

Official Journal

of the European Communities

ISSN 0378-6978

L 25

Volume 46

30 January 2003

English edition

Legislation

Contents

I	<i>Acts whose publication is obligatory</i>	
*	Council Regulation (EC) No 150/2003 of 21 January 2003 suspending import duties on certain weapons and military equipment	1
*	Council Regulation (EC) No 151/2003 of 27 January 2003 imposing a definitive anti-dumping duty on imports of certain grain oriented electrical sheets originating in Russia	7
*	Council Regulation (EC) No 152/2003 of 27 January 2003 amending the anti-dumping measures imposed by Regulation (EC) No 299/2001 on imports of potassium permanganate originating in the People's Republic of China	21
*	Council Regulation (EC) No 153/2003 of 27 January 2003 amending the anti-dumping measures imposed by Council Regulation (EC) No 1603/2000 on imports of ethanalamines originating in the United States of America	23
*	Council Regulation (EC) No 154/2003 of 27 January 2003 amending the anti-dumping measures imposed by Regulation (EC) No 495/98 and by Regulation (EC) No 2413/95 on imports of ferro-silico-manganese originating in the People's Republic of China and Ukraine	25
*	Council Regulation (EC) No 155/2003 of 27 January 2003 amending the anti-dumping measures imposed by Council Regulation (EC) No 1824/2001 on imports of gas-fuelled, non-refillable pocket flint lighters originating in the People's Republic of China and Taiwan	27
	Commission Regulation (EC) No 156/2003 of 29 January 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables	29
*	Commission Regulation (EC) No 157/2003 of 28 January 2003 establishing unit values for the determination of the customs value of certain perishable goods	31
*	Commission Regulation (EC) No 158/2003 of 29 January 2003 amending Regulation (EC) No 1662/2002 imposing provisional anti-dumping duties on imports of certain filament yarns of cellulose acetate originating in Lithuania and the United States of America	35

2

(Continued overleaf)

EN

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

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

★ Commission Regulation (EC) No 159/2003 of 29 January 2003 amending Regulation (EC) No 2377/2002 opening and providing for the administration of a Community tariff quota for malting barley from third countries and derogating from Council Regulation (EC) No 1766/92	37
Commission Regulation (EC) No 160/2003 of 29 January 2003 on the issuing of system B export licences for fruit and vegetables	38

II Acts whose publication is not obligatory

Council

2003/65/EC:

★ Council Decision of 21 January 2003 extending the application of Decision 2000/91/EC authorising the Kingdom of Denmark and the Kingdom of Sweden to apply a measure derogating from Article 17 of the Sixth Council Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes	40
---	----

Commission

2003/66/EC:

★ Commission Decision of 28 January 2003 extending the period referred to in Article 21(3) of Council Directive 2002/56/EC on the marketing of seed potatoes authorising Member States to extend the period of validity of decisions concerning equivalence of seed potatoes from third countries ⁽¹⁾ (notified under document number C(2003) 351)	42
--	----

Corrigenda

★ Corrigendum to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248 of 16.9.2002)	43
★ Corrigendum to Commission Regulation (EC) No 2388/2000 of 13 October 2000 amending Annex 1 to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 264 of 18.10.2000)	43
★ Corrigendum to Commission Decision 2003/31/EC of 29 November 2002 establishing revised ecological criteria for the award of the Community eco-label to detergents for dishwashers and amending Decision 1999/427/EC (OJ L 9 of 15.1.2003)	43
★ Corrigendum to Decision 2003/32/EC of the European Parliament and of the Council of 21 November 2002 on the mobilisation of the EU Solidarity Fund according to point 3 of the Interinstitutional Agreement of 7 November 2002 between the European Parliament, the Council and the Commission on the financing of the European Union Solidarity Fund, supplementing the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure (OJ L 11 of 16.1.2003)	44

Note to readers (see page 3 of the cover)

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 150/2003
of 21 January 2003
suspending import duties on certain weapons and military equipment**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and, in particular Article 26 thereof,

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

Whereas:

- (1) The Community is based upon a customs union, which requires the consistent application of the Common Customs Tariff on imports of products from third countries by all Member States unless specific Community measures provide otherwise.
- (2) It is in the interests of the Community as a whole that Member States are able to procure for their military forces the most technologically advanced and suitable weapons and military equipment. In view of the rapid technological developments in this industrial sector worldwide it is normal practice of the Member States authorities in charge of national defence to procure weapons and military materials from producers or other suppliers located in third countries. Given the security interest of the Member States it is compatible with the interests of the Community that certain of these weapons and equipment may be imported free of import duties.
- (3) In order to ensure consistent application of such duty suspension it is appropriate to establish a common list of weapons and military equipment eligible for the duty suspension. It is also appropriate in view of the specific nature of the products concerned that parts, components or subassemblies for incorporation in or fitting to goods included in the list or for the repair, refurbishment or maintenance of such goods as well as goods for use in training or testing of goods included in this list could be imported free of customs duties. Imports of military equipment, which are not covered by this Regulation, are subject to the appropriate duties in the Common Customs Tariff.

(4) Given the different organisational structures of the competent authorities in the Member States it is necessary solely for customs-related purposes to define end uses for the imported materials in accordance with the provisions of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽²⁾ and its implementing regulations (herein after called the 'Customs Code'). In order to limit the administrative burden for the authorities concerned it is appropriate to set a time limit for the end use customs supervisions.

(5) In order to take account of the protection of the military confidentiality of the Member States it is necessary to lay down specific administrative procedures for the granting of the benefit of the suspension of duties. A declaration by the competent authority of the Member State for whose forces the weapons or military equipment are destined, which could also be used as customs declaration as required by the Customs Code, would constitute an appropriate guarantee that these conditions are fulfilled. The declaration should be given in the form of a certificate. It is appropriate to specify the form, which such certificates must take and to allow also the use of means of data processing techniques for the declaration.

(6) It is necessary to lay down rules for the Member States in order to provide information on the quantity, the value and the number of certificates issued and the procedures for the implementation of this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the conditions for the autonomous suspension of import duties on certain weapons and military equipment imported by or on behalf of the authorities in charge of the military defence of the Member States from third countries.

⁽¹⁾ OJ C 265, 12.10.1988, p. 9.

⁽²⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000 of the European Parliament and the Council (OJ L 311, 12.12.2000, p. 17).

Article 2

1. The duties of the Common Customs Tariff applicable to imports of the goods listed in Annex 1 shall be totally suspended when they are used by, or on behalf of the military forces of a Member State, individually or in cooperation with other States, for defending the territorial integrity of the Member State or in participating in international peace keeping or support operations or for other military purposes like the protection of nationals of the European Union from social or military unrest.

2. Such duties shall also be totally suspended for:

(a) parts, components or subassemblies imported for incorporation in or fitting to goods included in the list in Annex I and II or parts, components or subassemblies thereof, or for the repair, refurbishment or maintenance of such goods;

(b) goods imported for training or testing of goods included in the list at Annex I and II.

3. The imported goods as defined in Annex I and in paragraph 2 of this Article shall be subject to end use conditions laid down in Articles 21 and 82 of Regulation (EEC) No 2913/92 and its implementing legislation. Customs supervision of the end use shall end three years after the date of release for free circulation.

4. The use of the goods listed in Annex I for training purposes or the temporary use of these goods in the customs territory of the Community by the military forces or other forces for civil purposes due to unforeseen or natural disasters shall not constitute a violation of the end use determined in paragraph 1.

Article 3

1. The request for entry for free circulation of goods for which the benefit of a duty suspension under the provisions of Article 2 is claimed shall be accompanied by a certificate issued by the competent authority of the Member State for whose military forces the goods are destined. The certificate as set out in Annex III shall be submitted to the customs authorities of the importing Member State together with the goods to which it refers. It may replace the customs declaration required by Articles 59 to 76 of Regulation (EEC) No 2913/92.

2. Notwithstanding paragraph 1, for reasons of military confidentiality, the certificate and the imported goods may be submitted to other authorities designated by the importing Member State for this purpose. In such cases the competent authority issuing the certificate shall send before 31 January and 31 July of each year a summary report to the customs authorities of its Member State on such imports. The report shall cover a period of 6 months immediately preceding the month on which the report has to be submitted. It shall

contain the number and issuing date of the certificates, the date of importation and the total value and gross weight of the products imported with the certificates.

3. For the issuing and the presentation of the certificate to the customs authorities or to other authorities in charge of customs clearance data processing technique may be used in accordance with Article 292(3) of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92⁽¹⁾.

4. This Article applies *mutatis mutandis* to imported goods listed in Annex II.

Article 4

Except in cases of Article 2(4) any diversion of goods listed in Annex 1 and Article 2(2) from the use specified in Article 2(1) within the period of customs supervision shall be notified by the competent authority issuing the certificate or using the goods to the customs authorities of its Member State in accordance with Article 21 and 87 of Regulation (EEC) No 2913/92.

Article 5

1. Each Member State shall communicate to the Commission the names of the authorities, which are competent to issue the certificate referred to in Article 3(1) together with a specimen of the stamp used by the said authorities. Each Member State shall also forward to the Commission the name of the authority, which can release the imported goods in cases referred to in Article 3(2). The Commission shall forward this information to the customs authorities of the other Member States.

2. Where the goods are entered for free circulation in a Member State other than that in which the certificate was issued, a copy of the certificate shall be forwarded by the customs authorities of the importing Member State to the customs administration of the Member State whose competent authority issued the certificate.

Where goods have been released by other authorities in accordance with Article 3(2) in a Member State other than that in which the certificate was issued, a copy of the certificate shall be forwarded directly by these authorities to the authority issuing the certificate.

3. The authority of each Member State authorised to issue the certificate referred to in Article 3(1) shall keep a copy of the certificates issued and the documentary evidence necessary to demonstrate the correct application of the suspension for a period of three years following the date of expiry of the customs supervision of the goods.

⁽¹⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 993/2001 (OJ L 141, 28.5.2001, p. 1).

Article 6

The Commission shall inform Member States of any request lodged by a Member State in view of presenting a proposal to amend the lists in Annexes I and II.

Article 7

1. Each Member State shall inform the Commission about the administrative implementation of this Regulation within six months after its entry into force.

2. They shall also transmit to the Commission no later than three months after the end of each calendar year information on the total number of certificates issued together with the total value and gross weight of goods imported under the provisions of this Regulation.

Article 8

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

It shall apply as from 1 January 2003.

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

Done at Brussels, 21 January 2003.

For the Council

The President

N. CHRISTODOULAKIS

ANNEX I

LIST OF WEAPONS AND MILITARY EQUIPMENT ON WHICH IMPORT DUTIES ARE SUSPENDED ⁽¹⁾

2804	8527
2825	8528
3601	8531
3602	8535
3603	8536
3604	8539
3606	8543
3701	8544
3702	8701
3703	8703
3705	8704
3707	8705
3824	8709
3926	8710
4202	8711
4911	8716
5608	8801
6116	8802
6210	8804
6211	8805
6217	8901
6305	8903
6307	8906
6506	8907
7308	9004
7311	9005
7314	9006
7326	9008
7610	9013
8413	9014
8414	9015
8415	9020
8418	9022
8419	9025
8421	9027
8424	9030
8427	9031
8472	9302
8479	9303
8502	9304
8516	9306
8518	9307
8521	9404
8525	9406
8526	

⁽¹⁾ CN codes applicable on 1 January 2003, adopted by Commission Regulation (EC) No 1832/2002 of 1 August 2002 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and the Common Customs Tariff (OJ L 290, 28.10.2002, p. 1).

ANNEX II

LIST OF WEAPONS AND MILITARY EQUIPMENT WITH A CONVENTIONAL RATE OF DUTY 'FREE' FOR WHICH IMPORT PROCEDURES OF ARTICLE 3 CAN BE APPLIED ⁽¹⁾

4901
8426
8428
8429
8430
8470
8471
8517
8524
9018
9019
9021
9026
9301

⁽¹⁾ CN codes applicable on 1 January 2003, adopted by Commission Regulation (EC) No 1832/2002 of 1 August 2002 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and the Common Customs Tariff (OJ L 290, 28.10.2002, p. 1).

ANNEX III

CERTIFICATE FROM COMPETENT AUTHORITY

EUROPEAN COMMUNITY

1. Number and date of procurement contract	CERTIFICATE FOR MILITARY EQUIPMENT		
	No	ORIGINAL	
2.1. Importer (Full name and address including Member State)	3. ISSUING AUTHORITY (pre-printed)		
2.1. Consignee (Full name and address including Member State)			
NOTES			
A. The original and a copy of this certificate must be presented in support of the entry for free circulation the goods			
B. The Customs office concerned or the other authorised office must keep a copy of this certificate, endorse the original and send it back to the issuing authority			
5. Marks and numbers — Number and kind of packages — Product number of procurement contract	6. CN code (4 digits)		
	7. Gross weight (kg)		
5. Marks and numbers — Number and kind of packages — Product number of procurement contract	6. CN code (4 digits)		
	7. Gross weight (kg)		
5. Marks and numbers — Number and kind of packages — Product number of procurement contract	6. CN-code (4 digits)		
	7. Gross weight (kg)		
5. Marks and numbers — Number and kind of packages — Product number of procurement contract	6. CN code (4 digits)		
	7. Gross weight (kg)		
8. Total Value (in EUR):			
9. ENDORSEMENT OF CUSTOMS OR OTHER AUTHORITY Number and date of entry for free circulation: Name of Customs office: Place and date: Signature of the Customs officer: Stamp	10. Last day of validity	Day	Month
			Year
11. This is to certify that the goods described above are for the use of the military forces of (Member State) Place and date: Signature of authorised person: Stamp			

**COUNCIL REGULATION (EC) No 151/2003
of 27 January 2003**

**imposing a definitive anti-dumping duty on imports of certain grain oriented electrical sheets
originating in Russia**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the basic Regulation), and in particular Article 11(2) and (3) thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. Previous investigation and measures in force

- (1) By Decision No 303/96/ECSC⁽²⁾, the Commission imposed a definitive anti-dumping duty on imports into the Community of certain grain oriented electrical sheets (GOES) originating in Russia and falling within CN codes 7225 11 00 and 7226 11 10. The rate of the anti-dumping duty imposed was 40,1%. An undertaking offered in connection with such imports was accepted.
- (2) In view of the expiry of the Treaty establishing the European Coal and Steel Community on 23 July 2002, the Council, by Regulation (EC) No 963/2002⁽³⁾, decided that anti-dumping proceedings initiated pursuant to Commission Decision No 2277/96/ECSC⁽⁴⁾ (basic Decision) and still in force on that date shall be continued and be governed by the provisions of the basic Regulation with effect from 24 July 2002. Likewise, any anti-dumping measures resulting from pending anti-dumping investigations shall be governed by the provisions of the basic Regulation from 24 July 2002.

2. Requests for reviews

- (3) Following the publication of a notice of the impending expiry of the anti-dumping measures in force on imports of GOES originating in Russia⁽⁵⁾, the Commission received a request to review the measures pursuant to Article 11(2) of the basic Decision.
- (4) The request was lodged by the European Confederation of Iron and Steel Industries (Eurofer) (the applicant) on behalf of producers representing a major proportion of

the Community production of the product concerned. The request was based on the grounds that the expiry of measures would be likely to result in a continuation and/or recurrence of dumping and injury to the Community industry.

- (5) Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of a review, the Commission initiated an investigation pursuant to Article 11(2) of the basic Regulation⁽⁶⁾.
- (6) At the same time a decision to open an Article 11(3) investigation was taken by the Commission on its own initiative in order to examine the appropriateness of the form of the measures⁽⁷⁾. During the course of the ongoing investigations, the Commission received requests for Market Economy Treatment (MET) pursuant to Article 11(3) of the basic Regulation by Viz Stal and Novolipetsk Iron and steel Corporation. These requests were made on the grounds that the exporting producers concerned would now fulfil these requirements and that their dumping margins had consequently decreased substantially. As a result of these requests for MET the Commission decided to initiate specific interim reviews in accordance with Article 11(3) of the basic Regulation, limited in scope to the investigation of dumping of these exporting producers. Therefore, it is considered appropriate to only decide on the results of the expiry review (which was initiated on 20 February 2001) at this stage. The interim review limited to the form of the measures on the other hand will be concluded together with the MET reviews, thereby taking into account the current economic circumstances of the exporters.

3. Present investigation

(a) *Procedure*

- (7) The Commission officially advised the Community producers requesting the review, the exporting producers, the importers, the suppliers and the users known to be concerned, as well as the representatives of the exporting country, of the initiation, and gave interested parties the opportunity to make their views known in writing and to request a hearing within the time limits set out in the notice of initiation.

⁽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 42, 20.2.1996, p. 7.

⁽³⁾ OJ L 149, 7.6.2002, p. 3. Regulation as last amended by Regulation (EC) No 1310/2002 (OJ L 192, 20.7.2002, p. 9).

⁽⁴⁾ OJ L 308, 29.11.1996, p. 11.

⁽⁵⁾ OJ C 216, 28.7.2000, p. 2.

⁽⁶⁾ OJ C 53, 20.2.2001, p. 13.

⁽⁷⁾ OJ C 53, 20.2.2001, p. 13.

(b) *Interested parties and verification visits*

(8) The Commission sent questionnaires to the parties known to be concerned and to all known producers of the product concerned in Brazil, the Czech Republic, India, Japan, the Republic of Korea, Poland and the United States of America, these countries being considered as potential analogue countries in the present investigation. The Commission received replies from the four Community producers, requesting the review, the two exporting producers in Russia, one supplier and from 10 user companies in the Community. Additionally, two Community importers both related to one of the Russian exporting producers replied to the questionnaires. Finally, one producer of GOES in Brazil replied to the questionnaire.

(9) The Commission sought and verified all the information it deemed necessary for the purposes of the likely continuation or recurrence of dumping and injury and the determination of the Community interest. Verification visits were carried out at the premises of the following companies:

Community producers requesting the review:

- Acciai Speciali Terni SpA, Terni, Italy
- EBG Gesellschaft für elektromagnetische Werkstoffe mbH, Gelsenkirchen, Germany
- Orb Electrical Steels Limited, Newport, United Kingdom
- Ugo SA, Isbergues, France

Supplier:

- Thyssen Krupp Stahl AG, Duisburg, Germany

Users:

- Alstom T & D SA, Saint-Ouen, France
- Blum GmbH, Vaihingen, Germany

Exporting producers in Russia:

- Novolipetsk Iron and Steel Corporation (NLMK), Lipetsk
- VIZ STAL, Ekaterinburg

Other cooperating company, situated in a third country:

- Duferco Investment SA, Lugano, Switzerland (Import coordinator within Duferco Group)

Analogue country producer:

- ACESITA SA, Sao Paulo and Timoteo, Brazil.

(10) The following companies also cooperated with the investigation but were not visited:

Users:

- Alstom T & D SA, Le Petit Quevilly, France
- Brush Transformers Limited, Loughborough, United Kingdom
- Cogent Power Ltd, Bilston, United Kingdom
- France Transfo SA, Maizières-les-Metz, France
- Hawker Siddeley Power Transformers Limited, London, United Kingdom

- Société Nouvelle Transfix SA, Toulon, France
- South Wales Transformers Limited, Blackwood, United Kingdom
- Surahammars Bruks AB, Surahammar, Sweden.

(11) All parties concerned were informed of the essential facts and considerations on the basis of which it was intended to recommend the maintenance of the measures. They were also granted a period within which to make representations subsequent to these disclosures. The comments of the parties were considered and, where appropriate, the findings have been modified accordingly.

(c) *Investigation period*

(12) The investigation into the continuation and/or recurrence of dumping and injury covered the period from 1 January 2000 to 31 December 2000 (IP). The examination of the trends relevant for the assessment of likelihood of a continuation and/or recurrence of injury covered the period from 1997 to the end of the IP (analysis period).

B. PRODUCT CONCERNED AND LIKE PRODUCT**1. Product concerned**

(13) The product concerned is the same as in the original investigation, i.e. grain oriented cold-rolled sheets and strips of silicon-electrical steel with a width of more than 500 mm originating in Russia, falling within CN codes 7225 11 00 and 7226 11 10. This product is used for electromagnetic appliances and in installations such as power and distribution transformers.

(14) In the rather complex manufacturing process of GOES, grain structures are orientated uniformly in the direction of the rolling of the sheet or of the strip in order to allow it to conduct a magnetic field with a high degree of efficiency. The product in question has to comply with specifications concerning the magnetic induction, the pile factor as well as the highest admissible level of re-magnetisation losses. In general, both sides of the product are covered with a thin isolating coating.

2. Like product

(15) GOES produced and sold in the Community by the Community producers requesting the review and GOES produced in Russia and sold in the Community by the exporting producers are considered to be like products, within the meaning of Article 1(4) of the basic Regulation. It was also established that GOES produced and sold domestically in the market economy third country (the analogue country), i.e. Brazil (see recitals 20 to 28), had the same basic physical and technical characteristics as GOES produced in Russia and exported to the Community. Therefore, they were considered to be like products within the meaning of Article 1(4) of the basic Regulation.

C. LIKELIHOOD OF CONTINUATION OF DUMPING

1. Preliminary remarks

- (16) According to Article 11(2) of the basic Regulation, the purpose of an expiry review is to determine whether dumping prevailed during the IP and whether the expiry of the measures is likely to lead to a continuation or recurrence of dumping.
- (17) In this regard, the volumes exported to the Community during the present IP were examined. During the original IP, the share of Russian GOES exports on the Community market amounted to 7,4 % of the Community consumption, while the market share of Russian imports of GOES in the Community during the present IP was 2,2 %. This is, however, still significant, i.e. above the *de minimis* threshold defined in Article 5(7) of the basic Regulation.
- (18) The level of cooperation in the present proceeding was high. Both known Russian exporting producers cooperated and replied to the Commission questionnaire. The replies of both companies were verified on-the-spot.

2. Likelihood of continuation of dumping

- (19) In the context of the likelihood of a continuation of dumping, it was investigated whether dumping of exports from Russia was currently taking place. This was on the grounds that, if dumping was taking place now, this could be an important indication that dumping would be likely to continue and increase in the future, should the measures be allowed to expire.

(a) *Analogue country*

- (20) The dumping margin calculated in the original investigation resulted in a single countrywide margin concerning all imports into the Community of GOES originating in Russia. In accordance with Article 11(9) of the basic Regulation, the same methodology was employed as in the original investigation. Accordingly, normal value was determined on the basis of information obtained in an appropriate analogue country selected in accordance with Article 2(7) of the basic Regulation.
- (21) Brazil was selected as an appropriate analogue country in the original investigation. As indicated in the notice of initiation, the Commission envisaged to use Brazil as an appropriate analogue country also in the present investigation.
- (22) One exporting producer objected to the choice of Brazil, arguing that the domestic market of GOES of the Czech Republic or Poland would be more similar to the Russian market.
- (23) The other exporting producer opposed to the choice of Brazil, arguing that because of the existence of only one producer of the product concerned in Brazil the level of competition on that domestic market was low.

- (24) The Commission, as mentioned in recital 8, sent questionnaires to all producers known to produce the product concerned in other third countries, including the Czech Republic and Poland. These producers were invited to cooperate in the present proceeding and to provide information on production and domestic sales of GOES. However, none of these producers were willing to provide such information and to cooperate in the present investigation.
- (25) Therefore, it should be noted that, although the investigation confirmed the existence of only one producer of GOES in Brazil, no cooperation at all was received from other producers in any other potential analogue country. Therefore, the information provided by the producer in Brazil was considered the best and most reliable one which was available for the purpose of determining normal value.
- (26) Alternatively, the first mentioned exporting producer argued that in case of non-cooperation in both proposed countries, the Czech Republic and Poland, export prices of the product concerned from these countries to the Community should be used to establish the normal value in accordance with Article 2(7) of the basic Regulation. However, due to the non-cooperation, export prices would have to be based on Eurostat data instead of actual and verified figures. In this regard, it was considered that the use of Eurostat data would result in less accurate findings, due to the fact that export prices are recorded on a general basis without making any distinction between differences having an influence on the export price, such as different product qualities or level of trade. Since the producer in Brazil cooperated in the present proceeding it was considered more appropriate to use actual, verified data of this producer, which resulted therefore in more precise findings. Accordingly, the use of either Czech Republic or Poland had to be rejected.
- (27) Furthermore, it was found that the production volume and production process in Brazil were comparable to the ones in Russia. Indeed, the production process is virtually the same worldwide. As mentioned in recital 15, it was also established that the product produced and sold on the domestic market in Brazil was a like product to GOES produced in Russia and exported to the Community. Furthermore, domestic sales of GOES on the Brazilian market were representative as compared to the Russian exports to the Community. Brazil was also used as an analogue country in the original investigation.
- (28) Consequently, the Commission had no reason to believe that the choice of Brazil was not appropriate. Considering the above, and in the absence of any alternatives, Brazil was selected as the most appropriate analogue country.

(b) *Normal value*

(29) In accordance with Article 2(1) of the basic Regulation, it was considered whether domestic sales of GOES in Brazil could be seen to be made in the ordinary course of trade by reason of price. For so doing the Commission examined whether domestic sales were profitable. For this purpose the full cost of production per unit during the IP was compared to the average unit sales price of the IP. It was found that sales were made at a profit. The investigation also revealed that all sales were made to independent customers. As a result the prices paid or payable for GOES by independent customers on the Brazilian domestic market in the ordinary course of trade were used to determine the normal value in accordance with Article 2(1) of the basic Regulation.

(c) *Export price*

(30) During the original investigation three exporters/producers, of which one was a trader, cooperated. The present investigation revealed that the trader had ceased its export of the product concerned to the Community prior to the current IP. Therefore, the export price in the present investigation was established on the basis of the information submitted by the remaining two exporting producers in Russia, which both cooperated.

(31) One of these Russian exporting producers exported the product concerned to the Community via two independent traders, both of which engaged merely in the re-invoicing to end-users in the Community and other third countries. For this exporting producer, export prices were determined on the basis of the prices charged to the first independent customers, i.e. the unrelated traders. Thus, export prices were established on the basis of the price actually paid or payable for the product concerned when sold for export to the Community in accordance with Article 2(8) of the basic Regulation.

(32) The other Russian exporting producer was largely owned and controlled by a related holding/trading company in Switzerland. All exports were made via the Swiss company to two related importers in the Community, which resold the product concerned to the final customers in the Community. Therefore, export prices were constructed on the basis of resale prices to the first independent customer in the Community in accordance with Article 2(9) of the basic Regulation.

(33) Furthermore, the related company in Switzerland imported the product concerned into the Community via its two Community based importing companies. It carried out the functions of a trader and an adjustment was made to the export price by deducting a commission from the export price to take account of the functions performed by it. As far as the two related importers in the Community are concerned, selling, general

and administrative costs were deducted. In addition, for each related Community importer involved, a reasonable profit margin was deducted. Since no unrelated importer cooperated in the proceedings and in the absence of any other more reliable information, a profit margin of 5 % was considered reasonable.

(34) During the original investigation, the above exporting producer was not related to any importer in the Community or in third countries and therefore, the determination of the export price was originally based on prices actually paid or payable in accordance with Article 2(8) of the basic Regulation.

(d) *Comparison*

(35) In order to allow a fair comparison between normal value and export price, account was taken of differences in factors, which were found to affect prices and price comparability in accordance with Article 2(10) of the basic Regulation.

(36) In this regard, it was found that the GOES produced and sold in Brazil had slightly different features with regard to thickness and the maximum core loss under certain specific electrical conditions. Therefore, adjustments for slight physical differences between GOES sold on the Brazilian domestic market and those exported from Russia into the Community were made. In addition, adjustments relating to export duties and, in case of the unrelated Russian exporting producer, also to credit costs, were made as they affected the export prices assessed for the exporting producers.

(e) *Dumping margin*

(37) A comparison was made between the weighted average normal value and the weighted average export price on an ex-works basis. The comparison showed that exports from Russia of GOES to the Community have been dumped at a substantial margin during the IP. The dumping margin was equal to the amount by which the normal value exceeded the prices for exports to the Community. The single countrywide weighted average dumping margin exceeded 80 % and was thus even slightly higher than the dumping margin found during the original investigation.

3. Development of imports should measures expire

(38) It was also examined how imports of GOES from Russia would develop should the measures expire. For that purpose the exports to the Community and third countries as well as on the domestic market were examined. Consideration was also given to the price behaviour of the Russian exporting producers on the different markets.

(a) *Evolution of export volume and prices to the Community*

- (39) As mentioned above in recital 1, an undertaking offered by the Russian exporting producers in the original investigation had been accepted by the Commission. The undertaking consisted mainly in an annual quantitative limitation, i.e. export quantities of the product concerned after imposition of the definitive measures were limited to a ceiling fixed in the undertaking. In spite of the undertaking, and the fact that export volumes remained stable, they nevertheless continued to be made at dumped prices. There was therefore no reason to believe that, in case the measures in force were repealed, prices would increase to non-dumped levels. On the contrary, without the limitation of the quota, import volumes into the Community are likely to increase significantly, which would very likely lead to further downwards price pressure.

(b) *Evolution of sales volume and prices on the domestic market and on markets of third countries*

- (40) It was found that a major part of the exports are likely to be directed to the Community for reasons of the different price levels in the respective markets. Furthermore, it was found that access to a number of potential export markets is restricted due to the existence of considerably high custom tariffs. Despite these restrictions, exports to third countries exceeded those to the Community and domestic sales during IP. In addition, the recent appreciation of the euro makes exports to the Community more attractive than those to third countries. All these factors indicate that any increased export volumes would be likely to be directed to the Community market should measures under investigation be repealed.
- (41) Sales on the Russian domestic market and exports to third countries have increased since 1997, while exports to the Community decreased after the imposition of the anti-dumping measures and stayed relatively stable at a very low level due to the undertaking. Demand on the Russian domestic market, though risen since 1997, has always been far too weak to absorb the output volumes of the Russian exporting producers. The total volume of Russian domestic sales has always been clearly below the total export volume (to all countries). As mentioned below in recital 82, Russian producers increased their production capacities during the analysis period, which lead to significant spare capacities and accumulated stocks during the current investigation period. A major part of the available stocks is likely to be exported to the Community, should measures lapse. Furthermore, and given the high spare capacities, Russian producers could

easily further increase their production volume to a level exceeding that which the domestic market or other potential third markets could absorb. In fact, and as mentioned below in recital 82, the capacity installed during the IP reached a level sufficient to meet the entire demand of GOES in the Community. It is therefore not unreasonable to conclude that export volumes would increase in future, in particular to the Community, should access to the market be free due to the expiry of the current measures.

- (42) As mentioned below in recital 83, the Russian GOES producers have a well developed selling organisation in the European Community, which facilitates the selling and distribution of the product concerned in the Community market.
- (43) Accordingly, due to the anticipated increasing volume of imports into the Community in the absence of measures and hence of available supply, it can reasonably be expected that prices will follow a further downward trend, if the measures are allowed to lapse.

4. **Conclusion on the likelihood of a continuation of dumping**

- (44) Imports of Russian GOES during the IP were still dumped, despite the measures imposed. It was established that dumping continued and that there is a strong likelihood that it would also continue should measures be allowed to lapse. Moreover, exports of Russian GOES to the Community are likely to increase significantly and prices of these additional import quantities will in all likelihood be dumped at significant levels, should the anti-dumping measures lapse.

D. **COMMUNITY INDUSTRY**

- (45) The four Community producers that cooperated in the investigation represented 100 % of the Community production of GOES during the IP. Therefore, they constitute the Community industry within the meaning of Article 4(1) and Article 5(4) of the basic Regulation.

E. **SITUATION OF THE COMMUNITY INDUSTRY**

1. **Community consumption**

- (46) Community consumption was calculated on the basis of the cumulated volume of sales on the Community market by the Community industry and of total import volumes reported by Eurostat or by cooperating exporting Russian producers.

- (47) On this basis, Community consumption expressed in tonnes increased by 5 % between 1997 and 1999, from around 186 000 to 195 500 respectively. It then dropped by 4,9 % to reach around 186 000 in the IP. Detailed data are as follows.

Consumption	1997	1998	1999	2000 (IP)
in tonnes	186 087	183 648	195 601	186 220
indexed	100	99	105	100

2. Imports from Russia

Volume of imports

- (48) On the basis of the information from Eurostat and submitted by cooperating exporting producers, the import volumes from Russia varied between around 3 750 tonnes and 6 701 tonnes during the analysis period. Detailed import data are as follows.

Volume	1997	1998	1999	2000 (IP)
in tonnes	5 238	6 701	5 899	3 750
indexed	100	128	113	72

Market share of imports

- (49) The market share of imports from Russia was in the region of 2 % to 3,6 % during the analysis period.

Quality improvement of Russian products and pricing behaviour of Russian exporters

- (50) In the original investigation, GOES from Russia were sold in substantial quantities as second choice material on the Community market, due to quality deficiencies. This led the Commission to grant price adjustments when assessing price undercutting and injury elimination margin. As a consequence of the investments made by Russian producers to improve their facilities, the GOES now imported from Russia is first quality material in the vast majority of cases.
- (51) On the basis of Eurostat figures, prices of imports, expressed in EUR/tonne, decreased sharply from 954 in 1997 to 862 in 1998 and 741 in 1999, a drop of more than 200 EUR/tonne in absolute terms within two years. Then prices partially recovered, reaching 860 in 2000, a level still below, by around 10 %, that achieved in 1997. Detailed data are as follows:

Unit prices/imports	1997	1998	1999	2000 (IP)
in EUR/tonne	954	862	741	860
indexed	100	90	78	90

- (52) The Commission also compared Russian import prices, as extracted from the replies to the questionnaires (cif basis) to the prices charged by the Community industry for the same product (ex-works basis). In order to take account of the variety of GOES, the products sold by the Community industry and imported from Russia were classified into categories, according to the thickness and the maximum core loss under certain specific electrical conditions. Comparison was then made, in similar conditions of trade and on a per category basis, between the weighted average selling prices of both imported products and Community industry products. On this basis, the Russian import prices were found significantly below those of the Community industry.

3. Imports from other third countries

- (53) The total import volumes of GOES from all third countries other than Russia decreased during the analysis period from around 44 300 tonnes in 1997 to around 38 600 tonnes in the IP. Substantial quantities of these imports either originated in Japan or were classified by Eurostat as 'declared under secret origin'. The Commission verified that these secret imports did not originate in Russia. The remaining imports were mainly originating in Poland or the Czech Republic. Imports from Poland varied during the analysis period, between a minimum of around 1 600 tonnes in 1999 and a maximum of around 4 800 tonnes in the IP. Imports from the Czech Republic sharply decreased all over the analysis period from around 7 000 tonnes in 1997 to less than 2 000 tonnes in the IP.
- (54) In the IP, the market share of imports from third countries other than Russia amounted to 20,7 %; Japan, 11,2 %; Poland, 2,6 % and the Czech Republic, 1,1 %. Market share of imports under secret origin reached 4,7 % in the IP.
- (55) Prices of imports from Japan and of imports 'declared under secret origin' as well as imports from other sources were substantially higher than those of the Community industry.
- (56) Following a trend similar to that observed for prices of the Community industry on the Community market (see recital 58), prices of imports from Poland decreased between 1997 and 1999 and then slightly increased in the IP, to reach a level still below that achieved in 1997. These prices were slightly below those of the Community industry but significantly higher than prices of imports from Russia.
- (57) Prices of imports from the Czech Republic remained more or less stable at a level below those of the Community industry and of the imports from Poland, but higher than that of imports from Russia in the same year.
- (58) Detailed data on volumes (expressed in tonnes) and on prices (expressed in EUR/tonne) of imports from third countries other than Russia are as follows:

Other third imports	1997	1998	1999	2000 (IP)
Japan				
Volumes	15 357	10 730	15 109	20 859
Prices	1 324	1 428	1 362	1 348
Secret Area				
Volumes	18 774	19 303	18 200	8 801
Prices	1 386	1 471	1 390	1 359
Poland				
Volumes	2 455	3 224	1 588	4 863
Prices	1 101	1 027	994	1 070
Czech Republic				
Volumes	7 038	5 540	2 724	1 964
Prices	929	928	923	959
Others				
Volumes	676	1 718	1 800	2 121
Prices	1 739	1 577	1 481	1 484
Total				
Volumes	44 300	40 515	39 421	38 608
Prices	1 282	1 355	1 335	1 303

4. Situation of the Community industry

Restructuring of the Community industry

- (59) It is recalled that in the original investigation, it was found that between 1990 and the end of the investigation period (end of April 1994), the Community industry suffered material injury which consisted mainly of a decline in sales with a resulting loss of market share as well as price depression. These factors together led to a decline in profits and, overall, financial losses.
- (60) Since the current anti-dumping measures were imposed, the Community industry has undergone a restructuring programme aimed at improving its competitiveness. Following a merger which was approved by the Commission on 8 October 1999 ⁽¹⁾, three of the four Community producers became part of the Thyssen Krupp Steel group.

Production and stocks

- (61) Production of GOES slightly decreased between 1997 and 1998 and then increased to a level of around 220 000 tonnes in the IP. This represents an increase of 3 % over the analysis period. Detailed data are shown below:

Production	1997	1998	1999	2000 (IP)
in tonnes	212 891	211 655	220 734	220 176
indexed	100	99	104	103

- (62) Taking into account the fact that the Community industry generally used a production to order system which had the effect of minimising stock levels, it is therefore considered that the development of the level of stocks is not a relevant factor having a bearing on the state of the Community industry. Indeed, stocks usually consisted of merchandise which was merely to be delivered to customers which had already ordered the products.

Capacity

- (63) As the production facilities used in the manufacturing of GOES are also used for producing other products, it was not possible nor meaningful to establish the capacity and utilisation of capacity that related specifically to the product concerned.
- (64) However, the assessment of the total level of capacity for producing both GOES and other products showed that the Community industry continued to have spare capacity available which would have allowed it to produce GOES in greater quantities.

Sales

- (65) Sales of GOES on the Community market increased by around 10 % between 1997/1998 and 1999 from a level of around 136 500 tonnes in 1997 and 1998 to around 150 000 tonnes in 1999. They fell sharply by about 5 % in the IP to less than 144 000 tonnes, in line with Community consumption. Detailed figures are reported below:

Sales	1997	1998	1999	2000 (IP)
in tonnes	136 549	136 432	150 281	143 862
indexed	100	100	110	105

⁽¹⁾ See website DG COMP (<http://europa.eu.int/comm/competition/mergers/cases>).

Market share

- (66) Community industry market share rose by 3,4 percentage points from 73,4 % in 1997 to 76,8 % in 1999 before increasing slightly again to 77,3 % in the IP, an additional gain of 0,5 percentage point in that year. Detailed data are reported below:

Market share	1997	1998	1999	2000 (IP)
in %	73,4	74,3	76,8	77,3
indexed	100	101	105	105

Prices

- (67) Community industry prices on the Community market developed as follows:

Unit prices	1997	1998	1999	2000 (IP)
in EUR/tonne	1 140	1 122	1 044	1 089
indexed	100	98	92	96

- (68) Prices of GOES in the Community decreased by around 8 % between 1997 and 1999 from a level of 1 140 EUR/tonne in 1997 to 1 044 EUR/tonne in 1999, an overall loss of around 100 EUR/tonne in absolute terms in only two years. This decrease has to be seen in the light of the overall instability of the world steel market, which resulted in a general fall in prices of steel products in the years 1998/1999. However, taking account of the fact that the prices of Russian imports were the lowest during the analysis period (see recitals 51 and 58), it is clear that the prices of Russian imports also exerted a negative pressure on the prices of the Community industry in this period.

Profitability

- (69) The overall profitability of the Community industry for its sales on the Community market decreased in the analysis period, as shown below:

Profitability	1997	1998	1999	2000 (IP)
in %	2,6	4,3	1,7	1,8

- (70) Taking into account the degree of sophistication of the manufacturing process which is necessary to produce GOES, a level of 8 % of profit was found reasonable for this industry to maintain its viability. The level attained in 1997 cannot be considered representative as in that year it was mainly influenced by the high financial losses registered by one Community producer which experienced difficulties with its supply of raw materials. In the same year, the other Community producers all registered profits of the satisfactory level of around 8 % on average. With regard to development of profitability and its decline from 1998 to the IP, reference is also made to the explanation provided in recitals 77 and 80.

Cash flow, ability to raise capital and wages

- (71) Figures for cash flow and wages developed as follows:

	1997	1998	1999	2000 (IP)
Cash flow	n.r.	100	80	103

	1997	1998	1999	2000 (IP)
Wages	100	98	94	103

No specific problems were encountered as regards ability to raise capital during the analysis period. It should also be recalled that three of the Community producers belong to a larger group.

Investments and return on investments

- (72) To accompany the strong restructuring programme undertaken, the Community industry made significant investments in order to rationalise production and sales.

	1997	1998	1999	2000 (IP)
Return on investment (%)	n.r.	12,2	4,0	3,6

Productivity and employment

- (73) Detailed data on productivity and employment were as follows:

Index 1997 = 100	1997	1998	1999	2000 (IP)
Productivity	100	106	115	115
Number of employees	100	94	90	90

- (74) Due to the major restructuring efforts undergone by the Community industry after the imposition of the anti-dumping measures currently under review, productivity improved during the analysis period by 15 % overall.
- (75) Restructuring also led to a reduction by 10 % in the number of employees over the same period.

Export activity of the Community industry

- (76) The Community industry was very active on third country markets, exporting around one third of its production of GOES. This shows that this industry is well established and able to meet competition on a global basis. Confronted to the international steel crisis, its exports decreased by 7 % from around 78 000 tonnes in 1997 to around 73 000 tonnes in 1999 and then increased to around 76 000 tonnes in the IP. Detailed data on export volumes of the Community industry were as follows:

Export	1997	1998	1999	2000 (IP)
Volumes in tonnes	78 209	73 774	72 961	76 345
indexed	100	94	93	98

Magnitude of dumping and recovery from past dumping

- (77) As concerns the impact on the situation of the Community industry of the magnitude of the actual margin of dumping found during the IP, it should be noted that the margin found for Russia is higher than that found in the original IP (see recital 37). The situation of the Community industry improved to a certain extent after the imposition of measures, but it has not completely recovered. Therefore, should measures be repealed, the impact of the dumping margin found in the current investigation would be significant.

Growth

- (78) It is recalled that Community consumption increased by 5 % between 1997 and 1999 and then dropped by 4,9 % in the IP, going back to a level close to that achieved in 1997.

The sales volume of the Community industry followed a similar trend in this period, the decline between 1999 and 2000 being however less marked than the decrease in consumption in these years.

5. Conclusion on the situation of the Community industry

- (79) In terms of volumes, the introduction of the anti-dumping measures on imports of the product concerned from Russia enabled an improvement in the economic situation of the Community industry between 1997 and 1999. This allowed the Community industry to improve its production by 3,7 % and its sales to the Community market by 10 %. It also improved its market share by 3,4 percentage points in the same period. However, this trend reversed in the IP (production – 0,3 %, deliveries to the Community – 4,3 % percentage points) while consumption decreased by 4,9 % in the same time (see recital 47).
- (80) The financial situation of the Community industry initially improved after the imposition of the measures. However, in the wake of the general instability experienced by the world steel market, the Community industry's prices, which were also subject to the downward pressure of prices of imports from Russia, decreased by around 8 % between 1997 and 1998. Despite the significant restructuring efforts undertaken by the Community producers, their substantial gains in productivity as well as their improved situation in terms of sales volumes, the drop in prices resulted, from 1998 to the IP, in a steady decline in the profitability of the Community industry.
- (81) It is therefore concluded that despite the improvement observed subsequent to the imposition of anti-dumping measures, the Community industry is still in a weakened situation.

F. LIKELIHOOD OF CONTINUATION AND/OR RECURRENCE OF INJURY

- (82) Bearing in mind that GOES production facilities can also be used to manufacture other products (see recital 63), it was not meaningful to accurately assess the production capacity for the Russian exporters in relation only to the product concerned. Nevertheless, as referred to in recital 41, the GOES producers in Russia have increased their total available capacity (destined both to the product concerned and to other products) by around 10 % in the analysis period. The level attained now far exceeds what

their domestic market or other potential third markets could absorb. Indeed, the level of capacity now reached would be sufficient to meet the entire demand of GOES in the Community. As already pointed out in recital 40, Russian GOES producers have significant spare capacity available which they could use to supply export markets. Indeed, if these additional volumes were directed towards the Community market, they could very well go beyond the significant levels found in the original investigation.

- (83) Since 1994, the Russian GOES producers have developed their selling organisation in the European Community. For instance, one of the exporting producers has now its own related selling organisation in the Community. Taking account of the investments made for that purpose, it is therefore clear that Russian producers intend to develop their sales on the EU market.
- (84) As in the IP, the Russian producers are still selling GOES on the Community market at prices substantially below those of the Community producers, such a price behaviour combined with their capacity to sell increased quantities would likely result in price depression on the Community market, as found in the original investigation, if the measures in force were allowed to lapse.
- (85) As shown in recitals 59 to 81, the Community industry is still in a precarious situation, in particular as regards its profitability. It is likely that if the Community industry was exposed to increased volumes of imports from Russia at dumped prices this would result in a deterioration of its financial situation as found in the original investigation. On this basis, it is therefore concluded, that the repeal of the measures would in all likelihood result in the continuation, and/or recurrence of injury to the Community industry.

G. COMMUNITY INTEREST

1. Introduction

- (86) In accordance with Article 21 of the basic Regulation, it was examined whether a prolongation of the anti-dumping measures in force would be against the interests of the Community as a whole.

This analysis was based on an appreciation of all the various interests involved, i.e. those of the Community industry, of its suppliers of raw materials, of the importers and of the users of the product concerned. For the purpose of this analysis, the Commission requested information from all identified interested parties.

- (87) It should also be noted that, in the context of an expiry review, the scrutiny of a situation in which anti-dumping measures have been in place allows assessment of any negative, undue impact of the anti-dumping measures in force on the parties concerned.

2. Interests of the Community industry

(88) As shown in the analysis of its situation above, the Community industry was able at the beginning of the analysis period to improve its situation and to restore, in particular, a satisfactory level of profitability. This shows that this industry is capable of benefiting from the protection offered by anti-dumping measures against unfair trade practices.

(89) The Community industry has also shown its willingness and resolution to consolidate its competitive presence both on the Community market and worldwide. Since the original investigation, the industry has undergone a major restructuring programme and it is now controlled by two independent financial groups in order to centralise and secure the sourcing of the GOES raw material with Thyssen Krupp Group and to pool investment in higher technical grades and performance improvement (core loss reduction). Indeed, the merging of three of the complainants under the same holding company was intended to create a larger entity which could compete more effectively with other GOES producers (around 11) on the world market.

(90) It is clear that the Community industry was still in a vulnerable situation during the analysis period and that it needed to maintain an adequate volume of production and of deliveries both on its domestic market and on export markets to keep the charge of its fixed costs at a sustainable level and to remain competitive. In other words, the efforts undertaken by the Community industry both to rationalise its production and to restructure would be wasted if renewed and increased dumping would prevent it to reach a sufficient sales volume.

(91) In conclusion, taking into account the current viability of the Community industry and its strong efforts to remain competitive both at European and world level it is considered that if measures lapse the Community industry's situation would be jeopardised by a subsequent expected increase in imports of GOES from Russia.

3. Interests of the upstream industries

(92) Only one supplier replied to the Commission's questionnaire. This company, which belongs to the same holding company as the three Community producers mentioned above (see recital 60), produces different qualities of steel and in particular the raw material necessary for manufacturing GOES. It is now the only remaining important

producer of this quality of steel in the European Community as the other large steel groups have abandoned its production.

This company has made substantial investments in order to rationalise and develop production of silicon electrical steel. This investment occurred at the same time as the merger mentioned above (see recital 60). It can be seen as part of the group overall efforts to improve its competitive position.

From the above, it is clear that this supplier of silicon-electrical steel is closely dependent on the situation of the Community industry. Moreover, as it is difficult to shift from the production of silicon-electrical steel to the production of other qualities of steel without incurring significant costs, any reduction in the production of GOES would lead to a knock-on effect on employment.

(93) It is therefore concluded that it is also in the interests of the suppliers that the measures remain in force.

4. Interest of importers of GOES

(94) No independent importer cooperated in this investigation. On the basis of information available, it is to be noted that the product concerned, which is in general imported by specialised steel importers/traders, represents only a small part in the diverse range of the steel products they handle. It is thus considered that the continuation of anti-dumping measures would have no more than a minimal impact, if any, on the overall situation of the importers/traders in question.

5. Interests of the user industries

(95) Around 40 users of GOES received a questionnaire tailored to their activity.

Nine responses were received by the Commission, covering less than 20 % of the total consumption of GOES in the Community.

(96) The downstream industry can be divided in two main sectors:

- the first cuts GOES according to pre-defined shapes and assembles these pieces to manufacture transformer cores which are then resold to transformer producers for further processing,

- the other produces transformers. This industry either utilises the cores manufactured by the companies mentioned above or manufactures the cores themselves before manufacturing the transformers.

(97) The sector of manufacturers of transformer cores developed recently. There are few operators and only one company, related to one of the complainants, cooperated in the investigation. Although GOES are the most significant item in cost terms in the manufacture of transformer cores, there is no indication that this sector is subject to specific pressures aimed at reducing its prices. In fact, these operators who supply the transformer manufacturers are closely dependent on the prices that transformer manufacturers can get for their final products.

(98) By contrast, the sector of transformer manufacturers is a long-established industry which traditionally supplies the large energy producers. This transformer industry in general, belongs to large industrial groups, which have a worldwide presence. Some of them have set up single purchasing organisations which concentrate all orders for the group in order to improve their negotiating position towards producers of GOES. There are also some smaller groups or companies.

GOES represent a substantial item in the total cost of the final products of this industry (from 10 % to 30 % depending on the type of transformer). The main concern expressed by this industry was to operate in a fair competitive market, which allowed it to produce and sell quality products.

(99) In this respect, certain users of GOES alleged that they had been confronted in the IP by a shortage of supply from the part of certain Community producers due to a perceived lack of available capacity. Others argued that it was not possible to import GOES from other sources. However, they did not submit any evidence supporting these allegations. In any event, this is in clear contradiction with the findings of the current investigation. Indeed, as set out at recital 64, the Community industry had available capacities in the analysis period, allowing it to produce higher quantities of GOES. In addition, it was also possible to import GOES from other sources such as Poland and the Czech Republic (see recital 58). These allegations are therefore unfounded.

(100) As regards the competitive situation on the Community market of GOES, some users argued that the continuation of measures, by limiting exports from Russia, would maintain GOES prices artificially high. This would hamper their own competitiveness on the Community market. However, on the basis of Eurostat figures, the volume of imports from third countries appeared to be rather limited so that the market share of European users did not deteriorate nor did their volume of export sales go down. Average prices of imported transformers also

appeared to be almost stable. It therefore appears that the existing anti-dumping measures did not erode the competitiveness of this industry.

(101) In addition, the fact that the Thyssen Krupp group was both the sole producer of silicon electrical steel in the Community and owner of three of the four Community producers of GOES was also criticised.

The specific situation of the Thyssen Krupp group has been analysed in detail by the Commission with regard to provisions of the ECSC Treaty concerning competition (see recital 60 and recital 89). No new or further information was made available during the investigation which would indicate that the competitive situation had changed since the abovementioned examination by the Commission. Therefore, these criticisms are also unfounded.

(102) On the basis of the above, it appears that the situation of the users is not significantly affected by the measures. There is in addition no indication that their continuation will have a different impact in the future.

(103) If measures were to be repealed the situation of the Community industry risks to be weakened further by a continuation/recurrence of dumped imports. Indeed, as noted at recital 92 above and taking account the specific nature and the complexity of GOES manufacturing, the number of available sources of supply of GOES is rather limited at world level. Should the Community industry decrease its activity, this would make users of GOES progressively more dependent on imported materials.

(104) In this regard, it should also be noted that the product concerned can be considered as a strategic product for the user industries. In fact, GOES is a unique product which cannot, in the majority of its applications, be substituted by any alternative material. Indeed, the complicated manufacturing process makes grain oriented steel significantly different from most other steel grades. GOES are used mainly in the manufacture of power and distribution transformers. It is therefore a key element in a strategic sector underpinning the energy distribution infrastructure. It is therefore in the interest of the European user industries that the sources of supply in the Community are not further weakened by a continuation or recurrence of dumped imports.

6. Conclusion

(105) Taking account of the above facts and considerations, it is concluded that the prolongation of the measures is not against the interest of the Community as a whole.

H. FORM OF THE MEASURES

- (106) The present investigation was limited to Article 11(2) of the basic Decision ⁽¹⁾. As mentioned above (see recital 6), the investigations in the framework of Article 11(3) on the appropriateness of the form of the measures and the MET status will be continued. In this context, it is recalled that by Commission Decision No 303/96/ECSC of 19 February 1996 the Commission accepted an undertaking which should be maintained pending the outcome of the reviews under Article 11(3).

I. ANTI-DUMPING MEASURES

- (107) All parties concerned were informed of the essential facts on the basis of which it is intended to recommend the maintenance of existing measures in their present form. They were also granted a period to make representations subsequent to this disclosure. No new arguments were received.
- (108) It follows from the above that, as provided for by Article 11(2) of the basic Regulation, the anti-dumping measures applicable to imports of GOES originating in Russia, imposed by Decision No 303/96/ECSC, should be maintained,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of grain oriented cold-rolled sheets and strips of silicon-electrical steel with a width of more than 500 mm originating in Russia and falling within CN codes 7225 11 00 (sheets of a width of 600 mm or more) and 7226 11 10 (sheets of a width of more than 500 mm but less than 600 mm).
2. The rate of the definitive anti-dumping duty shall be 40,1 % of the net, free-at-Community frontier price, before duty (TARIC additional code 8877).
3. Unless otherwise specified, the provisions in force concerning customs duty shall apply.

Article 2

Notwithstanding Article 1, the duty shall not apply to imports of the products concerned exported and invoiced direct to buyers in the Community by the following companies (both under TARIC additional code 8878):

- Novolipetsk Iron and Steel Corporation (NLMK), Lipetsk,
- Viz Stal, Ekaterinburg.

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, 27 January 2003.

For the Council
The President
G. PAPANDREOU

⁽¹⁾ Replaced by the basic Regulation (Regulation (EC) No 384/96 of 22 December 1995) after expiry ECSC Treaty.

**COUNCIL REGULATION (EC) No 152/2003
of 27 January 2003**

amending the anti-dumping measures imposed by Regulation (EC) No 299/2001 on imports of potassium permanganate originating in the People's Republic of China

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

A. PROCEDURE

1. Measures in force

- (1) In February 2001, the Council, by Regulation (EC) No 299/2001⁽²⁾, imposed definitive anti-dumping duties on imports of potassium permanganate originating in the People's Republic of China (the PRC). The duties took the form of a specific duty.

2. Initiation

- (2) On 13 June 2002, the Commission announced by a notice (Notice of Initiation) published in the *Official Journal of the European Communities*⁽³⁾ the initiation of a partial interim review of the anti-dumping measures applicable to imports into the Community of potassium permanganate originating in the PRC.
- (3) The review was initiated on an initiative of the Commission in order to examine the appropriateness of the measures in force. The current measure, i.e. a duty in the form of a specific duty, does not cater for situations in which imported goods have been damaged before entry into free circulation.

3. Investigation

- (4) The Commission officially advised exporting producers, the importers and the users known to be concerned and their associations, the representatives of the exporting country concerned and the Community producers about the initiation of the proceeding. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the Notice of Initiation.

- (5) A number of exporting producers in the country concerned, as well as Community producers and Community importers/traders made their views known in writing. All parties who so requested within the time limit set above and who demonstrated that there were particular reasons why they should be heard were granted the opportunity to be heard.

- (6) The Commission sought and verified all the information it deemed necessary for the purpose of a determination of the appropriateness of the measures in force.

B. RESULTS OF THE INVESTIGATION

- (7) Article 145 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽⁴⁾ foresees, for the determination of the customs value, an apportioning of the price actually paid or payable in situations where goods have been damaged before entry into free circulation.

- (8) In order to avoid that an excessive amount of anti-dumping duty is levied, the specific duty should, in case of damaged goods, be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable.

- (9) Community producers argued that the term 'damaged' is vague and might be subject to wide interpretations that could lead to circumvention practices or even render the anti-dumping duties ineffective. In order to avoid circumvention, it was submitted that whenever the customs authorities consider goods to be damaged, a second, independent expert opinion should be provided on the question whether the goods are damaged.

- (10) It should be noted that the valuation of goods, damaged or not, is carried out by the customs authorities according to the well-established rules set out by the Community Customs Code that do not allow wide interpretations that could render the anti-dumping duty ineffective. In view of these established rules, there is no need for specific provisions covering goods subject to anti-dumping measures. The request to introduce a mandatory second expert opinion is therefore rejected.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 1972/2002 (OJ L 305, 7.11.2002, p. 1).

⁽²⁾ OJ L 44, 15.2.2001, p. 4.

⁽³⁾ OJ C 140, 13.6.2002, p. 12.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 444/2002 (OJ L 68, 12.3.2002, p. 11).

(11) It is therefore concluded that in the absence of any substantiated argument from interested parties, in cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value, the specific duty shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable,

‘4. In cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value pursuant to Article 145 of Commission Regulation (EEC) No 2454/93, the amount of the anti-dumping duty, calculated on the basis of the amounts set above, shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable.’

HAS ADOPTED THIS REGULATION:

Article 2

Article 1

The following paragraph shall be added to Article 1 of Regulation (EC) No 299/2001:

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, 27 January 2003.

For the Council
The President
G. PAPANDREOU

**COUNCIL REGULATION (EC) No 153/2003
of 27 January 2003**

amending the anti-dumping measures imposed by Council Regulation (EC) No 1603/2000 on imports of ethanolamines originating in the United States of America

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⁾ (basic Regulation), and in particular Article 11(3) thereof,

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

Whereas:

A. PROCEDURE

1. Measures in force

- (1) In July 2000, the Council, by Regulation (EC) No 1603/2000⁽²⁾, imposed definitive anti-dumping duties on imports of ethanolamines originating in the United States of America (the USA). The duties took the form of a specific duty.

2. Initiation

- (2) On 13 June 2002, the Commission announced by a notice (Notice of Initiation) published in the *Official Journal of the European Communities*⁽³⁾ the initiation of a partial interim review of the anti-dumping measures applicable to imports into the Community of ethanolamines originating in the USA.
- (3) The review was initiated on an initiative of the Commission in order to examine the appropriateness of the measures in force. The current measure, i.e. a duty in the form of a specific duty, does not cater for situations in which imported goods have been damaged before entry into free circulation.

3. Investigation

- (4) The Commission officially advised exporting producers, the importers and the users known to be concerned and their associations, the representatives of the exporting country concerned and the Community producers about the initiation of the proceeding. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the Notice of Initiation.

- (5) A number of exporting producers in the country concerned, as well as Community producers and Community importers/traders made their views known in writing. All parties who so requested within the said time limit and who demonstrated that there were particular reasons why they should be heard were granted the opportunity to be heard.
- (6) The Commission sought and verified all the information it deemed necessary for the purpose of a determination of the appropriateness of the measures in force.

B. RESULTS OF THE INVESTIGATION

- (7) Article 145 of Commission Regulation (EEC) No 2454/93 of 2 July 1993⁽⁴⁾ laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code foresees, for the determination of the customs value, an apportioning of the price actually paid or payable in situations where goods have been damaged before entry into free circulation.
- (8) In order to avoid that an excessive amount of anti-dumping duty is levied, the specific duty should, in case of damaged goods, be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable.
- (9) Community producers argued that the term 'damaged' is vague and might be subject to wide interpretations that could lead to circumvention practices or even render the anti-dumping duties ineffective. In order to avoid circumvention, it was submitted that whenever the customs authorities consider a good to be damaged, a second, independent expert opinion should be provided on the question of whether the goods are damaged or not.
- (10) It should be noted that the valuation of goods, damaged or not, is carried out by the customs authorities according to the well-established rules set out by the Community Customs Code that do not allow wide interpretations that could render the anti-dumping duty ineffective. In view of these established rules, there is no need for specific provisions covering goods subject to anti-dumping measures. The request to introduce a mandatory second expert opinion is therefore rejected.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 1972/2002 (OJ L 305, 7.11.2002, p. 1).

⁽²⁾ OJ L 185, 25.7.2000, p. 1.

⁽³⁾ OJ C 140, 13.6.2002, p. 17.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 444/2002 (OJ L 68, 12.3.2002, p. 11).

- (11) A related importer submitted that no anti-dumping duty should be imposed if a product is damaged as it must not be considered a like product.
- (12) In this respect, a product does not automatically cease to be a like product when it is damaged. It may still have the same physical and chemical characteristics and be used for the same purposes, thereby possibly inflicting injury to the Community industry. The argument is therefore rejected.
- (13) It is therefore concluded that in the absence of any substantiated argument from interested parties, in cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value, the specific duty shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph shall be added to Article 1 of Regulation (EC) No 1603/2000:

‘4. In cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value pursuant to Article 145 of Commission Regulation (EEC) No 2454/93, the amount of the anti-dumping duty, calculated on the basis of the amounts set above, shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable.’

Article 2

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

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

Done at Brussels, 27 January 2003.

For the Council
The President
G. PAPANDREOU

**COUNCIL REGULATION (EC) No 154/2003
of 27 January 2003**

amending the anti-dumping measures imposed by Regulation (EC) No 495/98 and by Regulation (EC) No 2413/95 on imports of ferro-silico-manganese originating in the People's Republic of China 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⁾ (basic Regulation), and in particular Article 11(3) thereof,

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

Whereas:

A. PROCEDURE

1. Measures in force

- (1) In March 1998, the Council, by Regulation (EC) No 495/98 ⁽²⁾, imposed definitive anti-dumping duties on imports of ferro-silico-manganese originating in the People's Republic of China (the PRC) and amended the measures in force against Ukraine pursuant to Council Regulation (EC) No 2413/95 ⁽³⁾. The duties took the form of a specific duty.

2. Initiation

- (2) On 13 June 2002, the Commission announced by a notice (Notice of Initiation) published in the *Official Journal of the European Communities* ⁽⁴⁾ the initiation of a partial interim review of the anti-dumping measures applicable to imports into the Community of ferro-silico-manganese originating in the PRC and Ukraine.
- (3) The review was initiated on an initiative of the Commission in order to examine the appropriateness of the measures in force. The current measure, namely a duty in the form of a specific duty, does not cater for situations in which imported goods have been damaged before entry into free circulation.

3. Investigation

- (4) The Commission officially advised exporting producers, the importers and the users known to be concerned and their associations, the representatives of the exporting countries concerned and the Community producers of

the initiation of the proceeding. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the Notice of Initiation.

- (5) A number of exporting producers in the countries concerned, as well as Community producers and Community importers/traders made their views known in writing. All parties who so requested within the abovementioned time limit and who demonstrated that there were particular reasons why they should be heard were granted the opportunity to be heard.
- (6) The Commission sought and verified all the information it deemed necessary for the purpose of a determination of the appropriateness of the measures in force.

B. RESULTS OF THE INVESTIGATION

- (7) Article 145 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁵⁾ envisages, for the determination of the customs value, an apportioning of the price actually paid or payable in situations where goods have been damaged before entry into free circulation.
- (8) In order to avoid an excessive amount of anti-dumping duty being levied, the specific duty should, in case of damaged goods, be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable. According to the well-established rules set out by the Community Customs Code, the customs value is reduced by a percentage which corresponds to the apportioning of the price actually paid or payable.
- (9) No interested party submitted any comments or arguments against this proposal.
- (10) It is therefore concluded that in the absence of any substantiated argument from interested parties, in cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value, the specific duty shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable,

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 1972/2002 (OJ L 305, 7.11.2002, p. 1).

⁽²⁾ OJ L 62, 3.3.1998, p. 1.

⁽³⁾ OJ L 248, 14.10.1995, p. 1.

⁽⁴⁾ OJ C 140, 13.6.2002, p. 8.

⁽⁵⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 444/2002 (OJ L 68, 12.3.2002, p. 11).

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph shall be added to Article 1 of Council Regulation (EC) No 2413/95:

'In cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value pursuant to Article 145 of Commission Regulation (EEC) No 2454/93, the amount of anti-dumping duty, calculated on the basis of the amounts set above, shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable.'

Article 2

The following paragraph shall be added to Article 1 of Council Regulation (EC) No 495/98:

'3. In cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value pursuant to Article 145 of Commission Regulation (EEC) No 2454/93, the amount of anti-dumping duty, calculated on the basis of the amounts set above, shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable.'

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, 27 January 2003.

For the Council
The President
P. PAPANDREOU

**COUNCIL REGULATION (EC) No 155/2003
of 27 January 2003**

amending the anti-dumping measures imposed by Council Regulation (EC) No 1824/2001 on imports of gas-fuelled, non-refillable pocket flint lighters originating in the People's Republic of China and Taiwan

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

A. PROCEDURE

1. Measures in force

(1) In September 2001, the Council, by Regulation (EC) No 1824/2001⁽²⁾, imposed definitive anti-dumping duties on imports of gas-fuelled, non-refillable pocket flint lighters originating in the People's Republic of China (the 'PRC') and Taiwan. The duties took the form of a specific duty.

2. Initiation

(2) On 13 June 2002, the Commission announced by a notice (Notice of Initiation) published in the *Official Journal of the European Communities*⁽³⁾ the initiation of a partial interim review of the anti-dumping measures applicable to imports into the Community of gas-fuelled, non-refillable pocket flint lighters originating in the PRC and Taiwan.

(3) The review was initiated on an initiative of the Commission in order to examine the appropriateness of the measures in force. The current measure, i.e. a duty in the form of a specific duty, does not cater for situations in which imported goods have been damaged before entry into free circulation.

3. Investigation

(4) The Commission officially advised exporting producers, the importers and the users known to be concerned and their associations, the representatives of the exporting countries concerned and the Community producers

about the initiation of the proceeding. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the Notice of Initiation.

(5) A number of exporting producers in the countries concerned, as well as Community producers and Community importers/traders made their views known in writing. All parties who so requested within the time limit set above and who demonstrated that there were particular reasons why they should be heard were granted the opportunity to be heard.

(6) The Commission sought and verified all the information it deemed necessary for the purpose of a determination of the appropriateness of the measures in force.

B. RESULTS OF THE INVESTIGATION

(7) Article 145 of Commission Regulation (EEC) No 2454/93 of 2 July 1993⁽⁴⁾ laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code foresees, for the determination of the customs value, an apportioning of the price actually paid or payable in situations where goods have been damaged before entry into free circulation.

(8) In order to avoid that an excessive amount of anti-dumping duty is levied, the specific duty should, in case of damaged goods, be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable. According to the well-established rules set out by the Community Customs Code, the customs value is reduced by a percentage which corresponds to the apportioning of the price actually paid or payable.

(9) No interested party submitted any comments or arguments against this proposal.

(10) It is therefore concluded that in the absence of any substantiated argument from interested parties, in cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value, the specific duty shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable,

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 1972/2002 (OJ L 305, 7.11.2002, p. 1).

⁽²⁾ OJ L 248, 18.9.2001, p. 1.

⁽³⁾ OJ C 140, 13.6.2002, p. 13.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 444/2002 (OJ L 68, 12.3.2002, p. 11).

HAS ADOPTED THIS REGULATION:

Article 1

In Council Regulation (EC) No 1824/2001, Article 3 shall be replaced by the following text:

'Article 3

1. In cases where goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value pursuant to Article 145 of Commission Regulation (EEC) No 2454/93, the amount of the anti-

dumping duty, calculated on the basis of the amounts set above, shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable.

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

Article 2

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

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

Done at Brussels, 27 January 2003.

For the Council

The President

G. PAPANDREOU

COMMISSION REGULATION (EC) No 156/2003
of 29 January 2003
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 1947/2002 ⁽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 30 January 2003.

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

Done at Brussels, 29 January 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 299, 1.11.2002, p. 17.

ANNEX

to the Commission Regulation of 29 January 2003 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	84,1
	204	73,3
	212	118,7
	999	92,0
0707 00 05	052	113,0
	204	114,7
	999	113,8
0709 10 00	220	55,7
	999	55,7
0709 90 70	052	138,6
	204	171,9
	999	155,3
0805 10 10, 0805 10 30, 0805 10 50	052	61,6
	204	50,9
	212	39,3
	220	51,4
	624	72,3
	999	55,1
0805 20 10	204	75,7
	999	75,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	68,5
	204	56,7
	220	77,7
	600	76,1
	624	79,6
	999	71,7
0805 50 10	052	66,4
	220	94,9
	600	61,3
	999	74,2
0808 10 20, 0808 10 50, 0808 10 90	060	43,3
	400	93,7
	404	106,5
	720	128,9
	999	93,1
	0808 20 50	388
400		109,7
524		115,5
528		87,7
720		46,2
999		92,0

⁽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 157/2003
of 28 January 2003
establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 444/2002 ⁽⁴⁾, and in particular Article 173(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 31 January 2003.

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

Done at Brussels, 28 January 2003.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 311, 12.12.2000, p. 17.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 68, 12.3.2002, p. 11.

ANNEX

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
1.10	New potatoes 0701 90 50	42,40	315,36	392,18	28,01
1.30	Onions (other than seed) 0703 10 19	2,06	15,31	19,04	1,36
1.40	Garlic 0703 20 00	154,46	1 148,95	1 428,84	102,04
1.50	Leeks ex 0703 90 00	38,57	286,89	356,78	25,48
1.60	Cauliflowers 0704 10 00	—	—	—	—
1.80	White cabbages and red cabbages 0704 90 10	96,02	714,23	888,21	63,43
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> <i>Plenck</i>) ex 0704 90 90	61,43	456,93	568,25	40,58
1.100	Chinese cabbage ex 0704 90 90	50,84	378,16	470,29	33,58
1.110	Cabbage lettuce (head lettuce) 0705 11 00	—	—	—	—
1.130	Carrots ex 0706 10 00	43,36	322,52	401,09	28,64
1.140	Radishes ex 0706 90 90	89,92	668,85	831,79	59,40
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	383,22	2 850,51	3 544,91	253,16
1.170	Beans:				
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	132,51	985,66	1 225,77	87,54
1.170.2	Beans (<i>Phaseolus</i> ssp. <i>vulgaris</i> var. <i>Compressus</i> <i>Savi</i>) ex 0708 20 00	166,25	1 236,62	1 537,86	109,82
1.180	Broad beans ex 0708 90 00	—	—	—	—
1.190	Globe artichokes 0709 10 00	—	—	—	—
1.200	Asparagus:				
1.200.1	— green ex 0709 20 00	278,56	2 072,00	2 576,75	184,02
1.200.2	— other ex 0709 20 00	415,70	3 092,10	3 845,35	274,61
1.210	Aubergines (eggplants) 0709 30 00	88,82	660,67	821,61	58,67

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	111,32	828,01	1 029,71	73,54
1.230	Chantarelles 0709 59 10	809,36	6 020,26	7 486,82	534,66
1.240	Sweet peppers 0709 60 10	250,27	1 861,59	2 315,08	165,33
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	84,67	629,78	783,20	55,93
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	—	—	—	—
2.30	Pineapples, fresh ex 0804 30 00	92,03	684,57	851,34	60,80
2.40	Avocados, fresh ex 0804 40 00	184,02	1 368,83	1 702,29	121,57
2.50	Guavas and mangoes, fresh ex 0804 50 00	104,00	773,60	962,05	68,70
2.60	Sweet oranges, fresh:				
2.60.1	— Sanguines and semi-sanguines 0805 10 10	—	—	—	—
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	—	—	—	—
2.60.3	— Others 0805 10 50	—	—	—	—
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:				
2.70.1	— Clementines ex 0805 20 10	—	—	—	—
2.70.2	— Monreales and satsumas ex 0805 20 30	—	—	—	—
2.70.3	— Mandarines and wilkings ex 0805 20 50	—	—	—	—
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	—	—	—	—
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90	114,29	850,15	1 057,25	75,50
2.90	Grapefruit, fresh:				
2.90.1	— white ex 0805 40 00	55,34	411,66	511,94	36,56
2.90.2	— pink ex 0805 40 00	62,21	462,71	575,43	41,09

Code	Description	Amount of unit values per 100 kg			
	Species, varieties, CN code	EUR	DKK	SEK	GBP
2.100	Table grapes 0806 10 10	170,25	1 266,39	1 574,88	112,47
2.110	Water melons 0807 11 00	32,59	242,41	301,47	21,53
2.120	Melons (other than water melons):				
2.120.1	— Amarillo, cuper, honey dew (including cantalene), ontentiente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	51,30	381,55	474,50	33,89
2.120.2	— Other ex 0807 19 00	93,66	696,68	866,39	61,87
2.140	Pears				
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	—	—	—	—
2.140.2	Other ex 0808 20 50	—	—	—	—
2.150	Apricots 0809 10 00	95,51	710,44	883,51	63,09
2.160	Cherries 0809 20 95 0809 20 05	438,22	3 259,58	4 053,63	289,49
2.170	Peaches 0809 30 90	126,15	938,38	1 166,97	83,34
2.180	Nectarines ex 0809 30 10	133,84	995,51	1 238,02	88,41
2.190	Plums 0809 40 05	130,29	969,10	1 205,18	86,07
2.200	Strawberries 0810 10 00	126,50	940,98	1 170,20	83,57
2.205	Raspberries 0810 20 10	361,18	2 686,57	3 341,02	238,60
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 424,03	10 592,36	13 172,70	940,71
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	172,39	1 282,29	1 594,66	113,88
2.230	Pomegranates ex 0810 90 95	190,80	1 419,23	1 764,96	126,04
2.240	Khakis (including sharon fruit) ex 0810 90 95	100,56	748,00	930,21	66,43
2.250	Lychees ex 0810 90 30	179,94	1 338,44	1 664,48	118,87

COMMISSION REGULATION (EC) No 158/2003**of 29 January 2003****amending Regulation (EC) No 1662/2002 imposing provisional anti-dumping duties on imports of certain filament yarns of cellulose acetate originating in Lithuania and the United States of America**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as last amended by Regulation (EC) No 1972/2002 ⁽²⁾, and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

- (1) By Commission Regulation (EC) No 1662/2002 ⁽³⁾ (the Regulation), the Commission imposed provisional anti-dumping duties on imports of certain filament yarn of cellulose acetate (the product) originating in Lithuania and the United States of America.
- (2) The Commission subsequently received a claim by one company concerned, namely Eastman Chemical Company (Eastman), requesting a clarification to the Regulation with a view to providing for its unincorporated division 'Voridian Company' to benefit from the individual anti-dumping duty rate applicable to it. The company concerned cannot currently benefit from Eastman's 0 % duty rate because it uses the name 'Voridian Company', in the documents issued for the purpose of its exports of the product to the Community, thus the fact that it belongs to Eastman remaining undisclosed. Eastman is, however, the only legal entity producing the product for export to the Community, whereas 'Voridian company' is merely an unincorporated division of it. Eastman therefore requested the Commission to change the name under which it is mentioned in the Regulation to 'Voridian Company, a Division of Eastman Chemical Co'.
- (3) The Commission reviewed all the information supplied, which satisfactorily demonstrates that all Eastman's activities linked to the manufacturing, sales and exports of the product have in fact remained unchanged since the outset of the investigation and that the requested change can be considered as a mere adaptation to an organisational set-up, which occurred after the period covered for the purpose of the investigation of dumping.
- (4) Consequently, the Regulation should be amended, with effect from its date of entry into force, by updating the list of companies benefiting from individual rates,

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EC) No 1662/2002 is hereby amended as follows:

1. In recitals 7, 22, 105 and 107, the reference to 'Eastman Chemical Company' shall be read as 'Voridian Company, a Division of Eastman Chemical Co'.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 305, 7.11.2002, p. 1.

⁽³⁾ OJ L 251, 19.9.2002, p. 9.

2. The table in Article 1(2) shall be replaced as follows:

Country	Company	Rate of duty (%)	Taric additional code
Lithuania	All companies	20,1	—
United States of America	Celanese Acetate LLC 2300 Archdale Drive Charlotte North Carolina NC 2810 United States of America	16,3	A409
	Voridian Company, a Division of Eastman Chemical Co. PO Box 2002 Kingsport Tennessee TN 37762 United States of America	0	A410
	All other companies	16,3	A999'

Article 2

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

It shall apply with effect from 20 September 2002.

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

Done at Brussels, 29 January 2003.

For the Commission
Pascal LAMY
Member of the Commission

COMMISSION REGULATION (EC) No 159/2003
of 29 January 2003

**amending Regulation (EC) No 2377/2002 opening and providing for the administration of a
Community tariff quota for malting barley from third countries and derogating from Council
Regulation (EC) No 1766/92**

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 12(1) thereof,

Whereas:

- (1) Regulation (EC) No 2377/2002⁽³⁾ opens a tariff quota for the import of 50 000 tonnes of malting barley falling within CN code 1003 00 50. This CN code was created during the special Uruguay Round negotiations and refers to HS code 1003 00. In order to avoid practical customs problems when malting barley is imported under this quota, HS code 1003 00, which covers malting barley, should be used.
- (2) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2(1) of Regulation (EC) No 2377/2002 is hereby replaced by the following:

‘1. A tariff import quota of 50 000 tonnes of malting barley falling within HS code (ex) 1003 00 to be used in the manufacture of beer aged in vats containing beechwood is hereby opened.’

Article 2

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

It shall apply from 1 January 2003.

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

Done at Brussels, 29 January 2003.

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 358, 31.12.2002, p. 95.

COMMISSION REGULATION (EC) No 160/2003
of 29 January 2003
on the issuing of system B export licences for 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 1961/2001 of 8 October 2001 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as amended by Regulation (EC) No 1176/2002 ⁽²⁾, and in particular Article 6(7) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1886/2002 ⁽³⁾ fixed the indicative quantities laid down for the issue of export licences in the fruit and vegetable sector other than those requested in the context of food aid.
- (2) In the light of information now available to the Commission, the indicative quantities have been exceeded in the case of oranges.
- (3) This overrun is without prejudice to compliance with the limits resulting from the agreements concluded in accordance with Article 300 of the Treaty. The rate of

refund for all products covered by licences applied for under system B between 16 November 2002 and 14 January 2003 should be the indicative rate,

HAS ADOPTED THIS REGULATION:

Article 1

1. The percentages for the issuing of system B export licences, as referred to in Article 6 of Regulation (EC) No 1961/2001, and applied for between 16 November 2002 and 14 January 2003, by which the quantities applied for and the rates of refund applicable must be multiplied, are as fixed in the Annex hereto.

2. Paragraph 1 does not apply to licences applied for in connection with food-aid operations as provided for in Article 10(4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations.

Article 2

This Regulation shall enter into force on 30 January 2003.

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

Done at Brussels, 29 January 2003.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 268, 9.10.2001, p. 8.

⁽²⁾ OJ L 170, 29.6.2002, p. 69.

⁽³⁾ OJ L 286, 24.10.2002, p. 3.

ANNEX

Percentages for the issuing of licences and rates of refund applicable to system B licences applied for between 16 November 2002 and 14 January 2003

Product	Percentage for the issuing of licences	Rate of refund (EUR/t net)
Tomatoes	100 %	20,0
Oranges	100 %	29,0
Lemons	100 %	19,0
Apples	100 %	13,0

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 21 January 2003

extending the application of Decision 2000/91/EC authorising the Kingdom of Denmark and the Kingdom of Sweden to apply a measure derogating from Article 17 of the Sixth Council Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes

(2003/65/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment ⁽¹⁾, and in particular Article 27(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By letters registered with the Commission's Secretariat-General on 25 July 2002 and 28 October 2002 respectively, the Danish and Swedish authorities requested authorisation to extend the application of the derogation granted to them by Council Decision 2000/91/EC ⁽²⁾.
- (2) The other Member States were informed of this application on 6 November 2002.
- (3) These applications relate to the VAT arrangements in connection with the operation of the Öresund fixed link between Denmark and Sweden, and in particular to the recovery of VAT paid on tolls for the use of the link. Under the rules of territoriality, part of the VAT on tolls is payable to Denmark and part to Sweden.
- (4) By way of derogation from the provisions of Article 17 of Directive 77/388/EEC, as amended by Article 28f of that Directive, requiring taxable persons to exercise their right to deduct or obtain a refund of VAT in the Member State where it was paid, the Swedish and Danish authorities were authorised to introduce a special measure enabling taxpayers to recover VAT from a single administration.

- (5) This authorisation expires on 31 December 2002. Since the legal situation and the facts which justified application of the simplification measure in the first place have not changed a Decision should be taken which will apply from 1 January 2003 and which extends the said authorisation.
- (6) On 17 June 1998 the Commission presented a proposal for a Council Directive amending the sixth Directive as regards the rules governing the right to deduct value added tax ⁽³⁾, adoption of which would render the special measures unnecessary in all cases where taxable persons established in the Community are involved, which is in fact the majority of cases.
- (7) The extension of the authorisation should therefore be granted for a limited period and remain valid up to the entry into force of the said Directive, or up to 31 December 2006 at the latest if that Directive has not yet entered into force by then.
- (8) The derogation does not adversely affect the Communities' own resources from VAT,

HAS ADOPTED THIS DECISION:

Article 1

In Article 2 of Decision 2000/91/EC, the date '31 December 2002' shall be replaced by '31 December 2006'.

Article 2

This Decision shall apply from 1 January 2003.

⁽¹⁾ OJ L 145, 13.6.1977, p. 1. Directive as last amended by Directive 2002/38/EC (OJ L 128, 15.5.2002, p. 41).

⁽²⁾ OJ L 28, 3.2.2000, p. 38.

⁽³⁾ OJ C 219, 15.7.1998, p. 16.

Article 3

This Decision is addressed to the Kingdom of Denmark and the Kingdom of Sweden.

Done at Brussels, 21 January 2003.

For the Council
The President
N. CHRISTODOULAKIS

COMMISSION

COMMISSION DECISION

of 28 January 2003

extending the period referred to in Article 21(3) of Council Directive 2002/56/EC on the marketing of seed potatoes authorising Member States to extend the period of validity of decisions concerning equivalence of seed potatoes from third countries

(notified under document number C(2003) 351)

(Text with EEA relevance)

(2003/66/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes ⁽¹⁾, and in particular the second subparagraph of Article 21(3) thereof,

Whereas:

- (1) Directive 2002/56/EC provides that, with effect from certain dates, Member States may no longer determine for themselves the equivalence of seed potatoes harvested in third countries with seed potatoes harvested within the Community and complying with that Directive.
- (2) However, as work to establish a Community equivalence for seed potatoes from all the third countries concerned had not been completed, Directive 2002/56/EC permitted Member States to extend until 31 March 2002 the validity of equivalence decisions which they had already taken for seed potatoes from certain third countries not covered by a Community equivalence.
- (3) In the absence of Community rules on the equivalence of seed potatoes harvested in third countries with seed potatoes harvested within the Community, the authorisa-

tion granted to Member States by Directive 2002/56/EC to extend the period of validity of equivalence decisions should be extended.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

In the first subparagraph of Article 21(3) of Directive 2002/56/EC, '31 March 2002' is replaced by '31 March 2005'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 January 2003.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 193, 20.7.2002, p. 60.

CORRIGENDA

Corrigendum to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities*(Official Journal of the European Communities L 248 of 16 September 2002)*

On page 21, in Article 66(1), the final sentence:

for: 'The same shall apply where, through serious misconduct, he/she omits to draw up a document establishing a debt of if he/she neglects to issue a recovery order or is, without justification, late in issuing it, as the issuing of a payment order may involve third-party liability of the institution.'

read: 'The same shall apply where, through serious misconduct, he/she fails to draw up a document establishing an amount receivable or if he/she fails to issue a recovery order or is, without justification, late in issuing it, or if he/she fails to issue a payment order or is, without justification, late in issuing it, thereby rendering the institution liable to civil action by third parties.';

on page 34, in Article 144(2):

for: '2. The opinions referred to in Article 248(4) of the EC Treaty and Article 180a(4) of Euratom Treaty ...'

read: '2. The opinions referred to in Article 248(4) of the EC Treaty and Article 160c(4) of the Euratom Treaty ...';

on page 40, in Article 179(1):

for: '1. Administrative appropriations shall be differentiated appropriations.'

read: '1. Administrative appropriations shall be non-differentiated appropriations.';

on page 41, in Article 184:

delete the second paragraph which reads as follows:

'Any regulations amending this Regulation shall be adopted by the Council after recourse to the conciliation procedure, if the European Parliament so requests.'

Corrigendum to Commission Regulation (EC) No 2388/2000 of 13 October 2000 amending Annex 1 to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff*(Official Journal of the European Communities L 264 of 18 October 2000)*

On page 739, in Annex 2, against CN code 0809 20 05, against the entry 'Less than € 42,2 (1)', in the third column headed 'Conventional rate of duty (%)':

for: '12,5 + 27,4 €/100 kg/net',

read: '12 + 27,4 €/100 kg/net'.

Corrigendum to Commission Decision 2003/31/EC of 29 November 2002 establishing revised ecological criteria for the award of the Community eco-label to detergents for dishwashers and amending Decision 1999/427/EC*(Official Journal of the European Communities L 9 of 15 January 2003)*

On page 14, in the Annex, the column headings of 'Score' in the table headed 'Environment scoring matrix':

for: ' 4 | 3 | 4 | 1 |';

read: ' 4 | 3 | 2 | 1 |'.

Corrigendum to Decision 2003/32/EC of the European Parliament and of the Council of 21 November 2002 on the mobilisation of the EU Solidarity Fund according to point 3 of the Interinstitutional Agreement of 7 November 2002 between the European Parliament, the Council and the Commission on the financing of the European Union Solidarity Fund, supplementing the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure

(Official Journal of the European Communities L 11 of 16 January 2003)

The publication of Decision 2003/32/EC should be considered void.

NOTE TO READERS

In accordance with point 38 of Article 2 of the Treaty of Nice which amends Article 254 of the Treaty establishing the European Community, the *Official Journal of the European Communities* will be known, as from the entry into force of the Treaty of Nice, namely 1 February 2003, as the *Official Journal of the European Union*.