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## Legislation

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## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1674/2003****of 22 September 2003****amending Regulation (EC) No 1796/1999 imposing a definitive anti-dumping duty, and collecting definitively the provisional duty imposed, on imports of steel ropes and cables originating, *inter alia*, in Poland 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 <sup>(1)</sup>, and in particular Articles 8 and 9 thereof,

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

Whereas:

**A. PREVIOUS PROCEDURE**

- (1) On 20 May 1998, an anti-dumping proceeding was initiated by the Commission <sup>(2)</sup> on imports of steel ropes and cables (SWR) originating, *inter alia*, in Ukraine.
- (2) On 30 July 1998, an anti-dumping proceeding was initiated by the Commission <sup>(3)</sup> on imports of SWR originating, *inter alia*, in Poland.
- (3) Provisional measures were imposed by Commission Regulation (EC) No 362/1999 <sup>(4)</sup>. In parallel, the Commission accepted, *inter alia*, a price undertaking from the Polish exporting producer Drumet (Drumet) under Article 2(1) of the said Regulation. Imports of the products covered produced and directly exported to the Community by Drumet were exempted from the anti-dumping duty by Article 1(3) of the said Regulation.

- (4) These proceedings were combined and ultimately resulted in a definitive anti-dumping duty being imposed by Council Regulation (EC) No 1796/1999 <sup>(5)</sup> in order to eliminate the injurious effects of dumping. Drumet continued to be exempted from the definitive duties by virtue of and subject to its undertaking.

- (5) Furthermore, the Commission accepted a price undertaking from, *inter alia*, the Ukrainian exporting producer Joint Stock Company Silur (Silur) by Commission Decision 1999/572/EC <sup>(6)</sup>.

**B. FAILURE TO COMPLY WITH THE UNDERTAKING****1. Drumet (Poland)**

- (6) The undertaking accepted from Drumet only applied to imports into the Community of SWR which have been produced and sold directly (i.e. invoiced and shipped) by Drumet to its first unrelated customers in the Community (Clause 2 of the undertaking).
- (7) Furthermore, Drumet undertook not to circumvent the provisions of the undertaking, *inter alia*, 'by any other means', according to Clause 6 of the undertaking.
- (8) Following verifications by the Commission services in charge of the monitoring of the undertaking, it was established that Drumet had committed two types of breaches of the above obligations. Firstly, it had not sold all its exports of SWR to the Community directly to unrelated importers, but via a related importer in the Community. Secondly, it had repeatedly submitted misleading information about the relationship with this importer, thus not only breaching Clause 6 of the undertaking, but also the relationship of trust established with the Commission which was the basis for acceptance of any undertaking. Commission Regulation (EC) No 1678/2003 <sup>(7)</sup> sets out in detail the nature of the breaches found.

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ C 155, 20.5.1998, p. 11.

<sup>(3)</sup> OJ C 239, 30.7.1998, p. 3.

<sup>(4)</sup> OJ L 45, 19.2.1999, p. 8.

<sup>(5)</sup> OJ L 217, 17.8.1999, p. 1.

<sup>(6)</sup> OJ L 217, 17.8.1999, p. 63.

<sup>(7)</sup> See page 13 of this Official Journal.

- (9) Acceptance of the undertaking has been withdrawn by means of the abovementioned Commission Regulation and, therefore, in accordance with Articles 8 and 9 of Regulation (EC) No 384/96, definitive anti-dumping duties should be imposed forthwith on imports of the product concerned manufactured by Drumet.

## 2. Silur (Ukraine)

- (10) Silur undertook, *inter alia*, not to circumvent the provisions of the undertaking by making misleading declarations regarding the origin of SWR or by any other means. Furthermore, the scope of the undertaking is limited to certain product types of SWR (SWR covered). SWR other than SWR covered are subject to the payment of the anti-dumping duty.
- (11) An investigation carried out by the European Anti-Fraud Office (OLAF) revealed that imports of SWR into the Community which had been produced by Silur were, with Silur's knowledge, imported into the Community with a declared false origin. Furthermore, it was established that SWR other than SWR covered had been sold to the Community as if they were covered by the undertaking and thus unduly benefiting from the exemption of the payment of the anti-dumping duties. Commission Regulation (EC) No 1678/2003 sets out in detail the nature of the breaches found.
- (12) In the circumstances, acceptance of the undertaking has been withdrawn by the abovementioned Commission Regulation, upon the request of Silur. Therefore in accordance with Articles 8 and 9 of Regulation (EC) No 384/96, definitive anti-dumping duties should be imposed forthwith on imports of the product concerned manufactured by Silur.

## C. AMENDMENT OF REGULATION (EC) No 1796/1999

- (13) In view of the withdrawal of the undertakings and pursuant to Article 8(9) of Regulation (EC) No 384/96, Article 2(3) of Regulation (EC) No 1796/1999 should be amended, and goods manufactured by Drumet and Silur should be subject to the appropriate rate of anti-dumping duty for each company as set out in Article 1(2) of Regulation (EC) No 1796/1999 (27,9 % for Drumet and 51,8 % for Silur),

HAS ADOPTED THIS REGULATION:

### Article 1

1. In the table in Article 1(2) of Regulation (EC) No 1796/1999 the TARIC additional code concerning Ukraine '8900' shall be replaced by '.

2. The table in Article 2(3) of Regulation (EC) No 1796/1999 shall be replaced by the following:

| 'Country | Company   | TARIC additional code |
|----------|---|-----------------------|
| Hungary  | Drótáru és Drótkötél Ipari és Kereskedelmi Rt. Besenyői utca 18, 3527 Miskolc, Hungary  | 8616                  |
| Poland   | Slaskie Zakłady Lin i Drutu "Linodrut" Spółka Akeyjna<br>Fabryka Lin i Drutów "Linodrut" Zabrze Spółka z ograniczoną odpowiedzialnością<br>PL-41-800 Zabrze, Sobieskiego Street No 1<br>Fabryka Lin i Drutów Falind Spółka z ograniczoną odpowiedzialnością<br>PL-41-201 Sosnowiec, Niwecka Street 1<br>Górnosłaska Fabryka Lin i Drutu Linodrut Bytom Spółka ograniczona odpowiedzialnością, 41-906 Bytom, Ks. Jerzego Popiełuszki Street 1<br>Dolnosłaska fabryka Lin i Drutu "Linodrut Linmet" Spółka z ograniczoną odpowiedzialnością, 58-309 Walbrzych, Sługa Street 2 | 8619                  |
| Mexico   | Aceros Camesa SA de CV<br>Margarita Maza de Juárez No 154,<br>Col Nueva Ind. Vallejo<br>México D.F.C.P.07700<br>Mexico  | A022                  |

| Country      | Company  | TARIC additional code |
|--------------|--|-----------------------|
| South Africa | Haggie<br>Lower Germiston Road<br>Jupiter<br>PO Box 40072<br>Cleveland<br>South Africa   | A023                  |
| India        | Usha Martin Industries & Usha Beltron Ltd<br>Shakespeare Sanani, Calcutta, 700071, India | A024'                 |

*Article 2*

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

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

Done at Brussels, 22 September 2003.

*For the Council*  
*The President*  
R. BUTTIGLIONE

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**COUNCIL REGULATION (EC) No 1675/2003  
of 22 September 2003**

**amending Regulation (EC) No 1995/2000 imposing, *inter alia*, a definitive anti-dumping duty on imports of solution of urea and ammonium nitrate originating in Algeria, Belarus, Lithuania, Russia 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<sup>(1)</sup>, hereinafter referred to as 'the basic Regulation', and in particular Article 8 and Article 11(3) thereof,

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

Whereas:

**A. EXISTING MEASURES**

(1) Pursuant to Regulation (EC) No 1995/2000<sup>(2)</sup>, the Council imposed a definitive anti-dumping duty on imports of solutions of urea and ammonium nitrate, hereinafter referred to as 'UAN', originating, *inter alia*, in Lithuania. The form of the duty set out in that Regulation was a specific duty of EUR 3,98 per tonne for all Lithuanian exporting producers.

**B. REQUEST FOR A REVIEW**

(2) In September 2002, a request for a partial interim review pursuant to Article 11(3) of the basic Regulation was lodged by SC Achema, hereinafter referred to as 'the applicant', an exporting producer in Lithuania. The request was limited in scope to the examination of the form of the measure and, in particular, to the examination of the acceptability of an undertaking offered by the applicant.

(3) The request was based on the grounds that the applicant committed itself to a price discipline in respect of UAN within the framework of another anti-dumping proceeding concerning urea and presented evidence that it was ready to provide, also in the framework of the UAN proceeding, an undertaking of a similar nature, which would remove the injurious effects of dumping and could be monitored.

(4) Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of a partial interim review, the Commission published a notice in the *Official Journal of the European Communities*<sup>(3)</sup> and commenced an investigation.

**C. PROCEDURE**

(5) The Commission officially advised the authorities of the exporting country of the initiation of the interim review and gave all parties directly concerned the opportunity to make their views known in writing and to request a hearing. The European Fertilizer Manufacturers Association, on behalf of the European complainant producers of the original investigation, hereinafter referred to as 'the Community industry', requested, within the time limits, to take part in this investigation as an interested party.

(6) The applicant made the Commission a formal offer of price undertaking.

(7) The Commission further sought and verified all the information it deemed necessary for the purpose of examining the acceptance of this undertaking and all the aspects relating to the monitoring of it. A verification visit was carried out at the premises of the applicant.

(8) The applicant and the Community industry were informed of the facts and considerations of the investigation and were given an opportunity to comment.

**D. INVESTIGATION**

(9) The applicant exports three kinds of nitrogen fertilisers to the EU: urea, ammonium nitrate, hereinafter referred to as 'AN', and UAN. Urea and UAN originating in Lithuania are subject to anti-dumping measures in the form of specific duties, imposed by Regulations (EC) No 1995/2000 and (EC) No 92/2002<sup>(4)</sup> respectively.

(10) Pursuant to Commission Decision 2002/498/EC<sup>(5)</sup>, an undertaking offered by the applicant concerning imports of urea was accepted. By this undertaking, the applicant accepted, in order to avoid cross-compensation via exports of other fertilisers, to respect a pricing discipline and to report exports to the Community for its other two fertilisers, i.e. the ammonium nitrate and UAN as well. The applicant's exports of UAN were as a result found to be subject to both a minimum import price and an anti-dumping duty (by nature of Regulation (EC) No 1995/2000).

<sup>(1)</sup> 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).

<sup>(2)</sup> OJ L 238, 22.9.2000, p. 15.

<sup>(3)</sup> OJ C 314, 17.12.2002, p. 2.

<sup>(4)</sup> OJ L 17, 19.1.2002, p. 1.

<sup>(5)</sup> OJ L 168, 27.6.2002, p. 51.

(11) The undertaking offered by the applicant in the framework of the current investigation enables its exports of UAN to be subject to a sole minimum import price, hereinafter referred to as 'MIP'. The MIP is at a level that eliminates the injurious effects of dumping found in the original investigation. The reporting obligations are as strict as for urea, thus allowing an efficient monitoring in conjunction with the undertaking on urea. In addition, a clause on the breach of the relationship of trust between the Commission and the applicant guarantees the efficiency of both undertakings for urea and UAN.

(12) The Community industry opposed the acceptance of an undertaking. It alleged that the actual quantities of UAN exported by the applicant for the period 2002 could not be supplied by its effective production capability. The Commission sought from the applicant, and the latter provided, detailed information concerning production capacity, sales and purchases of the three nitrogen fertilisers, i.e. urea, AN and UAN, for the last three calendar years. All of this information was verified on the spot and no irregularity of the nature alleged by the Community industry was found. Thus, the allegations of the Community industry were considered to be unfounded.

(13) The Community industry further claimed that, in line with the principle of non-discrimination, the applicant should not be given more favourable treatment than other countries found to be dumping, since in the great majority of recent anti-dumping cases concerning nitrogen fertilisers, the Community has consistently argued that for reasons of efficiency and to avoid manipulation and malpractice, specific anti-dumping duties are the most appropriate measures to be applied. Regarding the discriminatory treatment, it should be noted that each undertaking offer has to be examined on its own merits on the basis of the criteria laid down in Article 8 of the basic Regulation. Thus, undertaking offers can be accepted only in cases where they have the effect of eliminating the injurious dumping and allow effective monitoring. In this respect, it is noted that the main problem for accepting undertakings from other countries was the risk of circumvention in the form of cross-compensation with other products. However, in this case this risk is seriously limited, since the applicant has offered and has been respecting MIPs for the other fertilisers that it exports to the Community with which cross-compensation could arguably take place. Regarding efficiency and effective monitoring of undertakings in respect of similar cases, the experience already obtained from two undertakings concerning urea (one from a Bulgarian exporting producer and one from the applicant) and one concerning UAN (from an Algerian exporting producer), which have been in place for certain time, did not indicate that they had been inefficient. In this respect, it should be noted that the Commission, during the on-the-spot visit at the premises of the applicant, verified all the reports submitted by it in the framework of its undertaking for urea and did not

find any irregularity, manipulation or malpractice. Therefore, this claim was rejected.

(14) Finally, the Community industry claimed that any price undertaking should stipulate both an ex-works and a cif frontier level in order for all normal costs between ex-works and cif frontier to be accounted for. Regarding this claim, it is noted that the MIP offered by the applicant is based on an ex-works level and that the applicant is obliged to report detailed costs associated with its exports when made at a different level (i.e. cif, fob, etc.). This means that indeed all costs between ex-works and cif level will be accounted for when sales are made at cif level. Therefore, the claim made by the Community industry was rejected.

#### E. UNDERTAKING

(15) In view of the foregoing, the offer of an undertaking was accepted by the Commission in Decision 2003/671/EC <sup>(1)</sup>.

(16) In order to ensure the effective respect and monitoring of the undertaking, when the request for release for free circulation pursuant to the undertaking is presented to the relevant customs authority, exemption from the duty should be conditional on presentation of a commercial invoice containing the information listed in the Annex to Commission Regulation (EC) No 617/2000 <sup>(2)</sup>, which is necessary for customs to ascertain that shipments correspond to the commercial documents at the required level of detail. Where no such invoice is presented, or when it does not correspond to the product concerned presented to customs, the appropriate rate of anti-dumping duty should instead be payable.

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

(18) In view of the acceptance of the undertaking offer, it is necessary to amend Regulation (EC) No 1995/2000 accordingly.

#### F. MODIFICATION OF NAME AND ADDRESS

(19) In the course of this investigation, the applicant informed the Commission that it had changed its name and address. The name change was due to the fact that the previous company form of the applicant, i.e. Joint Stock Company, no longer exists in Lithuania. The new name of the applicant is Stock Company Achema. The change of its address was due to the change in the Lithuanian postal system.

<sup>(1)</sup> See page 35 of this Official Journal.

<sup>(2)</sup> OJ L 75, 24.3.2000, p. 3.



- (20) The Commission has examined this information, which demonstrated that all the applicant's activities linked to the manufacturing, sales and exports of fertilisers (AN, UAN and urea) are unaffected by these changes,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1995/2000 is hereby amended as follows:

1. In Article 1(2), the row concerning Lithuania shall be replaced by the following:

|           |               |          |       |
|-----------|---------------|----------|-------|
| Lithuania | All companies | EUR 3,98 | A999' |
|-----------|---------------|----------|-------|

2. Article 2(1), shall be replaced by the following:

'1. Imports declared for release into free circulation under the following TARIC additional codes which are produced and directly exported (i.e. shipped and invoiced) by a company named below to a company in the Community

acting as an importer shall be exempt from the anti-dumping duty imposed by Article 1 provided that such imports are imported in conformity with paragraph 2 of this Article.

| Country   | Company  | TARIC additional code |
|-----------|--|-----------------------|
| Algeria   | Fertalge Industries spa<br>12, Chemin AEK Gadouche<br>Hydra<br>Alger         | A107                  |
| Lithuania | Stock Company Achema<br>Jonalaukio k., Ruklos sen.,<br>Jonavos r.<br>LT-5005 | A375'                 |

*Article 2*

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

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

Done at Brussels, 22 September 2003.

*For the Council*

*The President*

R. BUTTIGLIONE



**COMMISSION REGULATION (EC) No 1676/2003**  
**of 24 September 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1947/2002 <sup>(2)</sup>, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 25 September 2003.

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

Done at Brussels, 24 September 2003.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66.

<sup>(2)</sup> OJ L 299, 1.11.2002, p. 17.

## ANNEX

**to the Commission Regulation of 24 September 2003 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)

| CN code                            | Third country code <sup>(1)</sup> | Standard import value |
|------------------------------------|-----------------------------------|-----------------------|
| 0702 00 00                         | 052                               | 122,3                 |
|                                    | 060                               | 120,2                 |
|                                    | 064                               | 127,4                 |
|                                    | 070                               | 75,1                  |
|                                    | 096                               | 72,9                  |
|                                    | 999                               | 103,6                 |
| 0709 90 70                         | 052                               | 115,6                 |
|                                    | 999                               | 115,6                 |
| 0805 50 10                         | 382                               | 58,3                  |
|                                    | 388                               | 65,1                  |
|                                    | 524                               | 70,4                  |
|                                    | 528                               | 55,4                  |
|                                    | 800                               | 63,0                  |
|                                    | 999                               | 62,4                  |
| 0806 10 10                         | 052                               | 95,7                  |
|                                    | 064                               | 105,0                 |
|                                    | 999                               | 100,3                 |
| 0808 10 20, 0808 10 50, 0808 10 90 | 388                               | 82,7                  |
|                                    | 400                               | 73,5                  |
|                                    | 508                               | 112,5                 |
|                                    | 512                               | 98,2                  |
|                                    | 720                               | 71,2                  |
|                                    | 800                               | 167,4                 |
|                                    | 804                               | 93,1                  |
|                                    | 999                               | 99,8                  |
| 0808 20 50                         | 052                               | 109,1                 |
|                                    | 064                               | 62,7                  |
|                                    | 388                               | 72,3                  |
|                                    | 720                               | 91,0                  |
|                                    | 999                               | 83,8                  |
| 0809 30 10, 0809 30 90             | 052                               | 110,1                 |
|                                    | 624                               | 141,3                 |
|                                    | 999                               | 125,7                 |
| 0809 40 05                         | 052                               | 52,9                  |
|                                    | 060                               | 59,0                  |
|                                    | 066                               | 77,9                  |
|                                    | 624                               | 99,6                  |
|                                    | 999                               | 72,3                  |

<sup>(1)</sup> 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 1677/2003**  
**of 23 September 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 2700/2000 of the European Parliament and of the Council <sup>(2)</sup>,

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 <sup>(3)</sup>, as last amended by Regulation (EC) No 1335/2003 <sup>(4)</sup>, 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 26 September 2003.

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

Done at Brussels, 23 September 2003.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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<sup>(1)</sup> OJ L 302, 19.10.1992, p. 1.

<sup>(2)</sup> OJ L 311, 12.12.2000, p. 17.

<sup>(3)</sup> OJ L 253, 11.10.1993, p. 1.

<sup>(4)</sup> OJ L 187, 26.7.2003, p. 16.

## ANNEX

| Code    | Description  | Amount of unit values per 100 kg |          |          |        |
|---------|--|----------------------------------|----------|----------|--------|
|         | Species, varieties, CN code  | EUR                              | DKK      | SEK      | GBP    |
| 1.10    | New potatoes<br>0701 90 50   | —                                | —        | —        | —      |
| 1.30    | Onions (other than seed)<br>0703 10 19   | 21,68                            | 161,04   | 195,93   | 15,07  |
| 1.40    | Garlic<br>0703 20 00   | 144,73                           | 1 075,11 | 1 308,03 | 100,60 |
| 1.50    | Leeks<br>ex 0703 90 00   | 40,98                            | 304,41   | 370,36   | 28,49  |
| 1.80    | White cabbages and red cabbages<br>0704 90 10  | 52,34                            | 388,79   | 473,02   | 36,38  |
| 1.90    | Sprouting broccoli or calabrese ( <i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.)<br><i>Alef</i> var. <i>italica</i> Plenck)<br>ex 0704 90 90 | 61,43                            | 456,31   | 555,17   | 42,70  |
| 1.100   | Chinese cabbage<br>ex 0704 90 90   | 54,27                            | 403,13   | 490,47   | 37,72  |
| 1.130   | Carrots<br>ex 0706 10 00   | 18,15                            | 134,82   | 164,03   | 12,62  |
| 1.140   | Radishes<br>ex 0706 90 90  | 92,37                            | 686,14   | 834,79   | 64,21  |
| 1.160   | Peas ( <i>Pisum sativum</i> )<br>0708 10 00  | 386,25                           | 2 869,12 | 3 490,71 | 268,48 |
| 1.170   | Beans:   |                                  |          |          |        |
| 1.170.1 | — Beans ( <i>Vigna</i> spp., <i>Phaseolus</i> spp.)<br>ex 0708 20 00   | 129,52                           | 962,12   | 1 170,56 | 90,03  |
| 1.170.2 | — Beans ( <i>Phaseolus</i> ssp. <i>vulgaris</i> var. <i>Compressus</i> Savi)<br>ex 0708 20 00  | 110,90                           | 823,79   | 1 002,26 | 77,09  |
| 1.200   | Asparagus:   |                                  |          |          |        |
| 1.200.1 | — green<br>ex 0709 20 00   | 245,67                           | 1 824,89 | 2 220,25 | 170,77 |
| 1.200.2 | — other<br>0709 20 00  | 457,25                           | 3 396,54 | 4 132,39 | 317,83 |
| 1.210   | Aubergines (eggplants)<br>0709 30 00   | 133,53                           | 991,92   | 1 206,82 | 92,82  |
| 1.220   | Ribbed celery ( <i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.)<br>ex 0709 40 00  | 79,14                            | 587,87   | 715,23   | 55,01  |
| 1.230   | Chantarelles<br>0709 59 10   | 647,41                           | 4 809,09 | 5 850,97 | 450,01 |
| 1.240   | Sweet peppers<br>0709 60 10  | 137,87                           | 1 024,16 | 1 246,04 | 95,84  |
| 1.270   | Sweet potatoes, whole, fresh (intended for human consumption)<br>0714 20 10  | 112,47                           | 835,45   | 1 016,45 | 78,18  |
| 2.30    | Pineapples, fresh<br>ex 0804 30 00   | 129,45                           | 961,61   | 1 169,94 | 89,98  |

| Code    | Description   | Amount of unit values per 100 kg |          |          |        |
|---------|---|----------------------------------|----------|----------|--------|
|         | Species, varieties, CN code   | EUR                              | DKK      | SEK      | GBP    |
| 2.40    | Avocados, fresh<br>ex 0804 40 00  | 190,51                           | 1 415,12 | 1 721,70 | 132,42 |
| 2.50    | Guavas and mangoes, fresh<br>ex 0804 50 00  | 87,45                            | 649,58   | 790,31   | 60,79  |
| 2.60    | Sweet oranges, fresh:   |                                  |          |          |        |
| 2.60.1  | — Sanguines and semi-sanguines<br>0805 10 10  | 45,94                            | 341,25   | 415,18   | 31,93  |
| 2.60.2  | — Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins<br>0805 10 30            | 44,81                            | 332,85   | 404,96   | 31,15  |
| 2.60.3  | — Others<br>0805 10 50  | 45,35                            | 336,87   | 409,85   | 31,52  |
| 2.70    | Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:                                |                                  |          |          |        |
| 2.70.1  | — Clementines<br>ex 0805 20 10  | 90,44                            | 671,80   | 817,35   | 62,86  |
| 2.70.2  | — Monreales and satsumas<br>ex 0805 20 30   | 74,80                            | 555,63   | 676,00   | 51,99  |
| 2.70.3  | — Mandarines and wilkings<br>ex 0805 20 50  | 67,91                            | 504,41   | 613,70   | 47,20  |
| 2.70.4  | — Tangerines and others<br>ex 0805 20 70<br>ex 0805 20 90   | 63,77                            | 473,69   | 576,31   | 44,33  |
| 2.85    | Limes ( <i>Citrus aurantifolia</i> , <i>Citrus latifolia</i> ), fresh<br>0805 50 90   | 109,61                           | 814,21   | 990,60   | 76,19  |
| 2.90    | Grapefruit, fresh:  |                                  |          |          |        |
| 2.90.1  | — white<br>ex 0805 40 00  | 48,48                            | 360,08   | 438,10   | 33,70  |
| 2.90.2  | — pink<br>ex 0805 40 00   | 91,37                            | 678,71   | 825,76   | 63,51  |
| 2.100   | Table grapes<br>0806 10 10  | —                                | —        | —        | —      |
| 2.110   | Water melons<br>0807 11 00  | 33,22                            | 246,75   | 300,20   | 23,09  |
| 2.120   | Melons (other than water melons):   |                                  |          |          |        |
| 2.120.1 | — Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro<br>ex 0807 19 00 | 55,37                            | 411,33   | 500,45   | 38,49  |
| 2.120.2 | — Other<br>ex 0807 19 00  | 108,13                           | 803,18   | 977,19   | 75,16  |
| 2.140   | Pears   |                                  |          |          |        |
| 2.140.1 | — Pears — nashi ( <i>Pyrus pyrifolia</i> ),<br>Pears — Ya ( <i>Pyrus bretschneideri</i> )<br>ex 0808 20 50                                    | —                                | —        | —        | —      |
| 2.140.2 | — Other<br>ex 0808 20 50  | —                                | —        | —        | —      |
| 2.150   | Apricots<br>0809 10 00  | 223,75                           | 1 662,06 | 2 022,14 | 155,53 |
| 2.160   | Cherries<br>0809 20 95<br>0809 20 05  | 452,96                           | 3 364,68 | 4 093,63 | 314,85 |

| Code  | Description  | Amount of unit values per 100 kg |          |          |        |
|-------|--|----------------------------------|----------|----------|--------|
|       | Species, varieties, CN code                                    | EUR                              | DKK      | SEK      | GBP    |
| 2.170 | Peaches<br>0809 30 90  | 112,99                           | 839,32   | 1 021,16 | 78,54  |
| 2.180 | Nectarines<br>ex 0809 30 10                                    | 97,14                            | 721,55   | 877,88   | 67,52  |
| 2.190 | Plums<br>0809 40 05  | 69,60                            | 517,00   | 629,01   | 48,38  |
| 2.200 | Strawberries<br>0810 10 00                                     | 458,22                           | 3 403,76 | 4 141,18 | 318,51 |
| 2.205 | Raspberries<br>0810 20 10                                      | 304,95                           | 2 265,23 | 2 755,99 | 211,97 |
| 2.210 | Fruit of the species <i>Vaccinium myrtillus</i><br>0810 40 30  | 413,01                           | 3 067,92 | 3 732,58 | 287,08 |
| 2.220 | Kiwi fruit ( <i>Actinidia chinensis</i> Planch.)<br>0810 50 00 | 172,88                           | 1 284,21 | 1 562,43 | 120,17 |
| 2.230 | Pomegranates<br>ex 0810 90 95                                  | 192,88                           | 1 432,75 | 1 743,15 | 134,07 |
| 2.240 | Khakis (including sharon fruit)<br>ex 0810 90 95               | 330,30                           | 2 453,52 | 2 985,07 | 229,59 |
| 2.250 | Lychees<br>ex 0810 90 30                                       | 312,18                           | 2 318,93 | 2 821,32 | 217,00 |

**COMMISSION REGULATION (EC) No 1678/2003  
of 26 August 2003**

**amending Commission Regulation (EC) No 362/1999 imposing a provisional anti-dumping duty on imports of steel ropes and cables and accepting undertakings offered by certain exporters, *inter alia*, in Poland and amending Decision 1999/572/EC accepting undertakings offered in connection with the anti-dumping proceedings concerning imports of steel wire ropes and cables originating, *inter alia*, in Ukraine**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

**2. Ukraine**

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 <sup>(1)</sup> (the basic Regulation), as last amended by Regulation (EC) No 1972/2002 <sup>(2)</sup>, and in particular Articles 8 and 9 thereof,

After consulting the Advisory Committee,

Whereas:

**A. PREVIOUS PROCEDURE**

**1. Poland**

- (1) On 30 July 1998, an anti-dumping proceeding was initiated by the Commission on imports of steel ropes and cables (SWR) originating, *inter alia*, in Poland <sup>(3)</sup>.
- (2) Provisional measures were imposed by Commission Regulation (EC) No 362/1999 <sup>(4)</sup>. In parallel, the Commission accepted a price undertaking from, *inter alia*, the Polish exporting producer Drumet SA ('Drumet') pursuant to Article 2(1) of Regulation (EC) No 362/1999. Imports of SWR produced and directly exported to the Community by Drumet were exempted from the anti-dumping duty by Article 1(3) of the same Regulation. Exemption from the duty is, *inter alia*, conditional on presentation of a valid undertaking invoice accompanying goods subject to an undertaking, and no such undertaking invoice should be issued for exports of SWR not in conformity with the obligations of the undertaking (clause 4.2 of the undertaking).
- (3) This proceeding ultimately resulted in a definitive anti-dumping duty being imposed pursuant to Council Regulation (EC) No 1796/1999 <sup>(5)</sup> in order to eliminate the injurious effects of dumping. Drumet continued to be exempted from the definitive duties by virtue of and subject to its undertaking.

- (4) On 20 May 1998, an anti-dumping proceeding was initiated by the Commission on imports of SWR originating, *inter alia*, in Ukraine <sup>(6)</sup>.
- (5) It was considered appropriate to combine this proceeding with the proceeding referred to in recital 1 and a definitive anti-dumping duty was imposed pursuant to Regulation (EC) No 1796/1999 in order to eliminate the injurious effects of dumping.
- (6) The Commission accepted, *inter alia*, a price undertaking from the Ukrainian exporting producer Joint Stock Company Silur ('Silur') pursuant to Article 1(1) of Commission Decision 1999/572/EC <sup>(7)</sup>. Imports of certain types of SWR produced and directly exported to the Community by Silur were exempted from the anti-dumping duty pursuant to Article 2(1) of Regulation (EC) No 1796/1999. Exemption from the duty is, *inter alia*, conditional on presentation of a valid undertaking invoice accompanying goods subject to an undertaking. No such undertaking invoice should be issued for exports of SWR not falling into the scope of the undertaking (clause 4.2 of the undertaking).

**B. FAILURE TO COMPLY WITH THE UNDERTAKING**

**1. Drumet (Poland)**

- (7) Drumet's undertaking applies to imports into the Community of SWR which have been produced and sold directly (i.e. invoiced and shipped) by this company to its first unrelated customers in the Community (clause 2 of the undertaking). Any other exports than those directly to its first unrelated customers in the Community are thus not covered by the terms of the undertaking and subject to the anti-dumping duty (27,9 %).

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1.

<sup>(2)</sup> OJ L 305, 7.11.2002, p. 1.

<sup>(3)</sup> OJ C 239, 30.7.1998, p. 3.

<sup>(4)</sup> OJ L 45, 19.2.1999, p. 8.

<sup>(5)</sup> OJ L 217, 17.8.1999, p. 1.

<sup>(6)</sup> OJ C 155, 20.5.1998, p. 11.

<sup>(7)</sup> OJ L 217, 17.8.1999, p. 63.



- (8) Drumet also undertook not to circumvent the provisions of the undertaking, *inter alia*, 'by any other means', according to clause 6 of the undertaking.
- (9) During the course of 2002, the Commission gathered information from various sources according to which it had reason to believe that, since September 1999, around 30 % of Drumet's sales into the Community were not made directly, i.e. not invoiced and shipped directly to first unrelated customers in the Community but made to a related company in the Community instead (the importer). As Drumet had issued undertaking invoices accompanying SWR apparently in conformity with the undertaking, these sales to the importer had been exempted from the duty. Drumet was requested, on two occasions, to inform the Commission about any related importers in the Community. In both cases, namely in May and in August 2002, Drumet replied that they 'do not have any shares in any customers of its SWRs in the EC', and that they '...(have)... no direct or indirect relationships ... with any Community importers...' and that the importer '...is an independent company'.
- (10) The Commission then sought information from the competent trade register of the Member State in which the importer is located. According to this information, it was established that Drumet's main shareholder also held 50 % of the shares of the importer in question from June 1999 until July 1999 and 95 % of the shares of the importer from July 1999. Therefore, the two companies had to be considered to be related, within the meaning of Article 4(2) of the basic Regulation, as both of them were controlled by the same person. As the undertaking only applies to sales to unrelated customers in the Community and Drumet had issued undertaking invoices for sales to the importer, a breach of the undertaking appeared to have occurred. Drumet was consequently informed of the essential facts and considerations on the basis of which the Commission's acceptance of the undertaking might be withdrawn (preliminary disclosure) and a definitive anti-dumping duty imposed in its place. A period was granted within which representations could be made both in writing and orally.
- (11) Drumet submitted comments and requested to be heard orally. Contrary to what had been stated before (cf. recital 9), Drumet actually admitted that both companies had indeed been related for a certain period. However, Drumet submitted a copy of a trusteeship agreement following which Drumet's main shareholder had allegedly sold his shares to the Managing Director of the importer in July 1999. It was further alleged that Drumet's main shareholder had never acted or signed on behalf of the importer. Drumet argued that in view of these aspects, the two companies ceased to be related as from July 1999.
- (12) The Commission does not share this view. First, the trusteeship agreement stipulates that Drumet's main shareholder continues to hold himself out as a shareholder of the importer vis-à-vis all third parties. Second, he is not allowed to divulge either the existence of the agreement, nor its content. Third, one of the provisions of the agreement actually states that he is a shareholder of the importer in question. Therefore, the Commission concluded that the trusteeship agreement had not removed the existing relationship of the two companies. Finally, the argument that Drumet's main shareholder had never acted on behalf of the importer or signed any documents was considered irrelevant. Indeed it is normal commercial practice that companies are legally represented by their management and their Managing Director and not by their shareholders. In the case of the importing company, there was no indication that its Managing Director would not be managing and representing it.
- (13) Drumet further submitted a contract on the transfer of shares which was acknowledged by a notarial act. However, according to this contract, Drumet's main shareholder had sold his shares of the importer to the importer's Managing Director only in October 2002 whilst Drumet was arguing that the two companies had ceased to be related since July 1999 (cf. recital 11).
- (14) The Commission concluded that the two companies had indeed been related from June 1999 until October 2002 and that sales to the importer had unduly benefited from the exemption to the anti-dumping duty contrary to the provisions of the undertaking as referred to in recital 7.
- (15) It was also concluded that the company had clearly given misleading information concerning the relationship, thus also committing a breach of the undertaking within the meaning of clause 6 of the undertaking by 'any other means' as referred to in recital 8 above.
- (16) As breaches of the undertaking had occurred, Drumet was informed of the essential facts and considerations on the basis of which the Commission's acceptance of the undertaking would be withdrawn and of the recommendation to impose a definitive anti-dumping duty in its place (final disclosure). A period of 10 days was granted within which representations could be made in writing.
- (17) Drumet submitted comments and requested to be heard orally. The company submitted a legal opinion emitted by a professor of law of the country in which the importer is located which stated that under this type of trusteeship agreement, the trustor is to be considered as the economic owner of the shares. It was therefore submitted that the importer's Managing Director, through the trusteeship agreement, had obtained the economic ownership over the importer. During a hearing it was however not denied by Drumet's representatives that the transfer of shares had not been officially transferred before October 2002 which implied that Drumet's main shareholder continued to be the formal owner of the importer until that date. The argument was therefore rejected.

- (18) Finally, the Commission considered reasonable and appropriate to examine additionally the material impact of the relationship at stake, i.e. to establish whether the importer's resale prices corresponded to prices which could normally be expected from unrelated importers in the Community to their final clients. The Commission therefore proposed, on two occasions, a verification visit at the importer's premises and informed Drumet of its intention. The importer, however, on both occasions, did not agree to such a verification visit.
- (19) In view of the findings referred to in recitals 14 (relationship of the two companies) and 15 (misleading information), the Commission concluded that breaches of the undertaking had occurred. Moreover, it was established that, by denying the relationship with the importer, Drumet had breached the relationship of trust established with the Commission which is the basis for acceptance of any undertaking<sup>(1)</sup>. Therefore, acceptance of the undertaking offered by Drumet should be withdrawn and definitive anti-dumping duties imposed against it.
- (20) In view of the above, the table in Article 2 of Regulation (EC) No 362/1999 should be amended accordingly.

## 2. Silur (Ukraine)

- (21) Silur's undertaking applies to imports into the Community of SWR which have been produced and sold directly (i.e. invoiced and shipped) by Silur to its first unrelated customers in the Community. In addition, the scope of the undertaking is limited to certain types of SWR (SWR (covered)). Product types not falling into this scope are subject to the payment of anti-dumping duties and no undertaking invoice must be issued in this regard.
- (22) Silur undertook not to circumvent the provisions of the undertaking, *inter alia*, by making misleading declarations regarding the origin of the products or by any other means, according to clause 6 of the undertaking.
- (23) The Commission services in charge of the monitoring of the undertaking were informed that the European Anti-Fraud Office (OLAF) had carried out an investigation concerning the SWR (covered) produced by Silur and subsequently exported into the Community. This investigation had revealed that the SWR (covered) and produced by Silur had been imported into the European Community in significant quantities with a declared false origin of another third country. The Ukrainian authori-

ties, which fully cooperated with OLAF, submitted all evidence that proved that the goods entering the Community with Bulgarian origin had been produced by Silur and were indeed of Ukrainian origin. Moreover, the investigation had shown that the imports into the Community with a declared false origin had been made with Silur's knowledge.

- (24) In addition, the monitoring activities carried out by the Commission services in charge of the monitoring revealed that Silur had issued undertaking invoices for product types not falling within the scope of the undertaking (the SWR (covered)). By issuing undertaking invoices, these product types benefited unduly from the exemption of the payment of anti-dumping duties.
- (25) In view of the findings referred to in recitals 23 and 24, a breach of the undertaking had occurred in two aspects, namely by misleading declarations of origin and by issuing undertaking invoices for product types not falling within the scope of the undertaking. Silur was informed of the essential facts and considerations on the basis of which the Commission's acceptance of the undertaking would be withdrawn and of the recommendation to impose a definitive anti-dumping duty in its place (final disclosure). A period was granted within which representations could be made both in writing and orally.
- (26) Silur submitted written comments. It did not comment on the substance on the findings referred to in recitals 23 and 24. However, it suggested to keep the undertaking in force. In this respect, Silur proposed to undertake additional reporting and monitoring obligations in the future.
- (27) The Commission could not accept this approach as it was established that the undertaking had been violated in two aspects. Silur then informed the Commission that it wished to withdraw from the undertaking.
- (28) In view of the above, the table in Article 1 of Decision 1999/572/EC should be amended accordingly,

HAS ADOPTED THIS REGULATION:

## Article 1

The undertakings accepted from the companies Drumet SA and Joint Stock Company Silur are hereby withdrawn.

<sup>(1)</sup> Court of First Instance judgment of 4 July 2002, case T-340/99 *Arne Mathisen AS v Council*.

## Article 2

1. The table in Article 2(3) of Regulation (EC) No 362/1999 is replaced by the following table:

| 'Country | Company  | TARIC additional code |
|----------|--|-----------------------|
| Hungary  | Drótarú és Drótkötél Ipari és Kereskedelmi Rt Besenyői utca 18, 3527 Miskolc, Hungary  | 8616                  |
| Poland   | <p>Ślaskie Zakłady Lin i Drutu "Linodrut" Spółka Akcyjna Fabryka Lin i Drutów "Linodrut" Zabrze Spółka z ograniczoną odpowiedzialnością PL-41-800 Zabrze, Sobieskiego Street No 1,</p> <p>Fabryka Lin i Drutów Falind Spółka z ograniczoną odpowiedzialnością PL-41-201 Sosnowiec, Niwecka Street 1</p> <p>Górnosłaska Fabryka Lin i Drutu Linodrut Bytom Spółka z ograniczoną odpowiedzialnością, 41-906 Bytom, Ks. Jerzego Popiełuszki Street 1</p> <p>Dolnosłaska fabryka Lin i Drutu "Linodrut Linmet" Spółka z ograniczoną odpowiedzialnością, 58-309 Walbrzych, Sługa Street 2</p> | 8619'                 |

2. The table in Article 1(1) of Decision 1999/572/EC is replaced by the following table:

| 'Country     | Manufacturer   | TARIC additional code |
|--------------|--|-----------------------|
| Mexico       | <p>Aceros Camesa SA de CV</p> <p>Margarita Maza de Juárez No.154</p> <p>Col. Nueva Ind. Vallejo</p> <p>México D.F.C.P. 07700</p> <p>Mexico</p> | A022                  |
| South Africa | <p>Haggie</p> <p>Lower Germiston Road</p> <p>Jupiter</p> <p>PO Box 40072</p> <p>Cleveland</p> <p>South Africa</p>                              | A023                  |
| India        | <p>Usha Martin Industries &amp; Usha Beltron Ltd</p> <p>Shakespeare Sarani</p> <p>Calcutta</p> <p>700071 India</p>                             | A024'                 |

## Article 3

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

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

Done at Brussels, 26 August 2003.

For the Commission

Pascal LAMY

Member of the Commission

**COMMISSION REGULATION (EC) No 1679/2003**  
**of 24 September 2003**  
**establishing the estimated production of unginned cotton for the 2003/2004 marketing year and**  
**the resulting provisional reduction of the guide price**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Article 16(1) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme <sup>(3)</sup>, as amended by Regulation (EC) No 1486/2002 <sup>(4)</sup>, lays down that the estimated production of unginned cotton referred to in the first subparagraph of Article 14(3) of Regulation (EC) No 1051/2001 and the resulting provisional reduction of the guide price must be established before 10 September of the marketing year concerned.
- (2) Article 19(2) of Regulation (EC) No 1051/2001 lays down that account must be taken of crop forecasts when establishing the estimated production.
- (3) The provisional reduction of the guide price is calculated in accordance with the first subparagraph of Article 14(3) of Regulation (EC) No 1051/2001, replacing, however, actual production with estimated production plus 15 %.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For the 2003/2004 marketing year, estimated production of unginned cotton is hereby fixed at:

- 1 065 668 tonnes for Greece,
- 334 247 tonnes for Spain,
- 1 108 tonnes for Portugal.

2. For the 2003/2004 marketing year, the provisional reduction of the guide price is hereby fixed at:

- EUR 37,418/100 kg for Greece,
- EUR 34,654/100 kg for Spain,
- EUR 0/100 kg for Portugal.

*Article 2*

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

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

Done at Brussels, 24 September 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 148, 1.6.2001, p. 1.

<sup>(2)</sup> OJ L 148, 1.6.2001, p. 3.

<sup>(3)</sup> OJ L 210, 3.8.2001, p. 10.

<sup>(4)</sup> OJ L 223, 20.8.2002, p. 3.

**COMMISSION REGULATION (EC) No 1680/2003**  
**of 24 September 2003**  
**amending representative prices and additional duties for the import of certain products in the**  
**sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses <sup>(3)</sup>, as last amended by Regulation (EC) No 624/98 <sup>(4)</sup>, and in particular the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1166/2003 <sup>(5)</sup>, as last amended by Regulation (EC) No 1575/2003 <sup>(6)</sup>.

- (2) It follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 25 September 2003.

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

Done at Brussels, 24 September 2003.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

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<sup>(1)</sup> OJ L 178, 30.6.2001, p. 1.

<sup>(2)</sup> OJ L 104, 20.4.2002, p. 26.

<sup>(3)</sup> OJ L 141, 24.6.1995, p. 16.

<sup>(4)</sup> OJ L 85, 20.3.1998, p. 5.

<sup>(5)</sup> OJ L 162, 1.7.2003, p. 57.

<sup>(6)</sup> OJ L 224, 6.9.2003, p. 25.

## ANNEX

**to the Commission Regulation of 24 September 2003 altering representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99**

| (EUR)                     |  |  |
|---------------------------|--|--|
| CN code                   | Amount of representative prices per<br>100 kg net of product concerned | Amount of additional duty per 100 kg net<br>of product concerned |
| 1701 11 10 <sup>(1)</sup> | 15,39  | 8,87   |
| 1701 11 90 <sup>(1)</sup> | 15,39  | 15,17  |
| 1701 12 10 <sup>(1)</sup> | 15,39  | 8,64   |
| 1701 12 90 <sup>(1)</sup> | 15,39  | 14,66  |
| 1701 91 00 <sup>(2)</sup> | 17,31  | 18,29  |
| 1701 99 10 <sup>(2)</sup> | 17,31  | 12,84  |
| 1701 99 90 <sup>(2)</sup> | 17,31  | 12,84  |
| 1702 90 99 <sup>(3)</sup> | 0,17   | 0,47   |

<sup>(1)</sup> For the standard quality as defined in Annex I, point II, to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

<sup>(2)</sup> For the standard quality as defined in Annex I, point I, to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

<sup>(3)</sup> By 1 % sucrose content.

**COMMISSION REGULATION (EC) No 1681/2003**  
**of 24 September 2003**  
**amending the import duties in the cereals sector**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1104/2003 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector <sup>(3)</sup>, as last amended by Regulation (EC) No 1110/2003 <sup>(4)</sup>, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 1615/2003 <sup>(5)</sup>, as amended by Regulation (EC) No 1622/2003 <sup>(6)</sup>.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1615/2003,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and II to the amended Regulation (EC) No 1615/2003 are hereby replaced by Annexes I and II to this Regulation.

*Article 2*

This Regulation shall enter into force on 25 September 2003.

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

Done at Brussels, 24 September 2003.

*For the Commission*

J. M. SILVA RODRÍGUEZ

*Agriculture Director-General*

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<sup>(1)</sup> OJ L 181, 1.7.1992, p. 21.

<sup>(2)</sup> OJ L 158, 27.6.2003, p. 1.

<sup>(3)</sup> OJ L 161, 29.6.1996, p. 125.

<sup>(4)</sup> OJ L 158, 27.6.2003, p. 12.

<sup>(5)</sup> OJ L 230, 16.9.2003, p. 29.

<sup>(6)</sup> OJ L 231, 17.9.2003, p. 9.



## ANNEX I

**Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92**

| CN code       | Description                                     | Import duty <sup>(1)</sup><br>(EUR/tonne) |
|---------------|---|---|
| 1001 10 00    | Durum wheat high quality                        | 0,00                                      |
|               | medium quality                                  | 0,00                                      |
|               | low quality                                     | 0,00                                      |
| 1001 90 91    | Common wheat seed                               | 0,00                                      |
| ex 1001 90 99 | Common high quality wheat other than for sowing | 0,00                                      |
| 1002 00 00    | Rye   | 9,89                                      |
| 1005 10 90    | Maize seed other than hybrid                    | 57,17                                     |
| 1005 90 00    | Maize other than seed <sup>(2)</sup>            | 57,17                                     |
| 1007 00 90    | Grain sorghum other than hybrids for sowing     | 19,98                                     |

<sup>(1)</sup> For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic coasts of the Iberian peninsula.

<sup>(2)</sup> The importer may benefit from a flat-rate reduction of EUR 24 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

## ANNEX II

**Factors for calculating duties**

(period from 15 September to 23 September 2003)

## 1. Averages over the two-week period preceding the day of fixing:

| Exchange quotations                   | Minneapolis    | Chicago | Minneapolis  | Minneapolis        | Minneapolis      | Minneapolis  |
|---------------------------------------|----------------|---------|--------------|--------------------|------------------|--------------|
| Product (% proteins at 12 % humidity) | HRS2. 14 %     | YC3     | HAD2         | Medium quality (*) | Low quality (**) | US barley 2  |
| Quotation (EUR/t)                     | 1 34,39 (****) | 79,22   | 175,53 (***) | 165,53 (***)       | 145,53 (***)     | 119,41 (***) |
| Gulf premium (EUR/t)                  | —              | 12,56   | —            | —                  | —                | —            |
| Great Lakes premium (EUR/t)           | 16,38          | —       | —            | —                  | —                | —            |

(\*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(\*\*) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(\*\*\*) Fob Duluth.

(\*\*\*\*) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

## 2. Averages over the two-week period preceding the day of fixing:

Freight/cost: Gulf of Mexico–Rotterdam: 18,17 EUR/t; Great Lakes–Rotterdam: 27,73 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)  
0,00 EUR/t (SRW2).

## COMMISSION DIRECTIVE 2003/83/EC

of 24 September 2003

**adapting to technical progress Annexes II, III and VI to Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products <sup>(1)</sup>, as last amended by Commission Directive 2003/80/EC <sup>(2)</sup>, and in particular Article 8(2) thereof,

After consulting the Scientific Committee on Cosmetic Products and Non-Food Products intended for consumers,

Whereas:

(1) Benzoyl peroxide and hydroquinone methylether (synonym of 4-methoxyphenol) are currently listed in Annex II, hydroquinone is already subject to restrictions and conditions laid down in Annex III. The Scientific Committee on Cosmetic Products and Non-Food Products intended for consumers (hereinafter SCCNFP) has come to the conclusion that, due to the very low exposure to the consumer, the use of benzoyl peroxide, hydroquinone and hydroquinone methylether in artificial nail systems does not pose a risk. Therefore, reference No 178 of Annex II and reference No 14 of Annex III, part 1 should be amended accordingly; reference No 382 of Annex II should be deleted and reference Nos 94 and 95 should be added in Annex III, part 1.

(2) It is the opinion of the SCCNFP that the toxicological effects of the dialkanolamine salts, and, in particular, their readiness for nitrosamines' formation are similar to the respective properties of the dialkanolamines and that dialkylamines and their salts have very similar properties with the respective dialkanolamines' analogues with respect to nitrosamines' formation. The terms 'dialkanolamines' and 'dialkylamines' and synonymous with 'secondary alkanolamines' and 'secondary alkylamines' and the latter are less ambiguous. Therefore, reference No 411 of Annex II and reference Nos 60, 61 and 62 of Annex III, part 1, should be amended accordingly.

(3) The SCCNFP has come to the conclusion that the compound 2,4-diamino-pyrimidine-3-oxide (CAS No 74638-76-9) can be used safely in cosmetic products at concentrations up to 1,5 %. Therefore, 2,4-diamino-pyrimidine-3-oxide should be included in Annex III, part 1 as reference No 93.

(4) The SCCNFP is of the opinion that the use of 1,2-dibromo-2,4-dicyanobutane should be restricted to rinse-off products at the current maximum permitted level of 0,1 %. Therefore reference No 36 of Annex VI, part 1 should be amended accordingly.

(5) Therefore, Directive 76/768/EEC should be amended accordingly.

(6) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Cosmetic Products,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annexes II, III and VI to Directive 76/768/EEC shall be amended as set out in the Annex to this Directive.

*Article 2*

1. Member States shall take the necessary measures to ensure that from 24 March 2005 cosmetic products which fail to comply with this Directive shall not be placed on the market by Community manufacturers or by importers established within the Community.

2. Member States shall take the necessary measures to ensure that the products referred to in paragraph 1 shall not be sold or disposed of to the final consumer after 24 September 2005.

*Article 3*

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 24 September 2004 at the latest. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

<sup>(1)</sup> OJ L 262, 27.9.1976, p. 169.

<sup>(2)</sup> OJ L 224, 6.9.2003, p. 27.

*Article 4*

This Directive shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

*Article 5*

This Directive is addressed to the Member States.

Done at Brussels, 24 September 2003.

*For the Commission*

Erkki LIIKANEN

*Member of the Commission*

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## ANNEX

The Annexes II, III and VI to Directive 76/768/EEC are amended as follows:

1. Annex II is amended as follows:

- (a) reference No 178 is replaced by the following:
- ‘178. 4-Benzoyloxyphenol and 4-ethoxyphenol’
- (b) reference No 382 is deleted.
- (c) reference number 411 is replaced by the following:
- ‘411. Secondary alkyl- and alkanolamines and their salts’.

2. Annex III, part 1 is amended as follows:

- (a) reference No 14 is replaced by the following:

| Reference number | Substance        | RESTRICTIONS  |   |                                    | Conditions of use and warnings which must be printed in the label  |
|------------------|------------------|---|---|------------------------------------|--|
|                  |                  | Field of application and/or use   | Maximum authorised concentration in the finished cosmetic product | Other limitations and requirements |  |
| a                | b                | c   | d   | e                                  | f  |
| '14              | Hydroquinone (*) | <p>(a) oxidising colouring agent for hair-dyeing:</p> <p>1. General use</p> <p>2. Professional use</p> <p>(b) artificial nail systems</p> | <p>0,3 %</p> <p>0,02 % (after mixing for use)</p>                 | <p>Professional use only</p>       | <p>(a) 1. — Do not use to dye eyelashes or eyebrows</p> <p>— Rinse the eyes immediately if the product comes into contact with them</p> <p>— Contains hydroquinone</p> <p>2. — For professional use only</p> <p>— Contains hydroquinone</p> <p>— Rinse the eyes immediately if the product comes into contact with them</p> <p>(b) — For professional use only</p> <p>— Avoid skin contact</p> <p>— Read directions for use carefully'</p> |

(\*) These substances may be used singly or in combination provided that the sum of the ratios of the levels of each of them in the cosmetic product expressed with reference to the maximum level authorized for each of them does not exceed 2.

(b) reference Nos 60, 61 and 62 are replaced by the following:

| Reference number | Substance  | RESTRICTIONS                                     |   |   | Conditions of use and warnings which must be printed in the label |
|------------------|--|--|---|---|---|
|                  |  | Field of application and/or use                  | Maximum authorised concentration in the finished cosmetic product | Other limitations and requirements  |   |
| a                | b  | c  | d   | e   | f   |
| 60               | Fatty acid dialkylamides and dialkanolamides       |  | Maximum secondary amine content: 0,5 %                            | <ul style="list-style-type: none"> <li>— Do not use with nitrosating systems</li> <li>— Maximum secondary amine content: 5 % (applies to raw materials)</li> <li>— Maximum nitrosamine content: 50 µg/kg</li> <li>— Keep in nitrite-free containers</li> </ul>  |   |
| 61               | Monoalkylamines, monoalkanolamines and their salts |  | Maximum secondary amine content: 0,5 %                            | <ul style="list-style-type: none"> <li>— Do not use with nitrosating systems</li> <li>— Minimum purity: 99 %</li> <li>— Maximum secondary amine content: 0,5 % (applies to raw materials)</li> <li>— Maximum nitrosamine content: 50 µg/kg</li> <li>— Keep in nitrite-free containers</li> </ul>          |   |
| 62               | Trialkylamines, trialkanolamines and their salts   | (a) non-rinse-off products<br>(b) other products | (a) 2,5 %   | (a) (b) <ul style="list-style-type: none"> <li>— Do not use with nitrosating systems</li> <li>— Minimum purity: 99 %</li> <li>— Maximum secondary amine content: 0,5 % (applies to raw materials)</li> <li>— Maximum nitrosamine content: 50 µg/kg</li> <li>— Keep in nitrite-free containers'</li> </ul> |   |

(c) reference Nos 93, 94 and 95 are added:

| Reference number | Substance  | RESTRICTIONS                    |   |                                    | Conditions of use and warnings which must be printed in the label |
|------------------|--|---------------------------------|---|------------------------------------|---|
|                  |  | Field of application and/or use | Maximum authorised concentration in the finished cosmetic product | Other limitations and requirements |   |
| a                | b  | c                               | d   | e                                  | f   |
| 93               | 2,4-Diamino-pyrimidine-3-oxide (CAS No 74638-76-9) | Hair care formulations          | 1,5 %   |                                    |   |

| Reference number | Substance                | RESTRICTIONS                    |   |                                    | Conditions of use and warnings which must be printed in the label                          |
|------------------|--------------------------|---------------------------------|---|------------------------------------|--|
|                  |                          | Field of application and/or use | Maximum authorised concentration in the finished cosmetic product | Other limitations and requirements |  |
| a                | b                        | c                               | d   | e                                  | f  |
| 94               | Benzoyl peroxide         | Artificial nail systems         | 0,7 % (after mixing)  | Professional use only              | — For professional use only<br>— Avoid skin contact<br>— Read directions for use carefully |
| 95               | Hydroquinone methylether | Artificial nail systems         | 0,02 % (after mixing for use)                                     | Professional use only              | — For professional use only<br>— Avoid skin contact<br>— Read directions for use carefully |

**3. In Annex VI, part 1, reference No 36 is replaced by the following:**

| Reference number | Substance  | Maximum authorised concentration | Other limitations and requirements | Conditions of use and warnings which must be printed on the label |
|------------------|--|----------------------------------|------------------------------------|---|
| a                | b  | c                                | d                                  | e   |
| '36              | 1,2-Dibromo-2,4-dicyanobutane (methyldibromo glutaronitrile) | 0,1 %                            | Rinse-off products only'           |   |



## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION RECOMMENDATION

of 19 September 2003

concerning the European schedule of occupational diseases

(notified under document number C(2003) 3297)

(Text with EEA relevance)

(2003/670/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

Whereas:

(1) Commission Recommendation 90/326/EEC of 22 May 1990 concerning the adoption of a European schedule of occupational diseases <sup>(1)</sup> has largely been applied by the Member States, which have made a great effort in particular to comply with the provisions set out in Annex I to the Recommendation, as mentioned in the 1996 Communication from the Commission <sup>(2)</sup> concerning the European schedule of occupational diseases.

(2) During the time since Recommendation 90/326/EEC was issued, scientific and technical progress has led to a greater understanding of how certain occupational diseases emerge and of the causal relationships involved. The resulting changes should therefore be incorporated into a new recommendation, the European schedule of occupational diseases and the additional list.

(3) The experience acquired since 1990 by monitoring Recommendation 90/326/EEC in the Member States has highlighted various aspects which could be improved in order to attain more fully the Recommendation's objectives, particularly in relation to prevention and to the collection and comparability of data.

(4) The Communication from the Commission entitled 'Adapting to change in work and society: a new Community strategy on health and safety at work 2002-2006' <sup>(3)</sup> attaches particular importance to greater prevention of occupational diseases. This Recommendation must therefore be the principal instrument for prevention at Community level.

(5) The abovementioned Communication stresses the importance of involving all players, in particular the public authorities and social partners, in order to encourage an improvement in health and safety at work within a framework of 'good governance' based on universal participation, in accordance with the White Paper on European governance <sup>(4)</sup>. Member States should therefore be called on actively to involve all players in developing measures for the effective prevention of occupational illnesses.

(6) The Communication also mentions that quantified national objectives should be adopted with a view to reducing the rates of recognised occupational illnesses.

(7) The Council Resolution of 3 June 2002 on a new Community strategy on health and safety at work (2002-2006) <sup>(5)</sup> calls on the Member States to develop and implement coordinated, coherent prevention policies, geared to national conditions, with measurable targets set in this context for reducing accidents at work and occupational illnesses, especially in those sectors of activity in which rates are above average.

<sup>(1)</sup> OJ L 160, 26.6.1990, p. 39.

<sup>(2)</sup> COM(96) 454 final.

<sup>(3)</sup> COM(2002) 118 final.

<sup>(4)</sup> COM(2001) 428 final.

<sup>(5)</sup> OJ C 161, 5.7.2002, p. 1.

- (8) The role of the European Agency for Safety and Health at Work, established by Council Regulation (EC) No 2062/94 <sup>(1)</sup>, is, *inter alia*, to supply the Community bodies and the Member States with the objective available technical, scientific and economic information they require to formulate and implement policies designed to protect the safety and health of workers and to collect and disseminate technical, scientific and economic information in the Member States. Accordingly, the Agency must also play an important part in the exchange of information, experience and best practice on the prevention of occupational illnesses.
- (9) National healthcare systems can play an important part in improving prevention of occupational illnesses, for example by raising awareness among medical staff with a view to improving knowledge and diagnosis of these illnesses,

HEREBY RECOMMENDS:

#### Article 1

Without prejudice to more favourable national laws or regulations, it is recommended that the Member States:

1. introduce as soon as possible into their national laws, regulations or administrative provisions concerning scientifically recognised occupational diseases liable for compensation and subject to preventive measures, the European schedule in Annex I;
2. take steps to introduce into their national laws, regulations or administrative provisions the right of a worker to compensation in respect of occupational diseases if the worker is suffering from an ailment which is not listed in Annex I but which can be proved to be occupational in origin and nature, particularly if the ailment is listed in Annex II;
3. develop and improve effective preventive measures for the occupational diseases mentioned in the European schedule in Annex I, actively involving all players and, where appropriate, exchanging information, experience and best practice via the European Agency for Safety and Health at Work;
4. draw up quantified national objectives with a view to reducing the rates of recognised occupational illnesses, in particular those included in the European schedule in Annex I;
5. ensure that all cases of occupational diseases are reported and progressively make their statistics on occupational diseases compatible with the European schedule in Annex I, in accordance with the work being done on the system of harmonising European statistics on occupational diseases, so that information on the causative agent or factor, the medical diagnosis and the sex of the patient is available for each case of occupational disease;
6. introduce a system for the collection of information or data concerning the epidemiology of the diseases listed in Annex II and any other disease of an occupational nature;
7. promote research in the field of ailments linked to an occupational activity, in particular the ailments listed in Annex II and the disorders of a psychosocial nature related to work;
8. ensure that documents to assist in the diagnosis of occupational diseases included in their national schedules are disseminated widely, taking account in particular of the notices for the diagnosis of occupational diseases published by the Commission;
9. forward to the Commission and make available to interested parties statistical and epidemiological data on occupational diseases recognised at national level, in particular via the information network set up by the European Agency for Safety and Health at Work;
10. promote an active role for national healthcare systems in preventing occupational diseases, in particular by raising awareness among medical staff with a view to improving knowledge and diagnosis of these illnesses.

#### Article 2

The Member States shall themselves determine the criteria for the recognition of each occupational disease in accordance with the national laws or practices in force.

#### Article 3

This Recommendation replaces Recommendation 90/326/EEC.

#### Article 4

The Member States are requested to inform the Commission, no later than 31 December 2006, of the measures taken or envisaged in response to this Recommendation.

Done at Brussels, 19 September 2003.

For the Commission

Anna DIAMANTOPOULOU  
Member of the Commission

<sup>(1)</sup> OJ L 216, 20.8.1994, p. 1.

## ANNEX I

**European schedule of occupational diseases**

The diseases mentioned in this schedule must be linked directly to the occupation. The Commission will determine the criteria for recognising each of the occupational diseases listed hereunder:

**1 Diseases caused by the following chemical agents:**

- 100 Acrylonitrile
- 101 Arsenic or compounds thereof
- 102 Beryllium (glucinium) or compounds thereof
- 103.01 Carbon monoxide
- 103.02 Carbon oxychloride
- 104.01 Hydrocyanic acid
- 104.02 Cyanides and compounds thereof
- 104.03 Isocyanates
- 105 Cadmium or compounds thereof
- 106 Chromium or compounds thereof
- 107 Mercury or compounds thereof
- 108 Manganese or compounds thereof
- 109.01 Nitric acid
- 109.02 Oxides of nitrogen
- 109.03 Ammonia
- 110 Nickel or compounds thereof
- 111 Phosphorus or compounds thereof
- 112 Lead or compounds thereof
- 113.01 Oxides of sulphur
- 113.02 Sulphuric acid
- 113.03 Carbon disulphide
- 114 Vanadium or compounds thereof
- 115.01 Chlorine
- 115.02 Bromine
- 115.04 Iodine
- 115.05 Fluorine or compounds thereof
- 116 Aliphatic or alicyclic hydrocarbons derived from petroleum spirit or petrol
- 117 Halogenated derivatives of the aliphatic or alicyclic hydrocarbons
- 118 Butyl, methyl and isopropyl alcohol
- 119 Ethylene glycol, diethylene glycol, 1,4-butanediol and the nitrated derivatives of the glycols and of glycerol
- 120 Methyl ether, ethyl ether, isopropyl ether, vinyl ether, dichloroisopropyl ether, guaiacol, methyl ether and ethyl ether of ethylene glycol
- 121 Acetone, chloroacetone, bromoacetone, hexafluoroacetone, methyl ethyl ketone, methyl n-butyl ketone, methyl isobutyl ketone, diacetone alcohol, mesityl oxide, 2-methylcyclohexanone
- 122 Organophosphorus esters
- 123 Organic acids
- 124 Formaldehyde
- 125 Aliphatic nitrated derivatives
- 126.01 Benzene or counterparts thereof (the counterparts of benzene are defined by the formula:  $C_nH_{2n-6}$ )
- 126.02 Naphthalene or naphthalene counterparts (the counterpart of naphthalene is defined by the formula:  $C_nH_{2n-12}$ )
- 126.03 Vinylbenzene and divinylbenzene

- 127 Halogenated derivatives of the aromatic hydrocarbons
- 128.01 Phenols or counterparts or halogenated derivatives thereof
- 128.02 Naphthols or counterparts or halogenated derivatives thereof
- 128.03 Halogenated derivatives of the alkylaryl oxides
- 128.04 Halogenated derivatives of the alkylaryl sulfonates
- 128.05 Benzoquinones
- 129.01 Aromatic amines or aromatic hydrazines or halogenated, phenolic, nitrified, nitrated or sulfonated derivatives thereof
- 129.02 Aliphatic amines and halogenated derivatives thereof
- 130.01 Nitrated derivatives of aromatic hydrocarbons
- 130.02 Nitrated derivatives of phenols or their counterparts
- 131 Antimony and derivatives thereof
- 132 Nitric acid esters
- 133 Hydrogen sulphide
- 135 Encephalopathies due to organic solvents which do not come under other headings
- 136 Polyneuropathies due to organic solvents which do not come under other headings
- 2 Skin diseases caused by substances and agents not included under other headings**
- 201 Skin diseases and skin cancers caused by:
  - 201.01 Soot
  - 201.03 Tar
  - 201.02 Bitumen
  - 201.04 Pitch
  - 201.05 Anthracene or compounds thereof
  - 201.06 Mineral and other oils
  - 201.07 Crude paraffin
  - 201.08 Carbazole or compounds thereof
  - 201.09 By-products of the distillation of coal
- 202 Occupational skin ailments caused by scientifically recognised allergy-provoking or irritative substances not included under other headings
- 3 Diseases caused by the inhalation of substances and agents not included under other headings**
- 301 Diseases of the respiratory system and cancers
  - 301.11 Silicosis
  - 301.12 Silicosis combined with pulmonary tuberculosis
  - 301.21 Asbestosis
  - 301.22 Mesothelioma following the inhalation of asbestos dust
  - 301.31 Pneumoconioses caused by dusts of silicates
- 302 Complication of asbestos in the form of bronchial cancer
- 303 Broncho-pulmonary ailments caused by dusts from sintered metals
- 304.01 Extrinsic allergic alveolites
- 304.02 Lung diseases caused by the inhalation of dusts and fibres from cotton, flax, hemp, jute, sisal and bagasse
- 304.04 Respiratory ailments caused by the inhalation of dust from cobalt, tin, barium and graphite
- 304.05 Siderosis
- 305.01 Cancerous diseases of the upper respiratory tract caused by dust from wood
- 304.06 Allergic asthmas caused by the inhalation of substances consistently recognised as causing allergies and inherent to the type of work
- 304.07 Allergic rhinitis caused by the inhalation of substances consistently recognised as causing allergies and inherent to the type of work
- 306 Fibrotic diseases of the pleura, with respiratory restriction, caused by asbestos

- 307 Chronic obstructive bronchitis or emphysema in miners working in underground coal mines
- 308 Lung cancer following the inhalation of asbestos dust
- 309 Broncho-pulmonary ailments caused by dusts or fumes from aluminium or compounds thereof
- 310 Broncho-pulmonary ailments caused by dusts from basic slags
- 4 Infectious and parasitic diseases**
- 401 Infectious or parasitic diseases transmitted to man by animals or remains of animals
- 402 Tetanus
- 403 Brucellosis
- 404 Viral hepatitis
- 405 Tuberculosis
- 406 Amoebiasis
- 407 Other infectious diseases caused by work in disease prevention, health care, domiciliary assistance and other comparable activities for which a risk of infection has been proven
- 5 Diseases caused by the following physical agents:**
- 502.01 Cataracts caused by heat radiation
- 502.02 Conjunctival ailments following exposure to ultraviolet radiation
- 503 Hypoacusis or deafness caused by noise
- 504 Diseases caused by atmospheric compression or decompression
- 505.01 Osteoarticular diseases of the hands and wrists caused by mechanical vibration
- 505.02 Angioneurotic diseases caused by mechanical vibration
- 506.10 Diseases of the periarticular sacs due to pressure
- 506.11 Pre-patellar and sub-patellar bursitis
- 506.12 Olecranon bursitis
- 506.13 Shoulder bursitis
- 506.21 Diseases due to overstraining of the tendon sheaths
- 506.22 Diseases due to overstraining of the peritendineum
- 506.23 Diseases due to overstraining of the muscular and tendonous insertions
- 506.30 Meniscus lesions following extended periods of work in a kneeling or squatting position
- 506.40 Paralysis of the nerves due to pressure
- 506.45 Carpal tunnel syndrome
- 507 Miner's nystagmus
- 508 Diseases caused by ionising radiation
-

## ANNEX II

**Additional list of diseases suspected of being occupational in origin which should be subject to notification and which may be considered at a later stage for inclusion in Annex I to the European schedule****2.1 Diseases caused by the following agents:**

- 2.101 Ozone
- 2.102 Aliphatic hydrocarbons other than those referred to under heading 1.116 of Annex I
- 2.103 Diphenyl
- 2.104 Decalin
- 2.105 Aromatic acids — aromatic anhydrides or their halogenated derivatives
- 2.106 Diphenyl oxide
- 2.107 Tetrahydrophurane
- 2.108 Thiopene
- 2.109 Methacrylonitrile  
Acetonitrile
- 2.111 Thioalcohols
- 2.112 Mercaptans and thioethers
- 2.113 Thallium or compounds thereof
- 2.114 Alcohols or their halogenated derivatives not referred to under heading 1.118 of Annex I
- 2.115 Glycols or their halogenated derivatives not referred to under heading 1.119 of Annex I
- 2.116 Ethers or their halogenated derivatives not referred to under heading 1.120 of Annex I
- 2.117 Ketones or their halogenated derivatives not referred to under heading 1.121 of Annex I
- 2.118 Esters or their halogenated derivatives not referred to under heading 1.122 of Annex I
- 2.119 Furfural
- 2.120 Thiophenols or counterparts or halogenated derivatives thereof
- 2.121 Silver
- 2.122 Selenium
- 2.123 Copper
- 2.124 Zinc
- 2.125 Magnesium
- 2.126 Platinum
- 2.127 Tantalum
- 2.128 Titanium
- 2.129 Terpenes
- 2.130 Boranes
- 2.140 Diseases caused by inhaling nacre dust
- 2.141 Diseases caused by hormonal substances
- 2.150 Dental caries associated with work in the chocolate, sugar and flour industries
- 2.160 Silicium oxide
- 2.170 Polycyclic aromatic hydrocarbons which do not come under other headings
- 2.190 Dimethylformamide
- 2.2 Skin diseases caused by substances and agents not included under other headings**
- 2.201 Allergic and orthoallergic skin ailments not recognised in Annex I

**2.3 Diseases caused by inhaling substances not included under other headings**

- 2.301 Pulmonary fibroses due to metals not included in the European schedule
- 2.303 Broncho-pulmonary ailments and cancers associated with exposure to the following:
  - soot
  - tar
  - bitumen
  - pitch
  - anthracene or compounds thereof
  - mineral and other oils

2.304 Broncho-pulmonary ailments caused by man-made mineral fibres

2.305 Broncho-pulmonary ailments caused by synthetic fibres

2.307 Respiratory ailments, particularly asthma, caused by irritants not listed in Annex I

2.308 Cancer of the larynx following the inhalation of asbestos dust

**2.4 Infectious and parasitic diseases not described in Annex I**

2.401 Parasitic diseases

2.402 Tropical diseases

**2.5 Diseases caused by physical agents**

2.501 Avulsion due to overstraining of the spinous processes

2.502 Disc-related diseases of the lumbar vertebral column caused by the repeated vertical effects of whole-body vibration

2.503 Nodules on the vocal chords caused by sustained work-related vocal effort

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## COMMISSION DECISION

of 27 August 2003

**accepting an undertaking offered in the framework of a partial interim review of the anti-dumping measures applicable to imports of urea and ammonium nitrate solutions (UAN) originating, *inter alia*, in Lithuania**

(2003/671/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

B. REQUEST FOR A REVIEW

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 <sup>(1)</sup> (the basic Regulation), as last amended by Regulation (EC) No 1972/2002 <sup>(2)</sup>, and in particular Article 8 thereof,

After consulting the Advisory Committee,

Whereas:

(3) In September 2002, a request for a partial interim review pursuant to Article 11(3) of the basic Regulation was lodged by Achema, an exporting producer in Lithuania. The request was limited in scope to the examination of the form of the measure and, in particular, to the examination of the acceptability of an undertaking offered by the applicant.

(4) The request was based on the grounds that the applicant committed itself to a price discipline in respect of UAN within the framework of an anti-dumping proceeding concerning urea and presented evidence that it was ready to provide in the framework of the present proceeding an undertaking of a similar nature, which would have the effect of removing the injurious effects of dumping and could be monitored.

## A. PROCEDURE

(1) Pursuant to Regulation (EC) No 1995/2000 <sup>(3)</sup>, the Council imposed definitive anti-dumping duties on imports into the Community of solutions of urea and ammonium nitrate (UAN) originating, *inter alia*, in Lithuania. The form of measures set out in that Regulation for all Lithuanian exporting producers was a specific duty of EUR 3,98 per tonne.

(2) On January 2002, in another procedure, definitive anti-dumping measures, in the form of a specific duty, were imposed on imports of urea originating, *inter alia*, in Lithuania pursuant to Council Regulation (EC) No 92/2002 <sup>(4)</sup>. However, in accordance with Commission Decision 2002/498/EC <sup>(5)</sup> and Council Regulation (EC) No 1107/2002 <sup>(6)</sup> amending Regulation (EC) No 92/2002, the sole Lithuanian exporting producer of urea, Stock Company Achema (Achema), was exempted from the said duties as an undertaking had been accepted by the Commission from it. In the framework of that undertaking, in order to eliminate the risks of compensatory arrangements, Achema undertook to respect minimum import prices and to report exports to the Community not only for urea, but also for its other two nitrogen fertilisers, i.e. ammonium nitrate and UAN.

(5) Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of a partial interim review, the Commission published a notice in the *Official Journal of the European Communities* <sup>(7)</sup> and commenced an investigation.

## C. ACCEPTANCE OF THE UNDERTAKING

(6) The details of the procedural aspects and findings of the interim review investigation are set out in full in Council Regulation (EC) No 1675/2003 <sup>(8)</sup>.

(7) According to the undertaking offer, Achema undertook to sell UAN directly from Lithuania to unrelated customers in the Community at a minimum price. Moreover, the regular and detailed reports which Achema undertook to provide to the Commission will allow effective monitoring of the terms of the undertaking. In addition, in respect of the risk of circumvention in the form of cross-compensation with other products it should be borne in mind that Achema has been respecting minimum import prices for the other fertilisers that it exports to the Community in the framework of its urea undertaking. Under these circumstances, it is considered that the risk of circumvention will be limited.

<sup>(1)</sup> OJ L 56, 6.3.1996, p. 1.

<sup>(2)</sup> OJ L 305, 7.11.2002, p. 1.

<sup>(3)</sup> OJ L 238, 22.9.2000, p. 15.

<sup>(4)</sup> OJ L 17, 19.1.2002, p. 1.

<sup>(5)</sup> OJ L 168, 27.6.2002, p. 51.

<sup>(6)</sup> OJ L 168, 27.6.2002, p. 1.

<sup>(7)</sup> OJ C 314, 17.12.2002, p. 2.

<sup>(8)</sup> See page 4 of this Official Journal.

- (8) The review investigation concluded that the undertaking offered by Achema would have the effect of eliminating the injurious effects of dumping, can be effectively monitored by the Commission and can therefore be accepted. Achema has been informed of the essential facts, considerations and obligations upon which the acceptance is based.
- (9) In order to enable the Commission to monitor effectively Achema's compliance with the undertaking, when the request for release for free circulation pursuant to the undertaking is presented to the relevant customs authority, exemption from the anti-dumping duty should be conditional, upon presentation of an invoice containing at least the items of information listed in the Annex to Commission Regulation (EC) No 617/2000 <sup>(1)</sup>. This level of information is necessary to enable customs authorities to ascertain with sufficient precision that the shipment corresponds to the commercial documents. Where no such invoice is presented, or when it does not correspond to the product presented to customs, the appropriate rate of anti-dumping duty will instead be payable.
- (10) In the event of a breach, suspected breach or withdrawal of the undertaking, an anti-dumping duty may be imposed, pursuant to Article 8(9) and (10) of the basic Regulation. Achema has been made aware of the consequences of a breach.

#### D. MODIFICATION OF NAME AND ADDRESS

- (11) In the course of the partial interim review investigation, the company informed the Commission that it had changed its name and address. The name change was due to the fact that the previous form of the company, i.e. a joint stock company, no longer exists in Lithuania. The new name of the company is Stock Company Achema. The change of its address was due to the change in the Lithuanian postal system.

- (12) The Commission has examined this information, which demonstrated that all the company's activities linked to the manufacturing, sales and exports of fertilisers (AN, UAN and urea) are unaffected by these changes,

HAS ADOPTED THIS DECISION:

#### Article 1

The undertaking offered by the producer mentioned below, in connection with the anti-dumping proceeding concerning imports of urea and ammonium nitrate in aqueous or ammoniacal solutions originating, *inter alia*, in Lithuania is hereby accepted.

| Country   | Company  | TARIC additional Code |
|-----------|--|-----------------------|
| Lithuania | Stock Company Achema<br>Jonalaukio k., Ruklos sen.,<br>Jonavos r.<br>LT-5005 | A375                  |

#### Article 2

This Decision shall enter into force on 26 September 2003.

Done at Brussels, 27 August 2003.

For the Commission

Pascal LAMY

Member of the Commission

<sup>(1)</sup> OJ L 75, 24.3.2000, p. 3.

## COMMISSION DECISION

of 24 September 2003

**conferring management of aid on implementing agencies for preaccession measures in agriculture and rural development in the Republic of Latvia in the preaccession period**

(2003/672/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1266/1999 of 21 June 1999 on coordinating aid to the applicant countries in the framework of the preaccession strategy and amending Regulation (EEC) No 3906/89<sup>(1)</sup>, and in particular Article 12(2) thereof,

Whereas:

- (1) The special programme for agriculture and rural development for the Republic of Latvia (hereinafter 'Sapard') was approved by Commission decision of 25 October 2000<sup>(2)</sup>, and last amended by Commission decision of 18 February 2003 in accordance with Article 4(5) of Council Regulation (EC) No 1268/1999 of 21 June 1999 on Community support for preaccession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the preaccession period<sup>(3)</sup>, as last amended by Regulation (EC) No 696/2003<sup>(4)</sup>.
- (2) The Government of the Republic of Latvia and the Commission, acting on behalf of the Community, signed on 25 January 2001 the Multiannual Financing Agreement laying down the technical, legal and administrative framework for the execution of the Sapard programme, amended by the Annual Financing Agreements for 2001, signed on 11 February 2002, for 2002 signed on 4 February 2003, and for 2003 signed on 27 June 2003.
- (3) A Sapard agency has been appointed by the competent authority of the Republic of Latvia for the implementation of some of the measures defined in Sapard. The Ministry of Finance National Fund has been appointed for the financial functions it is due to perform in the framework of the implementation of Sapard.
- (4) On the basis of a case-by-case analysis of the national and sectorial programme/project management capacity, financial control procedures and structures regarding public finance, as provided for in Article 12(2) of Regulation (EC) No 1266/1999, the Commission adopted Decision 2001/885/EC of 6 December 2001 conferring

management of aid on implementing agencies for preaccession measures in agriculture and rural development in the Republic of Latvia in the preaccession period<sup>(5)</sup> with regard to certain measures provided for in Sapard.

- (5) The Commission has since undertaken a further analysis under Article 12(2) of Regulation (EC) No 1266/1999 in respect of the measure 'Technical assistance' as provided for in Sapard. The Commission considers that, also with regard to those measures, the Republic of Latvia complies with the provisions of Articles 4 to 6 and of the Annex to Commission Regulation (EC) No 2222/2000 of 7 June 2000 laying down financial rules for the application of Council Regulation (EC) No 1268/1999 on Community support for preaccession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the preaccession period<sup>(6)</sup>, as last amended by Regulation (EC) No 188/2003<sup>(7)</sup> and with the minimum conditions set out in the Annex to Regulation (EC) No 1266/1999.
- (6) It is therefore appropriate to waive the ex ante approval requirement provided for in Article 12(1) of Regulation (EC) No 1266/1999 and to confer, with regard to supporting measure 2 'Technical assistance', on the Sapard agency and on the Ministry of Finance National Fund in the Republic of Latvia, the management of aid on a decentralised basis.
- (7) Since the verifications carried out by the Commission for supporting measure 2 'Technical assistance' are based on a system that is not yet fully operating with regard to all relevant elements, however, it is appropriate to confer the management of Sapard on the Sapard agency and on the Ministry of Finance National Fund according to Article 3(2) of Regulation (EC) No 2222/2000, on a provisional basis.
- (8) Conferral of management of Sapard is only envisaged after further verification to ensure that the system operates satisfactorily has been carried out and after any recommendations which the Commission may issue with regard to the conferral of management of aid on the Sapard agency and on the Ministry of Finance National Fund have been implemented.

<sup>(1)</sup> OJ L 161, 26.6.1999, p. 68.

<sup>(2)</sup> C(2000) 3097.

<sup>(3)</sup> OJ L 161, 26.6.1999, p. 87.

<sup>(4)</sup> OJ L 99, 17.4.2003, p. 24.

<sup>(5)</sup> OJ L 327, 12.12.2001, p. 45.

<sup>(6)</sup> OJ L 253, 7.10.2000, p. 5.

<sup>(7)</sup> OJ L 27, 1.2.2003, p. 14.

- (9) According to the second indent of Article 9(1) of Regulation (EC) No 2222/2000 expenditure with regard to feasibility and related studies and for technical assistance incurred by the beneficiary before the date of the Commission decision conferring management may be reimbursable. It is therefore appropriate to fix the date as of which such expenditure may be reimbursed,

HAS DECIDED AS FOLLOWS:

*Article 1*

The requirement of ex ante approval by the Commission of project selection and contracting for supporting measure 2 'Technical assistance' by the Republic of Latvia provided for in Article 12(1) of Regulation (EC) No 1266/1999 is hereby waived.

*Article 2*

Management of the Sapard programme is conferred on a provisional basis to:

1. the Agency for Rural Support Service of the Republic of Latvia, Republikas Laukums 2, Riga LV 1981 for the implementation of supporting measure 2 'Technical assistance' as

defined in the programme for agricultural and rural development that was approved in accordance with Commission Decision C(2000) 3097 of 25 October 2000;

and

2. the Ministry of Finance National Fund located at Smilšu Iela 1, Riga LV 1919, for the financial functions it is due to perform in the framework of the implementation of Sapard for supporting measure 2 'Technical assistance' for the Republic of Latvia.

*Article 3*

Expenditure within the measure 'Technical assistance' shall be eligible for Community cofinance from 25 October 2000, provided in all cases it has not been paid by the Sapard agency prior to the date of adoption of this decision.

Done at Brussels, 24 September 2003.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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