,03		L03	EUR/100 kg	—	
	400	EUR/100 kg	27,77		L04	EUR/100 kg	97,13	
	A01	EUR/100 kg	129,88		400	EUR/100 kg	21,93	
0406 90 69 9100	A00	EUR/100 kg	—	0406 90 86 9900	A01	EUR/100 kg	113,61	
0406 90 69 9910	L03	EUR/100 kg	—		L03	EUR/100 kg	—	
0406 90 73 9900	L04	EUR/100 kg	112,03		0406 90 87 9100	L04	EUR/100 kg	107,14
	400	EUR/100 kg	27,77			400	EUR/100 kg	25,67
	A01	EUR/100 kg	129,88	A01		EUR/100 kg	123,32	
	L03	EUR/100 kg	—	A00		EUR/100 kg	—	
0406 90 75 9900	L04	EUR/100 kg	97,56	0406 90 87 9200	L03	EUR/100 kg	—	
	400	EUR/100 kg	29,89		L04	EUR/100 kg	75,11	
	A01	EUR/100 kg	111,82		400	EUR/100 kg	15,81	
	L03	EUR/100 kg	—		A01	EUR/100 kg	89,10	
0406 90 76 9300	L04	EUR/100 kg	98,22	0406 90 87 9300	L03	EUR/100 kg	—	
	400	EUR/100 kg	12,61		L04	EUR/100 kg	83,95	
	A01	EUR/100 kg	113,03		400	EUR/100 kg	17,85	
	L03	EUR/100 kg	—		A01	EUR/100 kg	99,25	
0406 90 76 9400	L04	EUR/100 kg	88,57	0406 90 87 9400	L03	EUR/100 kg	—	
	400	EUR/100 kg	—		L04	EUR/100 kg	86,15	
	A01	EUR/100 kg	101,43		400	EUR/100 kg	19,55	
	L03	EUR/100 kg	—		A01	EUR/100 kg	100,75	
0406 90 76 9500	L04	EUR/100 kg	99,20	0406 90 87 9951	L03	EUR/100 kg	—	
	400	EUR/100 kg	13,13		L04	EUR/100 kg	97,43	
	A01	EUR/100 kg	113,61		400	EUR/100 kg	27,03	
	L03	EUR/100 kg	—		A01	EUR/100 kg	111,58	

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 87 9971	L03	EUR/100 kg	—	0406 90 87 9975	400	EUR/100 kg	15,39
	L04	EUR/100 kg	97,43		A01	EUR/100 kg	118,38
	400	EUR/100 kg	21,93		L03	EUR/100 kg	—
0406 90 87 9972	A01	EUR/100 kg	111,58	L04	EUR/100 kg	105,90	0406 90 87 9979
	L03	EUR/100 kg	—	400	EUR/100 kg	20,40	
	L04	EUR/100 kg	41,51	A01	EUR/100 kg	119,70	
0406 90 87 9973	400	EUR/100 kg	—	L03	EUR/100 kg	—	0406 90 88 9100
	A01	EUR/100 kg	47,73	L04	EUR/100 kg	94,51	
	L03	EUR/100 kg	—	400	EUR/100 kg	15,39	
0406 90 87 9974	L04	EUR/100 kg	95,66	A01	EUR/100 kg	108,69	0406 90 88 9300
	400	EUR/100 kg	15,39	A00	EUR/100 kg	—	
	A01	EUR/100 kg	109,55	L03	EUR/100 kg	—	
0406 90 87 9974	L03	EUR/100 kg	—	L04	EUR/100 kg	74,16	0406 90 88 9300
	L04	EUR/100 kg	103,82	400	EUR/100 kg	19,38	
				A01	EUR/100 kg	87,34	

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

The other destinations are defined as follows:

L03 Ceuta, Melilla, Iceland, Norway, Switzerland, Liechtenstein, Andorra, Gibraltar, Holy See (often referred to as Vatican City), Malta, Turkey, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Romania, Bulgaria, Canada, Cyprus, Australia and New Zealand,

L04 Albania, Slovenia, Croatia, Bosnia and Herzegovina, Yugoslavia and the Former Yugoslav Republic of Macedonia,

L05 all destinations except Poland, Estonia, Latvia, Lithuania, Hungary and the United States of America.

L06 all destinations except Estonia, Latvia, Lithuania, Hungary and the United States of America.

970 includes the exports referred to in Articles 36(1)(a) and (c) and 44(1)(a) and (b) of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11) and exports under contracts with armed forces stationed on the territory of a Member State which do not come under its flag.

**COMMISSION REGULATION (EC) No 1707/2002
of 26 September 2002**

**fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form
of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice⁽³⁾, as last amended by Commission Regulation (EC) No 411/2002⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 1766/92 and Article 13(1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EC) No 1052/2002⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate.
- (3) In accordance with the first subparagraph of Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 4(3) and (5) of Regulation (EC) No 1520/2000 provides that a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1722/93⁽⁸⁾, as last amended by Commission Regulation (EC) No 1786/2001⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark stipulates that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1(1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to amended Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 27 September 2002.

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 62, 5.3.2002, p. 27.

⁽⁵⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁶⁾ OJ L 160, 18.6.2002, p. 16.

⁽⁷⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁸⁾ OJ L 159, 1.7.1993, p. 112.

⁽⁹⁾ OJ L 242, 12.9.2001, p. 3.

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

Done at Brussels, 26 September 2002.

For the Commission
Erkki LIIKANEN
Member of the Commission

ANNEX

to the Commission Regulation of 26 September 2002 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty

		(EUR/100 kg)	
CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases	— —	— —
1001 90 99	Common wheat and meslin: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in other cases: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases	— — — —	— — — —
1002 00 00	Rye	1,286	1,286
1003 00 90	Barley – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	— —	— —
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of: – starch: – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ : – – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – – in other cases – where goods falling within subheading 2208 ⁽³⁾ are exported – other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: – where Article 4(5) of Regulation (EC) No 1520/2000 applies ⁽²⁾ – – where goods falling within subheading 2208 ⁽³⁾ are exported – in other cases	0,817 — 0,817 0,613 — 0,613 0,817 0,817 — 0,817	0,817 — 0,817 0,613 — 0,613 0,817 0,817 — 0,817

(EUR/100 kg)

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly-milled rice: – round grain	18,000	18,000
	– medium grain	18,000	18,000
	– long grain	18,000	18,000
1006 40 00	Broken rice	4,200	4,200
1007 00 90	Sorghum	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1520/2000 shall be applied (OJ L 177, 15.7.2000, p. 1).

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex B of Council Regulation (EEC) No 1766/92 or referred to in Article 2 of Regulation (EEC) No 2825/93.

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 1708/2002**of 26 September 2002****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(2) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 September 2002.

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

Done at Brussels, 26 September 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

ANNEX

to the Commission Regulation of 26 September 2002 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 11 9000	—	EUR/t	—
1001 10 00 9400	—	EUR/t	—	1101 00 15 9100	C01	EUR/t	0
1001 90 91 9000	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	0
1001 90 99 9000	C01	EUR/t	0	1101 00 15 9150	C01	EUR/t	0
1002 00 00 9000	C06	EUR/t	0	1101 00 15 9170	C01	EUR/t	0
1003 00 10 9000	—	EUR/t	—	1101 00 15 9180	C01	EUR/t	0
1003 00 90 9000	C07	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1004 00 00 9200	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1004 00 00 9400	C06	EUR/t	0	1102 10 00 9500	C01	EUR/t	13,70
1005 10 90 9000	—	EUR/t	—	1102 10 00 9700	C01	EUR/t	10,80
1005 90 00 9000	C07	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1007 00 90 9000	—	EUR/t	—	1103 11 10 9200	C06	EUR/t	0 ⁽¹⁾
1008 20 00 9000	—	EUR/t	—	1103 11 10 9400	C06	EUR/t	0 ⁽¹⁾
				1103 11 10 9900	—	EUR/t	—
				1103 11 90 9200	C06	EUR/t	0 ⁽¹⁾
				1103 11 90 9800	—	EUR/t	—

⁽¹⁾ No refund is granted when this product contains compressed meal.

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The other destinations are as follows:

C01 All destinations except for Poland, Lithuania, Estonia, Latvia and Hungary.

C06 All destinations except for Lithuania, Estonia, Latvia and Hungary.

C07 All destinations except for Estonia, Latvia and Hungary.

COMMISSION REGULATION (EC) No 1709/2002
of 26 September 2002
concerning tenders notified in response to the invitation to tender for the export of rye issued in
Regulation (EC) No 900/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of rye to all third countries excluding Hungary, Estonia, Lithuania and Latvia was opened pursuant to Commission Regulation (EC) No 900/2002 ⁽⁶⁾, as amended by Regulation (EC) No 1632/2002 ⁽⁷⁾.

(2) Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

(3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 20 to 26 September 2002 in response to the invitation to tender for the refund for the export of rye issued in Regulation (EC) No 900/2002.

Article 2

This Regulation shall enter into force on 27 September 2002.

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

Done at Brussels, 26 September 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 142, 31.5.2002, p. 14.

⁽⁷⁾ OJ L 247, 14.9.2002, p. 3.

COMMISSION REGULATION (EC) No 1710/2002**of 26 September 2002****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 1582/2002**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾, and in particular Article 4 thereof,

Having regard to Commission Regulation (EC) No 1582/2002 of 5 September 2002 on a special intervention measure for cereals in Finland and Sweden ⁽⁶⁾, and in particular Article 8 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 1582/2002, except for Estonia, Lithuania, Latvia und Hungary.

- (2) Article 8 of Regulation (EC) No 1582/2002 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.
- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 20 to 26 September 2002, pursuant to the invitation to tender issued in Regulation (EC) No 1582/2002, the maximum refund on exportation of oats shall be EUR 0,00/t.

Article 2

This Regulation shall enter into force on 27 September 2002.

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

Done at Brussels, 26 September 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 243, 13.9.2001, p. 15.

COMMISSION REGULATION (EC) No 1711/2002
of 26 September 2002
concerning tenders notified in response to the invitation to tender for the export of common
wheat issued in Regulation (EC) No 899/2002

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 1163/2002 ⁽⁴⁾, as amended by Regulation (EC) No 1324/2002 ⁽⁵⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to all third countries, with the exclusion of Poland, Estonia, Lithuania and Latvia was opened pursuant to Commission Regulation (EC) No 899/2002 ⁽⁶⁾, as amended by Regulation (EC) No 1520/2002 ⁽⁷⁾.

- (2) Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.
- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 20 to 26 September 2002 in response to the invitation to tender for the refund for the export of common wheat issued in Regulation (EC) No 899/2002.

Article 2

This Regulation shall enter into force on 27 September 2002.

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

Done at Brussels, 26 September 2002.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 170, 29.6.2002, p. 46.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 26.

⁽⁶⁾ OJ L 133, 16.5.2001, p. 3.

⁽⁷⁾ OJ L 228, 24.8.2002, p. 18.

COMMISSION REGULATION (EC) No 1712/2002

of 26 September 2002

fixing the export refunds on rice and broken rice and suspending the issue of export licences

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Commission Regulation (EC) No 411/2002 ⁽²⁾, and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas:

- (1) Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.
- (3) Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.
- (4) Export possibilities exist for a quantity of 18 840 tonnes of rice to certain destinations. The procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation (EC) No 1322/2002 ⁽⁵⁾, should be used. Account should be taken of this when the refunds are fixed.

- (5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.
- (6) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.
- (8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.
- (9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.
- (10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

With the exception of the quantity of 18 840 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 27 September 2002.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 62, 5.3.2002, p. 27.

⁽³⁾ OJ L 154, 15.6.1976, p. 11.

⁽⁴⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁵⁾ OJ L 194, 23.7.2002, p. 22.

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

Done at Brussels, 26 September 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 26 September 2002 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds (1)	Product code	Destination	Unit of measurement	Amount of refunds (1)
1006 20 11 9000	R01	EUR/t	139	1006 30 65 9100	R01	EUR/t	174
1006 20 13 9000	R01	EUR/t	139		R02	EUR/t	180
1006 20 15 9000	R01	EUR/t	139		R03	EUR/t	185
1006 20 17 9000	—	EUR/t	—		064	EUR/t	135
1006 20 92 9000	R01	EUR/t	139		A97	EUR/t	180
1006 20 94 9000	R01	EUR/t	139		021 and 023	EUR/t	180
1006 20 96 9000	R01	EUR/t	139	1006 30 65 9900	R01	EUR/t	174
1006 20 98 9000	—	EUR/t	—		064	EUR/t	135
1006 30 21 9000	R01	EUR/t	139		A97	EUR/t	180
1006 30 23 9000	R01	EUR/t	139	1006 30 67 9100	021 and 023	EUR/t	180
1006 30 25 9000	R01	EUR/t	139		064	EUR/t	135
1006 30 27 9000	—	EUR/t	—		A97	EUR/t	180
1006 30 42 9000	R01	EUR/t	139	1006 30 67 9900	064	EUR/t	135
1006 30 44 9000	R01	EUR/t	139	1006 30 92 9100	R01	EUR/t	174
1006 30 46 9000	R01	EUR/t	139		R02	EUR/t	180
1006 30 48 9000	—	EUR/t	—		R03	EUR/t	185
1006 30 61 9100	R01	EUR/t	174		064	EUR/t	135
	R02	EUR/t	180		A97	EUR/t	180
	R03	EUR/t	185	1006 30 94 9100	064	EUR/t	135
	064	EUR/t	135		R01	EUR/t	174
	A97	EUR/t	180		R02	EUR/t	180
	021 and 023	EUR/t	180		R03	EUR/t	185
1006 30 61 9900	R01	EUR/t	174		064	EUR/t	135
	A97	EUR/t	180		A97	EUR/t	180
	064	EUR/t	135	1006 30 94 9900	064	EUR/t	135
1006 30 63 9100	R01	EUR/t	174		R01	EUR/t	174
	R02	EUR/t	180		R02	EUR/t	180
	R03	EUR/t	185		R03	EUR/t	185
	064	EUR/t	135		064	EUR/t	135
	A97	EUR/t	180		A97	EUR/t	180
	021 and 023	EUR/t	180	1006 30 96 9100	021 and 023	EUR/t	180
1006 30 63 9900	R01	EUR/t	174		R01	EUR/t	174
	064	EUR/t	135		A97	EUR/t	180
	A97	EUR/t	180	1006 30 96 9900	064	EUR/t	135
					021 and 023	EUR/t	180
					R01	EUR/t	174
					A97	EUR/t	180
					064	EUR/t	135
				1006 30 98 9100	021 and 023	EUR/t	180
				1006 30 98 9900	—	EUR/t	—
				1006 40 00 9000	—	EUR/t	—

(1) The procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 applies to licences applied for under that Regulation for quantities according to the destination:
 destination R01: 4 388 t,
 all destinations R02 and R03: 5 000 t,
 destinations 021 and 023: 1 000 t,
 destination 064: 8 152 t,
 destination A97: 300 t.

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2020/2001 (OJ L 273, 16.10.2001, p. 6).

The other destinations are defined as follows:

R01 Switzerland, Liechtenstein, communes of Livigno and Campione d'Italia.

R02 Morocco, Algeria, Tunisia, Malta, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Cyprus, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovenia, Slovakia, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Yugoslavia, Former Yugoslav Republic of Macedonia, Albania, Romania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

R03 Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, Brazil, Venezuela, Canada, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Bermuda, South Africa, Australia, New Zealand, Hong Kong SAR, Singapore, A40, A11 except Suriname, Guyana, Madagascar.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 25 September 2002

on financial aid from the Community towards the eradication of bluetongue in France in 2000

(notified under document number C(2002) 3536)

(Only the French text is authentic)

(2002/764/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 2001/572/EC ⁽²⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) On 27 October 2000, France confirmed to the Commission that there had been outbreaks of bluetongue on sheep holdings in Corsica. The emergence of this disease poses a serious threat to Community livestock.
- (2) In order to help eradicate the disease as rapidly as possible, the Community may contribute to the eligible expenditure incurred by the Member State, as provided for in Decision 90/424/EEC.
- (3) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 ⁽³⁾, veterinary and plant health measures taken in accordance with Community rules shall be financed under the 'Guarantee' Section of the European Agricultural Guidance and Guarantee Fund. The auditing of these measures comes under Articles 8 and 9 of the said Regulation.
- (4) The payment of the financial contribution from the Community must be subject to the condition that the actions planned have been efficiently carried out and that the authorities supply all the necessary information within the time limits laid down.

- (5) On 13 June 2001, France submitted an official application for reimbursement of all expenditure incurred within the country up to the end of 2000.
- (6) Pending checks by the Commission, it is necessary to arrange an advance on the Community financial aid. This advance has been calculated at 50 % of the Community contribution based on the costs submitted for compensation for animal prices and temporarily limiting the 'other costs' to 10 % of the amount of this compensation.
- (7) It is necessary to clarify the concepts of 'swift and adequate compensation of the livestock farmers' and 'destruction, cleaning, disinfection and disinsectisation costs' used in Article 3 of Decision 90/424/EEC.
- (8) 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 may receive Community financial assistance for the swift and adequate compensation of owners for the compulsory slaughter of their animals under eradication measures related to outbreaks of Bluetongue which occurred in 2000, in accordance with the provisions of Article 3(2) of Decision 90/424/EEC.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 203, 28.7.2001, p. 16.

⁽³⁾ OJ L 160, 26.6.1999, p. 103.

Article 2

For the purposes of this Decision the following definitions shall apply:

- (a) 'swift and adequate compensation' means payment, without prejudice to the provisions of Article 4(2) of Commission Regulation (EC) No 296/96⁽¹⁾, within 90 days of the slaughtering of the animals, of compensation corresponding to the value of the animals immediately before they became infected or were slaughtered;
- (b) 'destruction, cleaning, disinfection and disinsectisation costs' means the costs, excluding VAT, of purchasing products to clean, disinfect and disinsectise affected holdings, as well as the costs of services required to destroy carcasses.

Article 3

1. Under the Community financial assistance referred to in Article 1, an advance of EUR 65 000 shall be paid on the basis of supporting documents submitted by France concerning the swift and adequate compensation of owners for compulsory slaughter, the destruction of animals and, where appropriate, for the products used to clean, disinfect and disinsectise holdings and equipment, as well as for the destruction of contaminated feedingstuffs and equipment, and subject to the results of the checks referred to in Article 4.

2. The supporting documents referred to in paragraph 1 shall include an epidemiological report covering each holding on which animals have been slaughtered and destroyed, and a financial report.

3. The financial report shall take account of the categories of the animals destroyed, or slaughtered and destroyed, on each holding on account of bluetongue. The information shall be provided in electronic form in accordance with the model in the Annex.

4. The supporting documents referred to in paragraph 1 shall be forwarded no later than 60 days after the date on which France is notified of this Decision.

Article 4

The Commission may make on-the-spot checks, with the cooperation of the competent national authorities, on the application of the measures referred to in Article 1 and the related expenditure. The Member States will be informed of the results of these checks.

Article 5

This Decision is addressed to the French Republic.

Done at Brussels, 25 September 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 39, 17.2.1996, p. 5.

ANNEX II

Other costs

Invoice No	Type of cost	Beneficiary	Date of invoice	Amount without VAT	Date of payment
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COMMISSION DECISION
of 25 September 2002
on financial aid from the Community towards the eradication of bluetongue in Spain in 2000

(notified under document number C(2002) 3537)

(Only the Spanish text is authentic)

(2002/765/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 2001/572/EC ⁽²⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) On 10 October 2000, Spain confirmed to the Commission that there had been outbreaks of bluetongue on sheep holdings on the islands of Majorca and Minorca in the Balearic archipelago. The emergence of this disease poses a serious threat to Community livestock.
- (2) In order to help eradicate the disease as rapidly as possible, the Community may contribute to the eligible expenditure incurred by the Member State, as provided for in Decision 90/424/EEC.
- (3) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 ⁽³⁾, veterinary and plant health measures taken in accordance with Community rules shall be financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund. The auditing of these measures comes under Articles 8 and 9 of the said Regulation.
- (4) The payment of the financial contribution from the Community must be subject to the condition that the actions planned have been efficiently carried out and that the authorities supply all the necessary information within the time limits laid down.
- (5) On 2 July 2001 and 13 August 2001, Spain submitted official applications for reimbursement of all expenditure incurred within the country up to the end of 2000.
- (6) Pending checks by the Commission, it is necessary to arrange an advance on the Community financial aid. This advance has been calculated at 50 % of the Community

contribution based on the costs submitted for compensation for animal prices and temporarily limiting the 'other costs' to 10 % of the amount of this compensation.

- (7) It is necessary to clarify the concepts of 'swift and adequate compensation of the livestock farmers' and 'destruction, cleaning, disinfection and disinsectisation costs' used in Article 3 of Decision 90/424/EEC.
- (8) 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

Spain may receive Community financial assistance for the adequate compensation of owners for the compulsory slaughter of their animals under eradication measures related to outbreaks of bluetongue which occurred in 2000, in accordance with the provisions of Article 3(2) of Decision 90/424/EEC.

Article 2

For the purposes of this Decision the following definitions shall apply:

1. 'swift and adequate compensation' means payment, without prejudice to the provisions of Article 4(2) of Commission Regulation (EC) No 296/96 ⁽⁴⁾, within 90 days of the slaughtering of the animals, of compensation corresponding to the value of the animals immediately before they became infected or were slaughtered;
2. 'destruction, cleaning, disinfection and disinsectisation costs' means the costs, excluding VAT, of purchasing products to clean, disinfect and disinsectise affected holdings, as well as the costs of services required to destroy carcasses.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 203, 28.7.2001, p. 16.

⁽³⁾ OJ L 160, 26.6.1999, p. 103.

⁽⁴⁾ OJ L 39, 17.2.1996, p. 5.

Article 3

1. Under the Community financial assistance referred to in Article 1, an advance of EUR 166 000 shall be paid on the basis of supporting documents submitted by Spain concerning the swift and adequate compensation of owners for compulsory slaughter, the destruction of animals and, where appropriate, for the products used to clean, disinfect and disinsectise holdings and equipment, as well as for the destruction of contaminated feedingstuffs and equipment, and subject to the results of the checks referred to in Article 4.

2. The supporting documents referred to in paragraph 1 shall include an epidemiological report covering each holding on which animals have been slaughtered and destroyed, and a financial report.

The financial report shall take account of the categories of the animals destroyed, or slaughtered and destroyed, on each holding on account of bluetongue. The information shall be provided in electronic form in accordance with the model in the Annex.

3. The supporting documents referred to in paragraph 1 shall be forwarded no later than 60 days after the date on which Spain is notified of this Decision.

Article 4

The Commission may make on-the-spot checks, with the cooperation of the competent national authorities, on the application of the measures referred to in Article 1 and the related expenditure. The Member States will be informed of the results of these checks.

Article 5

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 25 September 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX II

Other costs

Invoice No	Type of cost	Beneficiary	Date of invoice	Amount without VAT	Date of payment
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COMMISSION DECISION

of 25 September 2002

on the total amount of Community aid for the eradication of classical swine fever in Spain in 1997

(notified under document number C(2002) 3538)

(Only the Spanish text is authentic)

(2002/766/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 2001/572/EC ⁽²⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Outbreaks of classical swine fever occurred in Spain in 1997. The emergence of this disease represents a serious risk to the Community's pig population.
- (2) With a view to helping to eradicate the disease as rapidly as possible, the Community may contribute financially to eligible expenditure borne by the Member State, as provided for in Decision 90/424/EEC.
- (3) On 2 June 1998, Spain submitted an initial application for reimbursement of all the expenditure incurred on its territory in 1997, followed by successive clarifications.
- (4) Under Commission Decisions 98/63/EC ⁽³⁾ and 98/649/EC ⁽⁴⁾ on financial aid from the Community for the eradication of classical swine fever in Spain, two advances to an amount of EUR 7 million have already been paid.
- (5) The total amount of Community aid for the eradication of classical swine fever in Spain in 1997 must be set.
- (6) The results of the checks carried out by the Commission with regard to the observance of Community veterinary rules and the conditions for benefiting from Community

financial support mean that not all the expenditure submitted can be considered eligible. These observations have been confirmed in a Court of Auditors report ⁽⁵⁾.

- (7) The Commission's observations and the method for calculating the eligible expenditure were communicated to the Spanish authorities and confirmed in a letter dated 19 March 2002.
- (8) 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 total amount of Community aid for the eradication of classical swine fever in Spain in 1997 is EUR 9 031 959.

The balance of the above amount, i.e. EUR 2 031 959, shall be paid to Spain.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 25 September 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 203, 28.7.2001, p. 16.

⁽³⁾ OJ L 16, 21.1.1998, p. 43.

⁽⁴⁾ OJ L 309, 19.11.1998, p. 45.

⁽⁵⁾ OJ C 85, 23.3.2000, p. 1.

COMMISSION DECISION
of 25 September 2002
on financial aid from the Community towards the eradication of classical swine fever in Spain in 2001

(notified under document number C(2002) 3539)

(Only the Spanish text is authentic)

(2002/767/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 2001/572/EC ⁽²⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Outbreaks of classical swine fever occurred in Spain in 2001. The emergence of this disease poses a serious threat to Community livestock.
- (2) In order to help eradicate the disease as rapidly as possible, the Community may contribute to the eligible expenditure incurred by the Member State, as provided for in Decision 90/424/EEC.
- (3) Pursuant to Article 3(2) of Council Regulation (EC) No 1258/1999 ⁽³⁾, veterinary and plant health measures taken in accordance with Community rules shall be financed under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund. The auditing of these measures comes under Articles 8 and 9 of the said Regulation.
- (4) The payment of the financial contribution from the Community must be subject to the condition that the actions planned have been efficiently carried out and that the authorities supply all the necessary information within the time limits laid down.
- (5) On 12 April 2002, Spain submitted an official application for reimbursement of all expenditure incurred within the country up to the end of September 2001.
- (6) Pending checks by the Commission, it is necessary to arrange an advance on the Community financial aid. This advance has been calculated at 50 % of the Community contribution based on the costs submitted for compensation for animal prices and temporarily limiting the 'other costs' to 10 % of the amount of this compensation.
- (7) It is necessary to clarify the concepts of 'swift and adequate compensation of the livestock farmers' and 'destruction, cleaning, disinfection and disinsectisation costs' used in Article 3 of Decision 90/424/EEC.

- (8) 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

Spain may receive Community financial assistance for the swift and adequate compensation of owners for the compulsory slaughter of their animals under eradication measures related to outbreaks of classical swine fever which occurred in 2001, in accordance with the provisions of Article 3(2) of Decision 90/424/EEC.

Article 2

For the purposes of this Decision the following definitions shall apply:

- (a) 'swift and adequate compensation' means payment, without prejudice to the provisions of Article 4(2) of Commission Regulation (EC) No 296/96 ⁽⁴⁾, within 90 days of the slaughtering of the animals, of compensation corresponding to the value of the animals immediately before they became infected or were slaughtered;
- (b) 'destruction, cleaning, disinfection and disinsectisation costs' means the costs, excluding VAT, of purchasing products to clean, disinfect and disinsectise affected holdings, as well as the costs of services required to destroy carcasses.

Article 3

1. Under the Community financial assistance referred to in Article 1, an advance of EUR 4 000 000 shall be paid on the basis of supporting documents submitted by Spain concerning the swift and adequate compensation of owners for compulsory slaughter, the destruction of animals and, where appropriate, for the products used to clean, disinfect and disinsectise holdings and equipment, as well as for the destruction of contaminated feedingstuffs and equipment, and subject to the results of the checks referred to in Article 4.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 203, 28.7.2001, p. 16.

⁽³⁾ OJ L 160, 26.6.1999, p. 103.

⁽⁴⁾ OJ L 39, 17.2.1996, p. 5.

2. The supporting documents referred to in paragraph 1 shall include an epidemiological report covering each holding on which animals have been slaughtered and destroyed, and a financial report.

The financial report shall take account of the categories of the animals destroyed, or slaughtered and destroyed, on each holding on account of classical swine fever. This information shall be provided in electronic form in accordance with the model in the Annex.

3. The supporting documents referred to in paragraph 1 shall be forwarded no later than 60 days after the date on which Spain is notified of this Decision.

Article 4

The Commission may make on-the-spot checks, with the cooperation of the competent national authorities, on the applica-

tion of the measures referred to in Article 1 and the related expenditure. The Member States will be informed of the results of these checks.

Article 5

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 25 September 2002.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

Outbreak No	Contact related with outbreak No	Identi- fication number of holding	Holder		Location of farm	Owner of animals		Date of slaughter	Method of destruction			Weight at destruction	Number of animals by category				Amount paid by category				Other cost paid to the holder (without VAT)	Total compen- sation (without VAT)	Date of payment
			Last name	First name		Last name	First name		rendering slaughter- house	other (indicate)	sow		boar	piglet	pig	sow	boar	piglet	pig				

ANNEX II

Other costs

Invoice No	Type of cost	Beneficiary	Date of invoice	Amount without VAT	Date of payment
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