

English edition

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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 831/2000
of 26 April 2000
establishing the standard import values for determining the entry price of certain fruit and
vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1498/98 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 27 April 2000.

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

Done at Brussels, 26 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 26 April 2000 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	118,9
	068	107,3
	204	69,4
	999	98,5
0707 00 05	052	104,5
	068	66,8
	999	85,7
0709 90 70	052	76,9
	999	76,9
0805 10 10, 0805 10 30, 0805 10 50	052	39,5
	204	35,1
	212	45,1
	220	24,6
	624	42,8
	999	37,4
0808 10 20, 0808 10 50, 0808 10 90	388	98,3
	400	97,0
	404	96,8
	508	89,7
	512	90,2
	528	74,3
	720	105,0
	804	103,2
	999	94,3
	388	80,6
0808 20 50	512	78,2
	528	77,1
	720	59,5
	999	73,8

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2543/1999 (OJ L 307, 2.12.1999, p. 46). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 832/2000**of 26 April 2000****fixing the maximum export refund for white sugar for the 36th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1489/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1489/1999 of 7 July 1999 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽²⁾, requires partial invitations to tender to be issued for the export of this sugar.
- (2) Pursuant to Article 9(1) of Regulation (EC) No 1489/1999 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community

and world markets in sugar, for the partial invitation to tender in question.

- (3) Following an examination of the tenders submitted in response to the 36th partial invitation to tender, the provisions set out in Article 1 should be adopted.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

For the 36th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1489/1999 the maximum amount of the export refund is fixed at EUR 48,860/kg.

Article 2

This Regulation shall enter into force on 27 April 2000.

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

Done at Brussels, 26 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 172, 8.7.1999, p. 27.

COMMISSION REGULATION (EC) No 833/2000**of 26 April 2000****fixing the representative prices and the additional import duties for molasses in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organization of the market in sugar ⁽¹⁾,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 27 April 2000.

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 141, 24.6.1995, p. 12.

⁽³⁾ OJ L 145, 27.6.1968, p. 12.

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

Done at Brussels, 26 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector

(in EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,28	—	0,00
1703 90 00 ⁽¹⁾	8,49	—	0,00

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

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

COMMISSION REGULATION (EC) No 834/2000**of 26 April 2000****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular point (a) of the second subparagraph of Article 18(5) thereof,

Whereas:

- (1) Article 18 of Regulation (EC) No 2038/1999 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 2038/1999 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 19 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality; the latter is defined in Article 1 of Council Regulation (EC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar ⁽²⁾, as amended by Regulation (EC) No 3290/94 ⁽³⁾; furthermore, this refund should be fixed in accordance with Article 19(4) of Regulation (EC) No 2038/1999; candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of

export refunds in the sugar sector ⁽⁴⁾; the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for sugar according to destination.
- (5) In special cases, the amount of the refund may be fixed by other legal instruments.
- (6) The refund must be fixed every two weeks; whereas it may be altered in the intervening period.
- (7) It follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 2038/1999, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 April 2000.

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

Done at Brussels, 26 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 89, 10.4.1968, p. 3.

⁽³⁾ OJ L 349, 31.12.1994, p. 105.

⁽⁴⁾ OJ L 214, 8.9.1995, p. 16.

ANNEX

to the Commission Regulation of 26 April 2000 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— EUR/100 kg —
1701 11 90 9100	40,03 ⁽¹⁾
1701 11 90 9910	40,03 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	40,03 ⁽¹⁾
1701 12 90 9910	40,03 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4352
	— EUR/100 kg —
1701 99 10 9100	43,52
1701 99 10 9910	45,71
1701 99 10 9950	43,52
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4352

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 19 (4) of Regulation (EC) No 2038/1999.

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

COMMISSION REGULATION (EC) No 835/2000**of 26 April 2000****on the issue of import licences on 30 April 2000 for sheepmeat and goatmeat products pursuant to GATT-WTO non-country specific tariff quotas for the second quarter of 2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1439/95 of 26 June 1995 laying down detailed rules for the application of Council Regulation (EC) No 2467/98 as regards the import and export of products in the sheepmeat and goatmeat sector ⁽¹⁾, as last amended by Regulation (EC) No 344/1999 ⁽²⁾, and in particular Article 16(4) thereof,

Whereas:

- (1) Regulation (EC) No 1439/95 laid down, in Title II B, detailed rules, in respect of imports of products falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204 pursuant to GATT/WTO non-country specific tariff quotas; provision should be made, pursuant to Article 16(4) of Regulation (EC) No 1439/95, for determining the extent to which import licences may be issued in connection with applications lodged in respect of the second quarter of 2000.
- (2) In cases where the quantities in respect of which licence applications have been lodged exceed the quantities which may be imported pursuant to Article 15 of Regu-

lation (EC) No 1439/95, such quantities should be reduced by a single percentage figure in accordance with Article 16(4)(b) of that Regulation.

- (3) All the licence applications may be granted in cases where the quantities in respect of which licence applications have been lodged do not exceed the quantities provided for in Regulation (EC) No 1439/95.
- (4) Applications relating to products originating in Namibia have been lodged in Germany,

HAS ADOPTED THIS REGULATION:

Article 1

Germany shall, on 30 April 2000, issue the import licences provided for in Title II B of Regulation (EC) No 1439/95 and applied for from 1 to 10 April 2000. For products falling within CN code 0204, the quantities applied for originating in Namibia shall be granted in full.

Article 2

This Regulation shall enter into force on 27 April 2000.

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

Done at Brussels, 26 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 143, 27.6.1995, p. 7.

⁽²⁾ OJ L 43, 17.2.1999, p. 6.

COMMISSION REGULATION (EC) No 836/2000
of 25 April 2000
establishing unit values for the determination of the customs value of certain perishable goods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 955/1999 of the European Parliament and of the Council ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 1662/1999 ⁽⁴⁾, and in particular Article 173 (1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish

unit values for the products referred to in the classification in Annex 26 to that Regulation.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 April 2000.

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

Done at Brussels, 25 April 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 119, 7.5.1999, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 197, 29.7.1999, p. 25.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 50	a) b) c)	45,79 272,24 377,49	630,06 300,35 1 847,10	89,55 36,06 27,17	341,31 88 658,51	15 357,40 100,90	7 618,53 9 179,73
1.30	Onions (other than seed) 0703 10 19	a) b) c)	30,90 183,71 254,73	425,16 202,68 1 246,42	60,43 24,33 18,33	230,32 59 826,68	10 363,16 68,09	5 140,98 6 194,47
1.40	Garlic 0703 20 00	a) b) c)	126,64 752,96 1 044,04	1 742,59 830,70 5 108,62	247,68 99,74 75,15	943,98 245 207,88	42 474,82 279,08	21 071,01 25 388,90
1.50	Leeks ex 0703 90 00	a) b) c)	45,99 273,47 379,18	632,89 301,70 1 855,39	89,96 36,22 27,29	342,84 89 056,61	15 426,35 101,36	7 652,74 9 220,95
1.60	Cauliflowers 0704 10 00	a) b) c)	55,28 328,68 455,74	760,67 362,61 2 229,99	108,12 43,54 32,80	412,06 107 037,01	18 540,91 121,82	9 197,82 11 082,64
1.70	Brussels sprouts 0704 20 00	a) b) c)	59,69 354,90 492,10	821,35 391,54 2 407,89	116,74 47,01 35,42	444,94 115 575,96	20 020,03 131,54	9 931,58 11 966,77
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	37,17 221,01 306,45	511,49 243,83 1 499,49	72,70 29,27 22,06	277,08 71 973,67	12 467,25 81,91	6 184,78 7 452,18
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> <i>L. convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	105,95 629,95 873,47	1 457,90 694,99 4 274,01	207,22 83,44 62,87	789,76 205 147,81	35 535,63 233,48	17 628,60 21 241,07
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	63,11 375,22 520,27	868,38 413,96 2 545,75	123,43 49,70 37,45	470,41 122 193,16	21 166,26 139,07	10 500,20 12 651,92
1.110	Cabbage lettuce (head lettuce) 0705 11 10	a) b) c)	152,67 907,73 1 258,64	2 100,79 1 001,45 6 158,69	298,60 120,24 90,59	1 138,02 295 610,34	51 205,52 336,44	25 402,15 30 607,59
1.120	Endives ex 0705 29 00	a) b) c)	21,82 129,74 179,89	300,25 143,13 880,22	42,68 17,18 12,95	162,65 42 249,41	7 318,43 48,08	3 630,54 4 374,52
1.130	Carrots ex 0706 10 00	a) b) c)	43,48 258,49 358,42	598,23 285,18 1 753,78	85,03 34,24 25,80	324,07 84 179,53	14 581,55 95,81	7 233,65 8 715,97
1.140	Radishes ex 0706 90 90	a) b) c)	129,01 767,08 1 063,62	1 775,28 846,28 5 204,42	252,33 101,61 76,56	961,69 249 806,52	43 271,40 284,31	21 466,17 25 865,04
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	a) b) c)	406,91 2 419,37 3 354,64	5 599,19 2 669,15 16 414,68	795,85 320,47 241,46	3 033,14 787 886,27	136 477,38 896,71	67 704,01 81 577,99

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	a) b) c)	142,45 847,00 1 174,42	1 960,22 934,44 5 746,60	278,62 112,19 84,53	1 061,87 275 830,37	47 779,24 313,93	23 702,43 28 559,56
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	a) b) c)	139,06 826,81 1 146,44	1 913,51 912,17 5 609,67	271,98 109,52 82,52	1 036,57 269 257,71	46 640,72 306,45	23 137,64 27 879,03
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 937,88 1 300,44	2 170,55 1 034,71 6 363,22	308,51 124,23 93,60	1 175,81 305 427,23	52 906,00 347,61	26 245,73 31 624,03
1.190	Globe artichokes 0709 10 00	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	424,03 2 521,18 3 495,81	5 834,81 2 781,47 17 105,43	829,34 333,95 251,62	3 160,78 821 041,41	142 220,50 934,44	70 553,07 85 010,88
1.200.2	— other ex 0709 20 00	a) b) c)	469,06 2 788,90 3 867,02	6 454,40 3 076,83 18 921,80	917,40 369,41 278,34	3 496,41 908 225,26	157 322,46 1 033,67	78 044,88 94 037,93
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	159,41 947,79 1 314,18	2 193,49 1 045,64 6 430,47	311,77 125,54 94,59	1 188,24 308 655,19	53 465,14 351,29	26 523,11 31 958,25
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	50,02 297,40 412,37	688,28 328,10 2 017,76	97,83 39,39 29,68	372,85 96 850,10	16 776,34 110,23	8 322,44 10 027,89
1.230	Chantarelles 0709 51 30	a) b) c)	1 699,80 10 106,55 14 013,49	23 389,76 11 149,96 68 569,76	3 324,52 1 338,70 1 008,66	12 670,48 3 291 271,75	570 112,92 3 745,87	282 822,92 340 779,30
1.240	Sweet peppers 0709 60 10	a) b) c)	225,26 1 339,35 1 857,11	3 099,68 1 477,63 9 087,07	440,58 177,41 133,67	1 679,13 436 169,41	75 553,11 496,41	37 480,56 45 161,12
1.250	Fennel 0709 90 50	a) b) c)	73,55 437,31 606,36	1 012,07 482,46 2 967,00	143,85 57,93 43,64	548,25 142 412,66	24 668,67 162,08	12 237,69 14 745,45
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	53,79 319,81 443,44	740,15 352,83 2 169,83	105,20 42,36 31,92	400,95 104 149,25	18 040,70 118,53	8 949,67 10 783,65
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	176,48 1 049,30 1 454,94	2 428,42 1 157,63 7 119,19	345,16 138,99 104,72	1 315,50 341 712,93	59 191,39 388,91	29 363,80 35 381,06
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	66,58 395,84 548,86	916,10 436,71 2 685,64	130,21 52,43 39,51	496,26 128 907,95	22 329,39 146,71	11 077,21 13 347,17

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 00	a) b) c)	127,03 755,31 1 047,29	1 748,02 833,29 5 124,53	248,46 100,05 75,38	946,92 245 971,54	42 607,10 279,95	21 136,63 25 467,97
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	132,26 786,36 1 090,35	1 819,89 867,55 5 335,23	258,67 104,16 78,48	985,86 256 084,87	44 358,93 291,46	22 005,68 26 515,11
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.3	— Others 0805 10 50	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 10	a) b) c)	42,76 254,21 352,48	588,32 280,46 1 724,74	83,62 33,67 25,37	318,70 82 785,61	14 340,09 94,22	7 113,87 8 571,65
2.70.2	— Monreales and satsumas 0805 20 30	a) b) c)	67,30 400,15 554,84	926,08 441,46 2 714,91	131,63 53,00 39,94	501,67 130 312,71	22 572,72 148,31	11 197,93 13 492,62
2.70.3	— Mandarines and wilkings 0805 20 50	a) b) c)	43,57 259,04 359,18	599,49 285,78 1 757,49	85,21 34,31 25,85	324,75 84 357,48	14 612,37 96,01	7 248,94 8 734,40
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	67,84 403,34 559,27	933,47 444,99 2 736,56	132,68 53,43 40,25	505,67 131 351,91	22 752,73 149,49	11 287,23 13 600,22
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	144,61 859,79 1 192,16	1 989,83 948,56 5 833,41	282,83 113,89 85,81	1 077,91 279 997,03	48 500,99 318,67	24 060,48 28 990,98
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 00	a) b) c)	53,03 315,32 437,22	729,76 347,88 2 139,37	103,72 41,77 31,47	395,32 102 687,18	17 787,44 116,87	8 824,03 10 632,26
2.90.2	— pink ex 0805 40 00	a) b) c)	55,89 332,30 460,76	769,05 366,61 2 254,56	109,31 44,02 33,16	416,60 108 216,58	18 745,24 123,16	9 299,18 11 204,78
2.100	Table grapes ex 0806 10 10	a) b) c)	135,33 804,65 1 115,71	1 862,22 887,72 5 459,30	264,69 106,58 80,31	1 008,78 262 040,45	45 390,55 298,23	22 517,45 27 131,75

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.110	Water melons 0807 11 00	a) b) c)	93,14 553,78 767,85	1 281,61 610,95 3 757,20	182,16 73,35 55,27	694,26 180 341,28	31 238,65 205,25	15 496,94 18 672,59
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 ex 0807 19 00	a) b) c)	70,10 416,80 577,92	964,60 459,83 2 827,84	137,10 55,21 41,60	522,54 135 733,30	23 511,67 154,48	11 663,73 14 053,87
2.120.2	— other ex 0807 19 00	a) b) c)	151,51 900,83 1 249,07	2 084,80 993,83 6 111,83	296,32 119,32 89,91	1 129,36 293 361,17	50 815,92 333,88	25 208,88 30 374,71
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>) ex 0808 20 50	a) b) c)	235,00 1 397,25 1 937,39	3 233,67 1 541,50 9 479,88	459,62 185,08 139,45	1 751,71 455 023,45	78 819,00 517,87	39 100,71 47 113,27
2.140.2	Other ex 0808 20 50	a) b) c)	77,79 462,51 641,31	1 070,40 510,26 3 138,01	152,14 61,26 46,16	579,85 150 620,89	26 090,50 171,42	12 943,03 15 595,33
2.150	Apricots 0809 10 00	a) b) c)	495,26 2 944,68 4 083,02	6 814,93 3 248,69 19 978,74	968,64 390,05 293,89	3 691,72 958 957,08	166 110,20 1 091,41	82 404,33 99 290,72
2.160	Cherries 0809 20 95 0809 20 05	a) b) c)	377,09 2 242,08 3 108,81	5 188,87 2 473,55 15 211,77	737,52 296,98 223,77	2 810,87 730 148,05	126 475,99 831,00	62 742,50 75 599,76
2.170	Peaches 0809 30 90	a) b) c)	172,80 1 027,42 1 424,59	2 377,77 1 133,49 6 970,71	337,97 136,09 102,54	1 288,06 334 586,29	57 956,92 380,80	28 751,40 34 643,17
2.180	Nectarines ex 0809 30 10	a) b) c)	180,52 1 073,31 1 488,22	2 483,97 1 184,11 7 282,04	353,06 142,17 107,12	1 345,59 349 529,85	60 545,44 397,81	30 035,52 36 190,43
2.190	Plums 0809 40 05	a) b) c)	191,38 1 137,89 1 577,77	2 633,44 1 255,37 7 720,24	374,31 150,72 113,56	1 426,56 370 562,97	64 188,78 421,75	31 842,92 38 368,21
2.200	Strawberries 0810 10 00	a) b) c)	335,93 1 997,34 2 769,46	4 622,48 2 203,55 13 551,32	657,02 264,57 199,34	2 504,04 650 448,28	112 670,42 740,29	55 893,80 67 347,62
2.205	Raspberries 0810 20 10	a) b) c)	750,86 4 464,41 6 190,24	10 332,06 4 925,32 30 289,62	1 468,55 591,35 445,56	5 596,99 1 453 867,69	251 838,44 1 654,68	124 932,59 150 533,91
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	1 822,37 10 835,32 15 023,98	25 076,36 11 953,96 73 514,22	3 564,25 1 435,23 1 081,39	13 584,13 3 528 600,36	611 222,90 4 015,97	303 216,85 365 352,38
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	a) b) c)	108,32 644,03 892,99	1 490,48 710,51 4 369,51	211,85 85,31 64,28	807,41 209 731,54	36 329,62 238,70	18 022,48 21 715,67

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	EUR FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.230	Pomegranates ex 0810 90 85	a) b) c)	347,17 2 064,18 2 862,14	4 777,16 2 277,29 14 004,80	679,01 273,42 206,01	2 587,84 672 214,86	116 440,82 765,06	57 764,23 69 601,34
2.240	Khakis (including sharon fruit) ex 0810 90 85	a) b) c)	310,96 1 848,87 2 563,59	4 278,87 2 039,75 12 543,99	608,18 244,90 184,52	2 317,91 602 097,48	104 295,11 685,26	51 738,96 62 341,36
2.250	Lychees ex 0810 90 30	a) b) c)	453,05 2 693,70 3 735,02	6 234,08 2 971,80 18 275,92	886,09 356,80 268,84	3 377,07 877 223,64	151 952,37 998,39	75 380,88 90 828,01

COMMISSION REGULATION (EC) No 837/2000

of 19 April 2000

imposing a provisional anti-dumping duty on imports of certain cathode-ray colour-television picture tubes originating in India, Malaysia, the People's Republic of China and the Republic of Korea

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as last amended by Council Regulation (EC) No 905/98 ⁽²⁾, and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) On 29 July 1999 the Commission announced by a notice (hereinafter referred to as 'Notice of Initiation') published in the *Official Journal of the European Communities* ⁽³⁾ the initiation of an anti-dumping proceeding with regard to imports of certain cathode-ray colour-television picture tubes originating in India, Lithuania, Malaysia, the People's Republic of China and the Republic of Korea. Another notice, clarifying the product description, was published on 20 October 1999 ⁽⁴⁾ (see recital 7).
- (2) The proceeding was initiated following a complaint lodged in June 1999 by the Task force against unfair business in Europe (TUBE) on behalf of the sole producer in the Community not related to exporting producers in the abovementioned countries, and contained sufficient prima facie evidence of dumping and of material injury caused thereby to justify the initiation of an anti-dumping proceeding.
- (3) The Commission officially advised the complainant Community producer, exporting producers and importers known to be concerned as well as the authorities of the exporting countries and the EC-Lithuania Association Council, of the opening of the proceeding. Interested parties were given an opportunity to make their views known in writing and to request a hearing within the time limit set in the Notice of initiation. The Lithuanian authorities and a number of exporting producers made their views known in writing. All parties which so requested within the specified time limits were granted a hearing.

- (4) In order to allow exporting producers in the People's Republic of China to submit a claim for market economy status or individual treatment, if they so wished, the Commission sent market economy status/individual treatment claim forms to the Chinese exporting producer known to be concerned and to the representatives of that country.

- (5) The Commission sent questionnaires to all parties known to be concerned. Replies were received from the sole complainant Community producer, one Community producer related to an exporting producer, four exporters/producers in the countries concerned, two related exporters/distributors and two importers in the Community which were also users of the product concerned. The Commission sought and verified all the information deemed necessary for a provisional determination of dumping, injury and Community interest and carried out verification visits at the premises of the following companies:

A. Community producer and related companies:

- Philips Components BV, Eindhoven, The Netherlands,
- Philips Components GmbH, Hamburg, Germany,
- Philips Components Miniwatt SA, Barcelona, Spain,
- Philips Iberica SA, Barcelona, Spain,
- Philips SpA, Monza, Italy.

B. Exporting producers in the countries concerned:

(a) Lithuania

- AB Ekranas, Panevezys.

Distributor related to the exporting producer

- Farimex AS, Geneva, Switzerland.

(b) Malaysia

- Chunghwa Picture Tubes (M) SDN.BHD, Shah Alam, Selangor Darul Ehsan,
- Samsung Electron Devices (M) SDN.BHD, Negeri Sembilan Darul Khusus.

- (6) The investigation of dumping and injury covered the period from 1 July 1998 to 30 June 1999 (hereinafter referred to as the 'IP'). The examination of trends in the context of the injury analysis covered the period from 1 January 1995 to 30 June 1999 (hereinafter referred to as 'the period considered').

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 128, 30.4.1998, p. 18.

⁽³⁾ OJ C 216, 29.7.1999, p. 3.

⁽⁴⁾ OJ C 303, 20.10.1999, p. 5.

B. PRODUCT

1. Product under consideration

- (7) The product under consideration is cathode-ray colour-television picture tubes with a diagonal measurement of the screen (i.e. the active part of the picture tube measured in a straight line) exceeding 33 cm but not exceeding 38 cm with a screen width/height ratio less than 1,5 and with a pitch (i.e. the gap between two lines of the same colour at the centre of the screen) of not less than 0,4 mm, currently classifiable within CN code ex 8540 11 11. After initiation of the investigation, the definition of the product under consideration originally stated in the Notice of initiation was clarified by the complainant and the revised description given above was published in the *Official Journal of the European Communities* on 20 October 1999 (see footnote 4).
- (8) The product under consideration is commonly designated as 14 inch (35,6 cm) colour picture tubes ('14 inch CPTs') and is marketed as such. It is usually sold on the market as a complete tube, which is the case for the complainant Community producer. However, some exporting producers sold 14 inch CPTs before they were completed, i.e. without one or more of the components or requiring a further adjustment. In these cases, 14 inch CPTs are described as 'bare' tubes (when certain components are not included) or as tubes with 'incomplete adjustment' (when an adjustment has not been made). The investigation has shown that these tubes already have all the essential characteristics of a complete 14 inch CPT in respect of their basic physical and technical characteristics. Therefore, they form a single product with complete 14 inch CPTs.
- (9) In addition, 14 inch CPTs as defined above were sold on the market by some exporting producers despite certain quality defects they had. These lower quality 14 inch CPTs (usually referred to as 'B grade' or 'second grade' or 'third grade') are usually used in game machines rather than televisions. Though their quality may be lower than that of a complete 14 inch CPT of standard quality, they have the same basic physical and technical characteristics. Accordingly, these lower quality 14 inch CPTs are also considered as being a single product together with the complete 14 inch CPTs of standard quality as defined above.

2. Like product

- (10) The Commission found that there was no difference between the basic physical and technical characteristics and uses of 14 inch CPTs exported to the Community from the countries concerned and those manufactured and sold in the Community by the Community industry (as defined at recital 40). It was also found that there was no difference between the 14 inch CPTs sold on the

Lithuanian and Malaysian markets ⁽¹⁾ and those exported from the countries concerned to the Community. It was therefore concluded that both these 14 inch CPTs produced and sold by the Community industry on the Community market and those sold on the domestic markets of Lithuania and Malaysia were, within the meaning of Article 1(4) of Regulation (EC) No 384/96 (hereinafter referred to as 'the Basic Regulation'), alike to 14 inch CPTs exported to the Community from the countries under investigation.

C. DUMPING

1. Malaysia

1.1. Normal value

- (11) In accordance with Article 2(2) of the Basic Regulation, the Commission first examined whether the domestic sales of the product concerned to independent customers had been made in sufficient quantities and in the ordinary course of trade.

In the case of one company, sales of 14 inch CPTs on the domestic market comprised complete tubes, tubes with an incomplete adjustment and 'bare' tubes, which all belong to the same single category of product concerned (see recital 8). However, since this company's exports to the Community were limited to complete tubes, only these tubes were considered in the calculation of the normal value.

In the case of the other company, sales of the product concerned on the domestic market comprised 'bare' tubes and complete tubes, while sales on the export market were entirely composed of complete tubes. As far as 'bare' tubes are concerned, they were excluded from the calculation of normal value because they had not been exported to the Community. As regards complete tubes, some of these tubes were of a lower quality and sold for export for use in game machines rather than televisions (see recital 9). Since the export volume of these tubes of lower-quality was not significant and since these products were sold on the domestic market in limited quantities and not in the ordinary course of trade, the Commission also excluded these tubes from the calculation of normal value.

⁽¹⁾ Sales on the Malaysian market were used to determine the normal value for India, the Republic of Korea and the People's Republic of China (see recitals 17, 22 and 31 respectively).

- (12) On the basis of this approach, it was found that for both exporting producers the domestic sales of complete tubes represented more than 5 % of the export sales of the like product to the Community and that all these domestic sales were profitable. It was therefore established that domestic sales of complete tubes were representative and in the ordinary course of trade, and they were therefore used for the determination of normal value, in accordance with Article 2(1) of the Basic Regulation.

1.2. Export price

- (13) As explained above, only sales of complete tubes of a standard quality (i.e. excluding those of a lower quality) were considered for the determination of the export price. Since both exporting producers had only exported complete tubes to independent customers in the Community, the export price was established on the basis of the prices actually paid or payable for the product concerned when sold for export to the Community, in accordance with Article 2(8) of the Basic Regulation.

1.3. Comparison

- (14) The normal value and export prices were compared on an ex-works basis. For the purpose of ensuring a fair comparison, due allowance in the form of adjustments was made for differences affecting price comparability, in accordance with Article 2(10) of the Basic Regulation. Accordingly, allowances for differences in discounts and rebates, transport, insurance, handling, loading and ancillary costs, packing, credit, after-sales costs and commissions were granted where applicable and justified.

1.4. Dumping margin

- (15) The dumping margin was established on the basis of a comparison of the weighted average normal value with the weighted average of export prices, in accordance with Article 2(11) and (12) of the Basic Regulation. This comparison showed the existence of dumping, the dumping margin being equal to the amount by which the normal value exceeded the export price. Expressed as a percentage of the cif import price at the Community border, duty unpaid, the provisional dumping margins are as follows:

- Samsung Electron Devices (M) SDN.BHD: 1,9 %,
- Chunghwa Picture Tubes (M) SDN.BHD: 5,2 %.

Since these two Malaysian producers accounted for almost all the Malaysian exports of the product concerned to the Community, the provisional residual dumping margin has been set at the level of the higher of the two dumping margins established, i.e. 5,2 %.

2. India

2.1. Cooperation

- (16) Two companies were mentioned in the complaint as producers of the product concerned, though for one company no exports to the Community were known. This company came forward and confirmed that it had not exported the product concerned to the Community during the IP. The other company, after having requested an extension for the compilation of the questionnaire reply (which was granted), did not make any submission. As a consequence this company was informed that it would be regarded as a non-cooperating party.

Exports of CPTs falling within CN code 8540 11 11 from India during the IP were substantial, and evidence (i.e. questionnaire replies by importers) confirmed that 14 inch CPTs had actually been imported from that country into the Community. As clear evidence of non-cooperation existed, findings in respect of India were established on the basis of the facts available, in accordance with Article 18 of the Basic Regulation.

2.2. Normal value

- (17) In order not to reward non-cooperation, and in the absence of a more appropriate basis, normal value was established as the weighted average of the highest normal values determined for representative transactions on the Malaysian domestic market for complete tubes.

2.3. Export price

- (18) The export price was established on the basis of evidence of actual prices provided in the replies to the questionnaire submitted by importers in the Community which declared they had imported the product concerned from India during the IP.

2.4. Comparison

- (19) The comparison of normal value and export price was made on an ex-works basis, and at the same level of trade, on the basis of the facts available. For the purpose of ensuring a fair comparison between the normal value and the export price, account was taken of differences in discounts and rebates, transport, insurance, handling, loading and ancillary costs, packing, credit, after-sales costs and commissions.

2.5. Dumping margin

- (20) The comparison of normal value and export price showed the existence of dumping. Expressed as a percentage of the cif import price at the Community border, duty unpaid, the provisional dumping margin is:
- all companies: 21,2 %.

3. Republic of Korea

3.1. Cooperation

- (21) All three companies mentioned in the complaint came forward after the initiation of the proceeding. Two companies declared that they had either not produced or not exported the product concerned to the Community during the IP, nor had they any plans to do so in the future. The third company said that they had exported limited quantities of the product concerned to the Community during the IP but they had no intention of doing so in the future, since they would shortly stop manufacturing the product under consideration. For these reasons, none of the abovementioned companies was willing to reply to the questionnaire.

Exports of CPTs falling within CN code 8540 11 11 from the Republic of Korea during the IP were substantial, and evidence (i.e. questionnaire replies by importers) confirmed that 14 inch CPTs had actually been imported from that country into the Community. As clear evidence of non-cooperation existed, findings in respect of the Republic of Korea were established on the basis of the facts available, in accordance with Article 18 of the Basic Regulation.

3.2. Normal value

- (22) In order not to reward non-cooperation, and in the absence of a more appropriate basis, normal value was established as the weighted average of the highest normal values determined for representative transactions on the Malaysian domestic market for complete tubes.

3.3. Export price

- (23) The export price was established on the basis of evidence of actual prices provided in the replies to the questionnaire submitted by importers in the Community which declared they had imported the product concerned from the Republic of Korea during the IP.

3.4. Comparison

- (24) The comparison of normal value and export price was made on an ex-works basis, and at the same level of trade, on the basis of the facts available. For the purpose of ensuring a fair comparison between the normal value and the export price, account was taken of differences in discounts and rebates, transport, insurance, handling, loading and ancillary costs, packing, credit, after-sales costs and commissions.

3.5. Dumping margin

- (25) The comparison of normal value and export price showed the existence of dumping. Expressed as a percentage of the cif import price at the Community border, duty unpaid, the provisional dumping margin is:

— all companies: 20,4 %.

4. People's Republic of China

4.1. Cooperation

- (26) The only producer from the People's Republic of China known to the Commission cooperated in the proceeding. The Commission estimated, on the basis of its reply to the questionnaire and Eurostat data, that the exports of this producer represented about 70 % of the total exports of CPTs falling within CN code 8540 11 11. The cooperating producer has contested the accuracy of Eurostat figures, as this CN code also covers tubes other than 14 inch CPTs. This issue will be addressed in the definitive findings. Provisionally, the determination of dumping for the People's Republic of China was based on the reply of the cooperating producer.

4.2. Market economy status and individual treatment

- (27) Article 2(7)(b) of the Basic Regulation states that, in anti-dumping investigations concerning imports from the People's Republic of China, normal value shall be determined in accordance with Article 2(1) to (6) for those producers which can show they meet the criteria laid down in Article 2(7)(c), i.e. that market economy conditions prevail in respect of the manufacture and sale of the product concerned.
- (28) The only Chinese producer cooperating in the investigation submitted a claim for market economy status and individual treatment, which was examined by the Commission. It was found that:
- although the producer was a legal entity, it was a manufacturing plant without company status, and therefore no Board of Directors or Articles of Association. Moreover, it could only sell on the domestic market and did not have an export licence. It was therefore obliged to channel its exports through a related entity which had company status and was licensed to export,
 - the plant's accounts and audit reports were not made public. Since the audit reports were submitted to the State Council but not available to management for consideration, they could not be examined by the Commission.

- (29) In view of the above, the Commission determined that the producer did not fulfil the criteria for being granted either market economy status under Article 2(7)(c) of the Basic Regulation or individual treatment. The above determination was disclosed to the producer concerned and the Community industry, which were given an opportunity to comment. No comments were received.

4.3. Normal value

4.3.1. Analogue country

- (30) In view of the fact that normal value for the People's Republic of China had to be established pursuant to Article 2(7)(a) of the Basic Regulation, India had been envisaged in the Notice of initiation as an appropriate market economy third country (or 'analogue country') for the purpose of establishing normal value in respect of the People's Republic of China. Parties were invited to comment. The sole cooperating Chinese producer suggested that the Republic of Korea or, alternatively, Malaysia would be a better choice. In view of the fact that during the investigation no company from either India or the Republic of Korea came forward to cooperate in the proceeding, the Commission subsequently proposed that Malaysia be selected. Since no alternative country was suggested in the comments received, the Commission finally decided that Malaysia should be retained as analogue country.

4.3.2. Determination of normal value

- (31) The sole cooperating Chinese producer only exported complete tubes to the Community. It was found that the sales of complete tubes made by the two Malaysian producers on their domestic market during the IP were representative and in the ordinary course of trade (see recital 12). Normal value for the People's Republic of China was therefore established by calculating the weighted average selling price of complete tubes sold by the two Malaysian exporting producers on their domestic market during the IP.

4.4. Export price

- (32) All export sales of the Chinese cooperating producer to the Community were made to independent customers through a Chinese-based related entity of the producer in question. The export price was established on the basis of the prices actually paid or payable for the product concerned when sold for export to the Community, in accordance with Article 2(8) of the Basic Regulation.

4.5. Comparison

- (33) The normal value and export prices were compared on a fob basis. For the purpose of ensuring a fair comparison, due allowance in the form of adjustments was made for differences affecting price comparability, in accordance with Article 2(10) of the Basic Regulation. Accordingly, allowances for differences in discounts and rebates, transport, insurance, packing, credit, after-sales costs and commissions were granted where applicable and justified.

4.6. Dumping margin

- (34) In accordance with Article 2(11) and (12) of the Basic Regulation, the dumping margin was established on the basis of a comparison of the weighted average normal value with the weighted average export price of the sole cooperating producer. This comparison showed the existence of dumping, the margin of dumping being equal to the amount by which the normal value exceeded the export price, expressed as a percentage of the cif import price at the Community border, duty unpaid. The dumping margin established as described above was retained as the provisional countrywide dumping margin:

— Country-wide dumping margin: 11,0 %.

5. Lithuania

5.1. Normal value

- (35) In accordance with Article 2(2) of the Basic Regulation, the Commission examined whether domestic sales of the product concerned to independent customers had been made in sufficient quantities and in the ordinary course of trade. Sales of the product concerned on the domestic market consisted of complete tubes, including tubes of lesser quality (see recital 9), referred to as 'second grade' and 'third grade' tubes. Sales to the Community consisted of complete tubes, including 'second grade' tubes. Since there were no domestic sales of second and third grade tubes in the ordinary course of trade and since exports of second grade tubes to the Community during the IP were insignificant (and there were no exports of third grade tubes), the Commission excluded both second and third grade tubes from the calculation of normal value. It was found that domestic sales of complete tubes represented more than 5 % of the export sales of the like product to the Community and that more than 80 % of these domestic sales had been made in the ordinary course of trade. Accordingly, all domestic sales of standard quality complete tubes were used for the determination of normal value, in accordance with Article 2(1) of the Basic Regulation.

5.2. Export price

- (36) As explained above, only sales of complete tubes of a standard quality (i.e. excluding those of a lower quality) were considered for the determination of the export price.

The export price was established on the basis of the prices actually paid or payable for the product concerned when sold for export to the Community, in accordance with Article 2(8) of the Basic Regulation.

5.3. Comparison

- (37) The normal value and export prices were compared on an ex-works basis. For the purpose of ensuring a fair comparison, due allowance in the form of adjustments was made for differences affecting price comparability, in accordance with Article 2(10) of the Basic Regulation. Accordingly, allowances for differences in transport, insurance, handling, loading and ancillary costs, credit, after-sales costs and commissions were granted where applicable and justified.

Most sales of complete tubes were made to the Community through a related company located in Switzerland. Since this company's function can be considered similar to that of a trader acting on a commission basis, an adjustment based on the company's own selling, general and administrative expense rate and a reasonable margin for profit was deducted from the export prices charged to independent customers in the Community.

5.4. Dumping margin

- (38) The dumping margin was established on the basis of a comparison of the weighted average normal value with the weighted average export price in accordance with Article 2(11) and (12) of the Basic Regulation. This comparison showed the existence of dumping, the dumping being equal to the amount by which the normal value exceeded the export price. Expressed as a percentage of the cif import price at the Community border, duty unpaid, the provisional dumping margin is: 1,3 %.

Since the sole cooperating Lithuanian producer accounted for all the Lithuanian exports of the product concerned to the Community, the dumping margin provisionally established is valid for the whole country.

D. INJURY

1. Definition of the Community industry

- (39) There are three operators producing 14 inch CPTs in the Community:
- one operator who lodged the complaint and cooperated in the investigation,
 - one operator who replied to the questionnaire but was related to an exporting producer under investigation,
 - one operator who did not reply to the questionnaire and who, according to the complaint, was related to an exporting producer under investigation.
- (40) The latter two companies were excluded from the definition of the Community industry as it could not be shown that their situation was not affected by their relationship with exporting producers. Accordingly it was considered that only the complainant company

constitutes the Community industry within the meaning of Article 4(1) of the Basic Regulation, hereinafter referred to as 'the Community industry'. The other two operators are hereinafter referred to as 'other operators in the Community'.

2. Analysis of the situation in the Community 14 inch CPTs market

2.1. Consumption in the Community

- (41) Community consumption was based on the combined volume of sales made by the Community industry in the Community and Eurostat information on imports from the countries concerned and from other third countries.

2.1.1. Sales made by other operators in the Community

- (42) The sales data relating to two other operators in the Community market could not be included in the assessment of consumption. Firstly, because one of them did not cooperate in the investigation and no other reliable estimate was available and secondly because the other did not provide consistent information on its sales on the Community market for the period considered.

2.1.2. Imports

- (43) During the investigation, large discrepancies were found to exist between the export data available or verified by the Commission and Eurostat import statistics. These discrepancies were particularly marked for the years 1995 and 1996. Therefore, for the assessment of consumption the question arose whether the export data verified by the Commission rather than Eurostat import statistics should be used.
- (44) On the one hand, Eurostat import statistics include CPTs with a diagonal measurement of the screen not exceeding 42 cm. It therefore goes slightly beyond the definition of the product under consideration and also includes other tubes, e.g. 15 inch (38,1 cm) and 16 inch (40,6 cm) CPTs. However, from the information available for some countries concerned, it was found that the import figures for CPTs other than those under investigation only represent about 5 % of the imports reported by Eurostat. The investigation has not brought to light any information which would suggest that the situation is any different for imports from other third countries. On the other hand, the data verified by the Commission is not complete for the period considered given that a number of exporting producers did not cooperate in the investigation. Because of these uncertainties, it is considered that Eurostat statistics are the sole reliable, complete and consistent source of information for the assessment of all imports of the product concerned into the Community.

2.1.3. Total consumption

- (45) On this basis, between 1995 and the IP, consumption in the Community significantly decreased over the period considered, namely by 48 %:

Table 1

Consumption	1995	1996	1997	1998	IP
Units	6 717 805	5 757 320	4 553 044	3 941 424	3 481 020
Index	100	86	68	59	52

Source: Questionnaire replies of the Community industry and Eurostat.

- (46) This decrease in Community consumption is attributable to the fact that, from 1995 onwards, part of the production of 14 inch colour televisions (hereinafter referred to as CTVs) in the Community has been partly or totally transferred to central and eastern Europe, in particular to Poland, Hungary and the Czech Republic.

2.2. Imports from the countries concerned

2.2.1. *De minimis* dumping margin

- (47) The margin of dumping relating to Lithuania was provisionally established below the *de minimis* threshold, whereas those for India, Malaysia, the People's Republic of China and the Republic of Korea were above this threshold. Although the Commission continues the investigation in respect of imports from Lithuania, these imports were provisionally not considered in the investigation of injury to the Community industry.

2.2.2. Negligible imports

- (48) One Chinese exporting producer who cooperated in the investigation claimed to be the only one to export the product concerned to the Community market and contested the figure for imports in the Eurostat statistics. According to this producer, less than the 75 626 units reported by Eurostat were actually imported during the IP and such lesser imports ought to be considered as negligible.
- (49) Given that, based on Eurostat, the Commission could not exclude that other producers might exist in the People's Republic of China, it was considered that the imports were above the *de minimis* threshold. Therefore the claim that imports originating in China were negligible had to be rejected.

2.2.3. Cumulative assessment of imports

- (50) The Commission considered whether imports of 14 inch CPTs originating in India, Malaysia, the People's Republic of China and the Republic of Korea (hereinafter referred to as 'the countries concerned') should be assessed cumulatively in accordance with Article 3(4) of the Basic Regulation.
- (51) The Commission therefore examined whether all the criteria for cumulating imports from the four remaining countries concerned were met. It was found that:
- the margin of dumping for the countries concerned as shown above, were more than *de minimis*,
 - the volume of imports from each of the countries concerned was not negligible,
 - the analysis of the conditions of competition between imported 14 inch CPTs and the like Community product also showed that: (i) 14 inch CPTs from all exporting countries concerned and Community-produced 14 inch CPTs are like products; (ii) the Community industry and the exporting producers were selling the like product through the same sales channels and to the same categories of customers; (iii) a similar pricing policy was followed by all exporting producers concerned; (iv) the same applies for the imports of the countries concerned among each other.

Accordingly, the Commission concluded that all conditions justifying the cumulation of the imports from the countries concerned were met.

2.2.4. Volume of imports

- (52) Between 1995 and the IP the volume of imports originating from the countries concerned into the Community decreased by 44 %:

Table 2

Imports from countries concerned (excluding Lithuania)	1995	1996	1997	1998	IP
Total units	1 985 201	1 060 242	564 527	1 168 367	1 104 197
<i>Index</i>	100	53	28	59	56

Source: Eurostat.

- (53) The trend in imports has to be seen in the light of the overall evolution of consumption, the decrease of which was more pronounced. Furthermore, the above table shows that the imports concerned significantly decreased from 1995 to 1997 (– 72 %) but recovered in the period 1997 to the IP (+ 96 %) although consumption decreased by 24 %.

2.2.5. Market share of imports

- (54) The market share held by imports from the countries concerned developed as shown below:

Table 3

Market share of the countries concerned (excluding Lithuania)	1995	1996	1997	1998	IP
Total	29,3 %	18,4 %	12,4 %	29,6 %	31,7 %
<i>Index</i>	100	62	42	101	108

Source: Questionnaire replies of Community industry, and Eurostat.

The above table shows that the market share held by the exporting producers concerned sharply decreased in 1996 and 1997, but recovered during 1998 and the IP. Indeed, in the period 1995 to 1997, market share decreased by 58 % but in the period 1997 to the IP, it increased by 156 %. Overall, the market share of imports in this declining market increased by 8 %.

2.2.6. Average price of imports

- (55) As shown in the table below, from 1995 up to the IP, 14 inch CPT sales prices charged by the exporting producers concerned on the Community market decreased by 11 %. The decreasing trend is even more severe when one looks at the period between 1997 and the IP when the average import price fell by 19 %:

Table 4

Average import price	1995	1996	1997	1998	IP
ECU/unit	39,6	41,9	43,7	38,3	35,3
<i>Index</i>	100	106	110	97	89

Source: Eurostat.

- (56) Within the period considered, it was found that average import prices were increasing until 1997. This coincided with a sharp decrease in the market share of the exporting producers from the countries concerned, namely from 29.3 % to 12.4 %. Between 1997 and the IP, it was found that import prices in turn decreased by 19 %. This happened at a time when the exporting producers concerned regained a considerable market share (19,3 percentage points).

2.2.7. Price undercutting

- (57) For the determination of price undercutting, the Commission analysed data referring to the IP. It is recalled that the investigation has shown that there is only one type of 14 inch CPT which is produced and sold by the Community industry on the Community market. Price undercutting was established on the basis of a comparison of the sales prices of that type of 14 inch CPT charged by the Community industry and the sales prices charged by the exporting producers concerned. For the same type all prices were compared after deducting discounts and rebates.
- (58) The sales prices taken for the exporting producers concerned were those at cif Community border level, including customs duties. The sales prices of the Community industry were adjusted where necessary to an ex-works level, i.e. excluding transport costs.
- (59) The results of the comparison (on a weighted-average to weighted-average basis) showed that the average price undercutting margins, expressed as a percentage of the Community industry's average selling prices, were 14,7 % for India, 4,6 % for Malaysia, 16,7 % for the People's Republic of China, and 10,8 % for the Republic of Korea.

2.3. *Economic situation of the Community industry*

2.3.1. Preliminary remark

- (60) Given that only one Community producer constitutes the Community industry, data relating to the Community industry has been indexed in order to preserve the confidentiality of the data submitted in accordance with Article 19 of the Basic Regulation. In accordance with Article 3(4) of the Basic Regulation the Commission examined all relevant economic factors and indices having a bearing on the state of the industry.

2.3.2. Production capacity and production

- (61) As regards production capacity, the investigation showed that the Community industry had two sites of production during the period considered. Production definitively stopped in one site in June 1999 and was taken over by the other site.
- (62) However, it should be noted that production did not shift at once but was moved gradually from one site of production to the other, in particular from 1997 up to the end of the IP. Accordingly, the increase in capacity which occurred during the period that production activity was being restructured was merely theoretical. In fact, real capacity was maintained in the process of closing one production site while it was simultaneously increased in the other production site. It is considered that overall, the original level of production capacity was maintained throughout the period considered.
- (63) According to the Community industry, this restructuring was necessary to improve the production process and the quality of 14 inch CPTs with a view to achieving economies of scale. Indeed, as shown in the profitability section below, the restructuring of production activity allowed the Community industry to make substantial cost of production savings during 1998 and the IP.

Table 5

Production (units)	1995	1996	1997	1998	IP
<i>Index</i>	<i>100</i>	<i>113</i>	<i>128</i>	<i>116</i>	<i>109</i>

Source: Questionnaire replies of the Community industry.

- (64) Production of the Community industry increased overall by about 9 %. For the reasons explained above, there was a 28 % increase in production which occurred in the period 1995 up to 1997, but this was followed by a decline of 15 % until the IP.

2.3.3. Sales volume and average sales price

(a) Preliminary remark

- (65) The investigation showed that the Community industry sold 14 inch CPTs to both related and unrelated customers on the Community market. These sales were all included in the assessment of consumption and in the evolution of sales volume below. However, although sales prices and price evolution for both categories of customer were very similar during the period considered, they are shown separately below.

(b) Sales volume

- (66) The total volume of 14 inch CPTs sold by the Community industry on the Community market to both related and unrelated customers decreased by 55 % during the period considered:

Table 6

Sales	1995	1996	1997	1998	IP
<i>Index</i>	100	93	61	46	45

Source: Questionnaire replies of the Community industry.

- (67) In line with the significant decrease in consumption, sales in volume fell continuously during the period considered. This fall was less pronounced than the decrease in consumption until 1997, when imports from the countries concerned were losing market share. Subsequently, when imports from the countries concerned massively returned on the Community market, the Community industry's sales volume declined more than consumption: sales dropped by 55 % whereas consumption decreased by 48 %.

(c) Average sales price and price evolution

- (68) The investigation showed that prices charged by the Community industry to related customers were at arms' length. Prices charged to both related and unrelated customers on the Community market were more or less the same and followed a similar decreasing trend during the period considered. As shown below, the weighted average unit prices of the product concerned sold by the Community industry to unrelated customers decreased by 21 % over the period considered:

Table 7

Average Community industry price — Evolution	1995	1996	1997	1998	IP
— <i>Index unrelated</i>	100	101	98	90	79
— <i>Index related</i>	100	97	96	88	75

Source: Questionnaire replies of the Community industry.

- (69) Prices charged to related customers decreased by 25 % over the same period. The above table shows that prices were stable in the period 1995 to 1997 and started to decrease significantly after 1997 when dumped imports returned on the market.

2.3.4. Market share

- (70) The development of the Community industry's total sales volume compared to that of Community consumption shows that the market share held by the Community industry decreased significantly during the period considered:

Table 8

Market share	1995	1996	1997	1998	IP
<i>Index</i>	100	109	88	79	86

Source: Questionnaire replies of the Community industry, and Eurostat.

- (71) Overall, the Community industry lost 6 percentage points of market share in absolute terms during the IP. The main decrease (loss of 9 percentage points) occurred between 1996 and 1997. Subsequently, in 1998, when the countries concerned gained considerable market share (over 19 percentage points), the Community industry lost 4 additional percentage points.

2.3.5. Stocks

(72)

Table 9

Stocks	1995	1996	1997	1998	IP 30 June 1999
<i>Index</i>	100	171	251	225	na

Source: Questionnaire replies of the Community industry.

The investigation showed that between 1995 and 1998 stocks increased by 125 %. The level of stocks was significantly higher at the end of the IP than in 1998. However, the available information for the full years 1995 up to 1998 suggests that at the end of December stocks were at their minimum level as compared to levels within a given year. Consequently, the level of stocks at the end of the IP was not considered to be meaningful in the present case.

- (73) Nevertheless, a trend toward increased stocks could be observed during the period considered. This development suggests that although production increased by 9 % over that period, the part which was not sold to third countries went into stocks. This observation is in line with the 55 % decreased sales reported previously and strengthens the point made above concerning the loss of market share by the Community producers.

2.3.6. Profitability

- (74) During the period considered, profitability expressed as percentage of net sales value developed as follows:

Table 10

Profitability	1995	1996	1997	1998	IP
<i>Index</i>	100	373	144	75	- 632

Source: Questionnaire replies of the Community industry.

- (75) As mentioned in recital 63, the Community industry managed to reduce its costs of production between 1998 and the IP. Although the reduction was as high as 16 %, it incurred losses during the IP, whereas in previous years it had marginal profits. In absolute terms, around 4 percentage points of profit were lost during the period considered. This suggests that without the restructuring of its activities the losses of the Community industry would have been much higher.
- (76) Again the above table shows that profitability improved from 1995 to 1996 but continuously deteriorated from 1997 up to the IP.

2.3.7. Investments

(77)

Table 11

Investments	1995	1996	1997	1998	IP
<i>Index</i>	100	874	72	36	126

Source: Questionnaire replies of the Community industry.

The investigation showed that in 1996 large investments were made in restructuring production of 14 inch CPTs in the Community. At that time the Community industry implemented its decision to close one of its two production sites of 14 inch CPTs in the Community and to increase the capacity of its other production plant. As already mentioned above, the idea was to gradually increase capacity at one production site while decreasing it at the other until it actually ceased production of 14 inch CPTs in June 1999.

- (78) During the IP, investments were mainly made on buildings while expenditure with respect to machinery and equipment returned to average levels for the period considered (excluding 1996).

2.3.8. Employment

(79)

Table 12

Employment	1995	1996	1997	1998	IP
<i>Index</i>	100	116	119	97	103

Source: Questionnaire replies of the Community industry.

The above table shows that employment increased by 19 % from 1995 up to 1997. However, employment levels decreased by 13 % between 1997 and the IP, once restructuring was under way.

2.3.9. Conclusion on the situation of the Community industry

- (80) The above analysis showed that, after decreasing (– 72 %) in the period 1995 to 1997, the volume of dumped imports increased in the period 1997 to the IP (+ 96 %) when consumption decreased by 24 %.
- (81) The investigation also revealed that during the period considered production of 14 inch CPTs increased by 9 %, but most of the economic indicators pertaining to the Community industry followed a significant decreasing trend: sales prices (– 21 %), profitability (loss of around 4 percentage points), sales volume (– 55 %) and market share (– 6 percentage points). The development of the economic situation of the Community industry was particularly negative in the period between 1997 and the IP: production decreased by 15 %, sales prices by 19 %, the loss in profitability was around 4,1 percentage points and employment decreased by 13 %.

- (82) In addition, it should be noted that despite a significant reduction of costs of production (– 16 %) profitability, which was positive in the previous years, became negative during the IP. In addition, price undercutting margins ranging between 4,6 % to 16,7 % have been established for low-priced dumped imports from the countries concerned. Consequently, the Community industry suffered significant price pressure on the Community market, as the price decrease of 21 % indicates.
- (83) In the light of the foregoing, in particular the decrease in sales price and profitability, the Commission has concluded that the Community industry has suffered injury which can be classified as material within the meaning of Article 3 of the Basic Regulation.

E. CAUSATION

1. Introduction

- (84) In order to reach its conclusions on the cause of the injury suffered by the Community industry, the Commission examined the impact of all known factors and their consequences on the situation in that industry. Such analysis ensures that any injury caused by factors other than dumped imports is not attributed to the dumped imports.

2. Effect of the dumped imports

- (85) The present investigation has shown that because of the significant fall in consumption, all the operators on the Community market lost sales volume. Nevertheless, it was found that the losses of the exporting producers concerned were lower than the decrease in consumption whereas the losses in sales volume by the Community industry were relatively higher (44 % loss of the exporting producers compared with 55 % loss of the Community industry, in relation to a 48 % decrease in consumption between 1995 and the IP).
- (86) It was also found that, as a consequence, the Community industry lost 6 percentage points of market share during the period considered. The negative situation was more pronounced in the period 1996 up to the IP (– 21 %) when the Community industry lost 10 percentage points.
- (87) During the period considered, despite the considerable reduction of the Community market for 14 inch CPTs, the exporting producers concerned managed to increase their share of the Community market (+ 2,4 percentage points). In the period 1996 to the IP, low-priced dumped imported 14 inch CPTs from the countries concerned gained over 13 percentage points of the market share. In the period 1997 to the IP, the gain in market share was over 19 percentage points.
- (88) Consequently the volume of dumped imports increased considerably in relative terms, in particular in the period 1997 to the IP. This coincided with losses made by the Community industry in terms of market share and losses in sales volume which exceeded the fall in consumption.
- (89) The investigation showed that the prices charged by the countries concerned in the Community market decreased by 11 % during the period considered. It also showed that the decrease in sales prices was even higher between 1997 and the IP (– 19 %), as the decrease in the period 1997 to 1998 of 12 % was followed by a further decrease of 8 %.
- (90) During the period considered the Community industry had to decrease its sales prices by 21 %. Prices decreased significantly in the period 1997 to 1998 (– 8 %) and continued to decrease in the period 1998 to IP (– 12 %). The surge (+ 96 %) of low-priced dumped imports from the countries concerned in the period 1997 to the IP therefore coincided with the significant decrease in the Community industry's sales prices.
- (91) The investigation showed that Community industry prices were higher than the prices of dumped imports during the period considered. During the IP, the exporting producers concerned were significantly undercutting the Community industry's prices. Price undercutting margins ranging from 4,6 % to 16,7 % were found to exist.

- (92) As it was established that imported and Community produced 14 inch CPTs are like products, offered through similar sales channels in the Community market, the presence of the high volume of dumped 14 inch CPTs imported from the countries concerned has had a significant impact on that market. Furthermore, the market being price transparent, the low prices offered by the exporting producers in question, well known to potential users on the Community market, had a significant impact on the level of prices in the market overall.
- (93) As a consequence, when faced with low priced imports originating in the countries concerned, the Community industry' had no choice than to follow the trend of low prices of the dumped imports, with serious negative consequences on profitability.
- (94) Based on the above, the low-priced dumped imports can be said to have had a significant negative impact on the situation of the Community industry.

3. Impact of other factors

3.1. Development of consumption

- (95) The investigation showed that consumption continuously decreased during the period considered. Overall, consumption in the Community market decreased by 48 % in volume terms and by 57 % in value terms indicating a large decline of the 14 inch CPT market.
- (96) It has been argued that injury to the Community industry is the result of the fact that consumption in the Community market during the investigation period plummeted dramatically due to a wave of relocation of the production of 14 inch CTVs to central and East European countries. It is indisputable that the decrease in the Community 14 inch CPT market is partly the result of this relocation. However, this relocation can not explain the loss in market share of the Community industry nor can it explain the price undercutting found.

3.2. Imports of 14 inch CPTs from other third countries

- (97) Total imports of 14 inch CPTs into the Community and average import prices from countries other than India, Malaysia, the People's Republic of China and the Republic of Korea developed as follows:

Table 13

Imports	1995	1996	1997	1998	IP
Units	1 776 720	1 924 514	2 172 571	1 387 015	1 036 171
Index	100	108	122	78	58
ECU/unit	42,6	42,5	42,9	39,7	38,3
Index	100	100	101	93	90

Source: Eurostat.

- (98) It has been argued that injury to the Community industry has been caused by imports from Poland, in particular given the increased import volumes between 1995 and 1997.
- (99) The Commission considers that such an increase in the volume of imports is not relevant for the investigation of the cause of injury given that injury to the Community industry has to be established for the IP. In this context, it was found that imports from Poland decreased by 90 % over the period considered and that import prices from that country were at the level of those of the Community industry. These findings therefore suggest that the contribution of such imports to the price deterioration noticed in the market, if any, was limited.

- (100) It has further been argued that since the Community industry imported low-priced 14 inch CPTs from Brazil, it thereby inflicted injury on itself. The investigation has shown, that the Community industry's imports from Brazil were from a related company in order to compensate for a slowdown of production caused by the restructuring of a production line and a social action in 1998 and in the IP. In addition, the subsequent resale price that the Community industry charged to its customers on the Community market for these CPTs was the same as that for its own produced 14 inch CPTs. Consequently, it is considered that these imports could not have negatively affected the market, and in particular the sales prices of the product under consideration.
- (101) Finally, the development in the indicative unit import price of other third countries during the period considered reveals that their prices were higher than those of the countries concerned, in particular during 1998 and the IP. On this basis, it cannot entirely be excluded that imports into the Community market from other third countries of 14 inch CPTs have had an impact on the economic situation of the Community industry.

4. Conclusion on causation

- (102) It cannot be excluded that factors other than dumped imports from the countries concerned, in particular the imports from other third countries and the significant reduction in Community consumption, contributed to the difficult state of the Community industry. However, these factors cannot break the causal link between the injury established and the imports concerned as shown by the substantial price decreases and price undercutting attributable to the countries concerned. Indeed, the behaviour of the exporting producers from the countries concerned had negative consequences on the situation of the Community industry, notably on its profitability. It was therefore concluded that these imports, taken in isolation, have caused material injury to the Community industry.

F. COMMUNITY INTEREST

1. Introduction

- (103) The Commission examined, on the basis of all the evidence submitted, whether, despite the injurious effects of the dumped imports, compelling reasons existed which could provisionally lead to the conclusion that it would not be in the Community interest to impose measures in this particular case. For this purpose, and pursuant to Article 21(1) of the Basic Regulation, the Commission considered, on the basis of the information available, the impact of measures on all parties involved in the proceeding, and also the consequences of not taking measures.

2. Interest of the Community industry

- (104) The Community industry has been suffering from low priced imports of 14 inch CPTs. The objective of the eventual adoption of anti-dumping measures is to reestablish fair competition on the Community market between the Community industry and their exporting counterparts in countries concerned.
- (105) The Community industry has been making considerable efforts to improve its productivity in recent years, in an attempt to lower its cost of production and to enhance its competitiveness on this market. The Community industry rationalised considerably during the period considered. By way of example, the Community producer shut down one of its production facilities in an effort to reduce costs and to improve productivity.
- (106) In view of the nature of the injury suffered by the Community industry the Commission considers that, in the absence of the imposition of anti-dumping measures, a further deterioration of the situation of the Community industry is quite probable. This could entail a further reduction in numbers employed.
- (107) The adoption of anti-dumping measures would therefore be in the interest of the Community industry.

3. Impact on importers and users

- (108) The Commission sent questionnaires to 19 known importers unrelated to the exporting producers in the countries concerned, as well as to four users of 14 inch CPTs in the Community. None of the users answered the questionnaire sent by the Commission, whereas two importers which were also users submitted replies. However, the replies of the two importers were not sufficiently complete to be used in the framework of the present investigation. Therefore it was decided that these importers could not be considered as cooperating in the investigation.
- (109) Since no evidence was provided by the users concerning any potential disadvantage that the anti-dumping measures could bring to their business, no subsequent analysis was performed.
- (110) On the basis of the above, and in particular the lack of interest in participating in the proceeding, it can be concluded that the imposition of anti-dumping measures against imports of 14 inch CPTs from the countries concerned would not lead to any significant deterioration in the situation of users.

4. Impact on the competitive environment in the Community market

- (111) It has been argued that the imposition of anti-dumping measures would strengthen the position of the complainant Community industry which already represents 100 % of Community production and holds 38 % of the Community market. It has been claimed that following the imposition of measures, the Community industry would gain a quasi-monopolistic position in the 14 inch CPT market.
- (112) However, it can be concluded, on the facts available, that from an economic point of view the imposition of anti-dumping measures at the level proposed would not close the Community' to imports from the exporting producers, and they would continue to be present on the market.
- (113) Measures, therefore, are expected to ensure fair competition conditions for the Community industry and will merely reestablish fair trading conditions. Not imposing measures in the present case would maintain and certainly amplify the distortion of competition, resulting in further deterioration in the situation of the Community industry.

5. Conclusion

- (114) On the basis of the above facts and considerations in particular, and having examined the arguments submitted by the Community industry and Community importers of the product concerned, it has been concluded that there are no compelling reasons not to impose measures concerning imports from the People's Republic of China, India, the Republic of Korea and Malaysia.
- (115) On the contrary, the imposition of anti-dumping measures is necessary to prevent further aggravation of the injury already suffered by the Community industry and to preserve employment. Furthermore, anti-dumping measures will ensure competitive conditions of fair pricing and prevent the continuation of injury to the Community industry.

G. PROVISIONAL MEASURES

1. Provisional injury elimination level

- (116) It was considered which amount of duty was necessary to increase import prices to a non-injurious level which would allow the Community industry to cover its costs of production and obtain a reasonable profit. In this respect, a profit margin of 8 % on turnover before tax was considered appropriate in order to allow the Community industry to reach the level of profit it could reasonably expect to obtain in the absence of injurious dumping.

- (117) Accordingly, injury elimination levels were determined as the difference between the above non-injurious level on the one hand, and the actual net sales price of the imported 14 inch CPTs used for the undercutting calculation on the other hand. This difference was then expressed as a percentage of the cif import price at the Community frontier customs duty unpaid.

2. Provisional measures

- (118) In accordance with Article 7(2) of the Basic Regulation, as the injury margins for India, Malaysia, the People's Republic of China and the Republic of Korea were higher than the dumping margins, the provisional anti-dumping duty should be set at the level of the latter. As regards one Malaysian company for which the dumping margin found is below the 2 % threshold set in Article 9(3) of the Basic Regulation, a provisional anti-dumping duty of 0 % should be imposed. In view of the results of the investigation concerning Lithuania, and considering that the dumping margin found in this case is also below the 2 % threshold set in Article 9(3) of the Basic Regulation, no provisional measures should be imposed in respect of this country. The Commission will continue to investigate and consider any further evidence submitted.
- (119) The individual company provisional anti-dumping duty rates specified in this Regulation were established on the basis of the findings of the present investigation. Therefore, they reflect the situation found during that investigation with respect to these companies. These duty rates (as opposed to the countrywide duty applicable to 'all other companies') are thus exclusively applicable to imports of products originating in the country concerned and produced by the companies and thus by the specific legal entities mentioned. Imported products produced by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.
- (120) Any claim requesting the application of these individual company provisional anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission ⁽¹⁾ forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for example that name change or that change in the production and sales entities. The Commission, if appropriate, will, after consultation of the Advisory Committee, amend the Regulation accordingly by updating the list of companies benefiting from individual duty rates.

H. FINAL PROVISION

- (121) In the interest of sound administration, a period should be fixed within which the interested parties may make their views known in writing and request a hearing. Furthermore it should be stated that the findings made for the purpose of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive measures,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of cathode-ray colour-television picture tubes with a diagonal measurement of the screen (i.e. the active part of the picture tube measured in a straight line) exceeding 33 cm but not exceeding 38 cm, with a screen width/height ratio less than 1,5 and with a pitch (i.e. the gap between two lines of the same colour at the centre of the screen) of not less than 0,4 mm, originating in India, Malaysia, the People's Republic of China and the Republic of Korea, falling within CN code ex 8540 11 11 (TARIC code 8540 11 11 94).

⁽¹⁾ European Commission,
Directorate-General for Trade,
Directorate C, DM24-8/38,
Rue de la Loi/Wetstraat 200,
B-1049 Brussels.

2. The rate of the provisional anti-dumping duty applicable to the net free-at-Community-frontier price, before duty, for the products produced by the following companies, shall be as follows:

Country	Company	Provisional rate of duty (%)	Taric additional code
Malaysia	Samsung Electron Devices (M) SDN.BHD, Negeri Sembilan, Darul Khusus	0,0	A117
	All other companies	5,2	A999
India	All companies	21,2	—
Republic of Korea	All companies	20,4	—
People's Republic of China	All companies	11,0	—

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

4. The release into free circulation in the Community of the product referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

1. Without prejudice to Article 20 of Regulation (EC) No 384/96, the interested parties which made themselves known within the time limit specified in the notice of initiation may make known their views in writing and apply to be heard by the Commission within one month of the date of entry into force of this Regulation.

2. Pursuant to Article 21(4) of Regulation (EC) No 384/96, the parties concerned may comment on the application of this Regulation within one month of the date of its entry into force.

Article 3

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

Article 1 of this Regulation shall apply for a period of six months.

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

Done at Brussels, 19 April 2000.

For the Commission
Pascal LAMY
Member of the Commission

COMMISSION REGULATION (EC) No 838/2000**of 26 April 2000****amending Regulations (EEC) No 2640/88, (EEC) No 2641/88, (EEC) No 3105/88, (EEC) No 2721/88, (EC) No 1294/96 and (EEC) No 2046/89 to facilitate transition from the arrangements for the 1999/2000 wine year to those for the 2000/2001 wine year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1677/1999 ⁽²⁾, and in particular Articles 3(4), 35(8), 38(5), 45(9) and 46(5) thereof,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽³⁾, and in particular Article 80(a) thereof,

Whereas:

- (1) Article 1(6) of Regulation (EEC) No 822/87 stipulates that the 1999/2000 wine year is to end on 31 August 2000, while Article 1(4) of Regulation (EC) No 1493/1999 stipulates that the 2000/2001 wine year is to begin on 1 August 2000. Steps should therefore be taken to ensure that this overlap does not cause legal problems.
- (2) Under Article 4 of Commission Regulation (EEC) No 2640/88 of 25 August 1988 laying down detailed rules for the implementation of the system of aid for the use in winemaking of concentrated grape must and rectified concentrated grape must ⁽⁴⁾, as last amended by Regulation (EEC) No 2055/91 ⁽⁵⁾, intervention agencies are to pay the aid to producers before the end of the wine year concerned. To facilitate the transition to the new arrangements, the final date for payment for the 1999/2000 wine year should be 31 August 2000.
- (3) Under Article 1(4) of Commission Regulation (EEC) No 2641/88 of 25 August 1988 laying down detailed rules for the application of the aid scheme for the use of grapes, grape must and concentrated grape must to produce grape juice ⁽⁶⁾, as last amended by Regulation (EC) No 583/98 ⁽⁷⁾, processing operations must be carried out between 1 September and 31 August of the wine year concerned. To facilitate the transition to the new arrangements, the final processing date should be confirmed as 31 August 2000 for the 1999/2000 wine

year. In addition, Article 8(2) of that Regulation provides that in order to qualify for the aid, processors as referred to in Article 2(2) must submit one or more aid applications to the competent authority or department authorised for the purpose, not later than six months after the end of the wine year. To facilitate transition to the new arrangements, 28 February 2001 should be laid down as the date for submission of aid applications for the 1999/2000 wine year.

- (4) Under Article 7(1) of Commission Regulation (EEC) No 2721/88 of 31 August 1988 laying down detailed rules for voluntary distillation as provided for in Articles 38, 41 and 42 of Regulation (EEC) No 822/87 ⁽⁸⁾, as last amended by Regulation (EEC) No 26/92 ⁽⁹⁾, distillation may not be carried out after the end of the wine year concerned. To facilitate the transition to the new arrangements, the final date for distillation should be 31 August 2000 for the 1999/2000 wine year. Under the third subparagraph of Article 11(5) of that Regulation, in order to receive aid, fortifiers must submit an application to the competent intervention agency not later than 31 August of the wine year concerned. To facilitate transition to the new arrangements, 31 August 2000 should be laid down as the final date for the submission of aid applications for the 1999/2000 wine year.
- (5) Under the second indent of the second subparagraph of Article 10(2) of Commission Regulation (EEC) No 3105/88 of 7 October 1988 laying down detailed rules for the application of compulsory distillation as provided for in Articles 35 and 36 of Regulation (EEC) No 822/87 ⁽¹⁰⁾, as last amended by Regulation (EC) No 194/98 ⁽¹¹⁾, distillers must make the 80 % payment on account to the producer following delivery of the products and not later than one month after presentation of the invoice to be drawn up for the products concerned before the end of the wine year. To facilitate transition to the new arrangements, it should be specified that the date by which invoices are to be drawn up for the 1999/2000 wine year is 31 August 2000. In addition, under Article 12(1) of that Regulation, subject to Article 11 of Council

⁽¹⁾ OJ L 84, 27.3.1987, p. 1.

⁽²⁾ OJ L 199, 30.7.1999, p. 8.

⁽³⁾ OJ L 179, 14.7.1999, p. 1.

⁽⁴⁾ OJ L 236, 26.8.1988, p. 20.

⁽⁵⁾ OJ L 187, 13.7.1991, p. 29.

⁽⁶⁾ OJ L 236, 26.8.1988, p. 25.

⁽⁷⁾ OJ L 77, 14.3.1998, p. 14.

⁽⁸⁾ OJ L 241, 1.9.1988, p. 88.

⁽⁹⁾ OJ L 3, 8.1.1992, p. 14.

⁽¹⁰⁾ OJ L 277, 8.10.1988, p. 21.

⁽¹¹⁾ OJ L 20, 27.1.1998, p. 19.

Regulation (EEC) No 2179/83 ⁽¹⁾, as last amended by Regulation (EEC) No 2505/88 ⁽²⁾, distillation may not be carried out after 31 August of the wine year concerned. To facilitate the transition to the new arrangements, it should be specified that the final date for distillation for the 1999/2000 wine year is 31 August 2000.

- (6) Under Article 6(1) of Commission Regulation (EC) No 1294/96 of 4 July 1996 laying down detailed rules for the application of Council Regulation (EEC) No 822/87 as regards harvest, production and stock declarations relating to wine-sector products ⁽³⁾, as last amended by Regulation (EC) No 225/97 ⁽⁴⁾, natural or legal persons or groups of such persons, other than private consumers and retailers, must declare each year to the competent authorities designated by the Member States the stocks of concentrated grape must, rectified concentrated grape must and wine held by them on 31 August. To facilitate the transition to the new arrangements, that date should be confirmed as 31 August 2000 for the 1999/2000 wine year.
- (7) As a transitional measure, because of the entry into force of Regulation (EC) No 1493/1999, 31 August 2000 should be laid down as the final date for the withdrawal of by-products of wine-making, as referred to in Article 14(2) of Council Regulation (EEC) No 2046/89 ⁽⁵⁾, as last amended by Regulation (EC) No 2468/96 ⁽⁶⁾, for the 1999/2000 wine year.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

1. The following paragraph is added at the end of Article 4 of Regulation (EEC) No 2640/88:

'However, for the 1999/2000 wine year, the intervention agency has until 31 August 2000 to pay the aid, without prejudice to the exceptions provided for in the previous paragraph.'

2. The following subparagraph is added at the end of Article 1(4) of Regulation (EEC) No 2641/88:

'However, for the 1999/2000 wine year, processing operations must be completed by 31 August 2000.'

3. The following subparagraph is added at the end of Article 8(2) of Regulation (EEC) No 2641/88:

'However, for the 1999/2000 wine year, the aid applications referred to in the previous subparagraph must be submitted by 28 February 2001.'

4. The following sentence is added at the end of Article 7(1) of Regulation (EEC) No 2721/88:

'However, for the 1999/2000 wine year, distillation may be carried out until 31 August 2000.'

5. The following sentence is added after the third subparagraph of Article 11(5) of Regulation (EEC) No 2721/88:

'However, for the 1999/2000 wine year, the final date for submitting applications shall be 31 August 2000.'

6. The following sentence is added at the end of the second indent of the second subparagraph of Article 10(2) of Regulation (EEC) No 3105/88:

'However, for the 1999/2000 wine year, the final date for drawing up such invoices shall be 31 August 2000.'

7. The following subparagraph is added at the end of Article 12(1) of Regulation (EEC) No 3105/88:

'However, for the 1999/2000 wine year, distillation may be carried out until 31 August 2000.'

8. The following subparagraph is added after the first subparagraph of Article 6(1) of Regulation (EC) No 1294/96:

'Stock declarations for the 1999/2000 wine year must relate to products referred to in the previous subparagraph held on 31 August 2000.'

9. The final date for the withdrawal of by-products of wine-making, referred to in Article 14(2) of Regulation (EEC) No 2046/89, for the 1999/2000 wine year shall be 31 August 2000.

Article 2

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

⁽¹⁾ OJ L 212, 3.8.1983, p. 1.

⁽²⁾ OJ L 225, 15.8.1988, p. 14.

⁽³⁾ OJ L 166, 5.7.1996, p. 14.

⁽⁴⁾ OJ L 37, 7.2.1997, p. 1.

⁽⁵⁾ OJ L 202, 14.7.1989, p. 14.

⁽⁶⁾ OJ L 335, 24.12.1996, p. 7.

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

Done at Brussels, 26 April 2000.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 839/2000
of 26 April 2000
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 2072/98 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽³⁾, as last amended by Regulation (EC) No 2831/98 ⁽⁴⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.

- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.
- (4) The import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 27 April 2000.

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

Done at Brussels, 26 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 265, 30.9.1998, p. 4.

⁽³⁾ OJ L 189, 30.7.1996, p. 71.

⁽⁴⁾ OJ L 351, 29.12.1998, p. 25.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽¹⁾				
	Third countries (except ACP and Bangladesh) ⁽²⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	76,44	111,06		173,10
1006 10 23	(7)	76,44	111,06		173,10
1006 10 25	(7)	76,44	111,06		173,10
1006 10 27	(7)	76,44	111,06		173,10
1006 10 92	(7)	76,44	111,06		173,10
1006 10 94	(7)	76,44	111,06		173,10
1006 10 96	(7)	76,44	111,06		173,10
1006 10 98	(7)	76,44	111,06		173,10
1006 20 11	129,27	40,90	60,30		96,95
1006 20 13	129,27	40,90	60,30		96,95
1006 20 15	129,27	40,90	60,30		96,95
1006 20 17	205,40	67,55	98,36	0,00	154,05
1006 20 92	129,27	40,90	60,30		96,95
1006 20 94	129,27	40,90	60,30		96,95
1006 20 96	129,27	40,90	60,30		96,95
1006 20 98	205,40	67,55	98,36	0,00	154,05
1006 30 21	(7)	146,86	212,59		341,25
1006 30 23	(7)	146,86	212,59		341,25
1006 30 25	(7)	146,86	212,59		341,25
1006 30 27	(7)	146,86	212,59		341,25
1006 30 42	(7)	146,86	212,59		341,25
1006 30 44	(7)	146,86	212,59		341,25
1006 30 46	(7)	146,86	212,59		341,25
1006 30 48	(7)	146,86	212,59		341,25
1006 30 61	(7)	146,86	212,59		341,25
1006 30 63	(7)	146,86	212,59		341,25
1006 30 65	(7)	146,86	212,59		341,25
1006 30 67	(7)	146,86	212,59		341,25
1006 30 92	(7)	146,86	212,59		341,25
1006 30 94	(7)	146,86	212,59		341,25
1006 30 96	(7)	146,86	212,59		341,25
1006 30 98	(7)	146,86	212,59		341,25
1006 40 00	(7)	45,38	(7)		105,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 1706/98 (OJ L 215, 1.8.1998, p. 12) and amended Commission Regulation (EC) No 2603/97 (OJ L 351, 23.12.1997, p. 22).

⁽²⁾ In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	205,40	455,00	129,27	455,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	335,23	297,85	435,39	334,43	—
(b) fob price (EUR/tonne)	—	—	—	403,14	302,18	—
(c) Sea freight (EUR/tonne)	—	—	—	32,25	32,25	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 840/2000**of 26 April 2000****amending the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Article 18(5)(a) and (15) thereof,

Whereas:

- (1) The rates of the refunds applicable from 1 April 2000 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 689/2000 ⁽²⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 689/2000 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 689/2000 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 April 2000.

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

Done at Brussels, 26 April 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 81, 1.4.2000, p. 38.

ANNEX

to the Commission Regulation of 26 April 2000 amending the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4(5)(b) of Regulation (EC) No 1222/94	—	—
— in all other cases	43,52	43,52

COMMISSION REGULATION (EC) No 841/2000
of 26 April 2000
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 ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾,

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 ⁽³⁾, as last amended by Regulation (EC) No 2519/98 ⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas:

- (1) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 792/2000 ⁽⁵⁾, as amended by Regulation (EC) No 829/2000 ⁽⁶⁾.

- (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 792/2000,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 792/2000 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 27 April 2000.

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

Done at Brussels, 26 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 315, 25.11.1998, p. 7.

⁽⁵⁾ OJ L 95, 15.4.2000, p. 31.

⁽⁶⁾ OJ L 101, 26.4.2000, p. 26.

ANNEX I

ANNEX I

Import duties for the products listed in Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land, inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat — high quality	13,47	3,47
	Durum wheat — medium quality ⁽¹⁾	23,47	13,47
1001 90 91	Common wheat seed	23,01	13,01
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	23,01	13,01
	medium quality	67,46	57,46
	low quality	84,47	74,47
1002 00 00	Rye	71,91	61,91
1003 00 10	Barley, seed	71,91	61,91
1003 00 90	Barley, other ⁽³⁾	71,91	61,91
1005 10 90	Maize seed other than hybrid	86,98	76,98
1005 90 00	Maize other than seed ⁽³⁾	86,98	76,98
1007 00 90	Grain sorghum other than hybrids for sowing	71,91	61,91

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements for medium quality durum wheat referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ 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.

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 14 or 8 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 14 April 2000 to 25 April 2000)

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

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	123,84	108,66	98,29	94,25	163,90 (**)	153,90 (**)	105,47 (**)
Gulf premium (EUR/t)	—	9,92	3,71	5,30	—	—	—
Great Lakes premium (EUR/t)	30,54	—	—	—	—	—	—

(*) A discount of 10 EUR/t (Article 4(1) of Regulation (EC) No 1249/96).

(**) Fob Great Lakes.

2. Freight/cost: Gulf of Mexico — Rotterdam: 18,00 EUR/t; Great Lakes — Rotterdam: 26,66 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 REGULATION (EC) No 842/2000
of 26 April 2000
amending the export refunds on syrups and certain other sugar sector products exported in the
natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organization of the markets in the sugar sector ⁽¹⁾, and in particular the third indent of Article 18(5) thereof,

Whereas:

- (1) The refunds on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 678/2000 ⁽²⁾;
- (2) It follows from applying the rules, criteria and other provisions contained in Regulation (EC) No 678/2000 to the information at present available to the Commission

that the export refunds at present in force should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EC) No 2038/1999, exported in the natural state, as fixed in the Annex to Regulation (EC) No 678/2000 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 April 2000.

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

Done at Brussels, 26 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 81, 1.4.2000, p. 19.

ANNEX

to the Commission Regulation of 26 April 2000 amending the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— EUR/100 kg dry matter —
1702 40 10 9100	43,52 ⁽²⁾
1702 60 10 9000	43,52 ⁽²⁾
1702 60 80 9100	82,69 ⁽⁴⁾
	— EUR/1 % sucrose × 100 kg —
1702 60 95 9000	0,4352 ⁽¹⁾
	— EUR/100 kg dry matter —
1702 90 30 9000	43,52 ⁽²⁾
	— EUR/1 % sucrose × 100 kg —
1702 90 60 9000	0,4352 ⁽¹⁾
1702 90 71 9000	0,4352 ⁽¹⁾
1702 90 99 9900	0,4352 ⁽¹⁾ ⁽³⁾
	— EUR/100 kg dry matter —
2106 90 30 9000	43,52 ⁽²⁾
	— EUR/1 % sucrose × 100 kg —
2106 90 59 9000	0,4352 ⁽¹⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

⁽⁴⁾ Applicable only to products defined under Article 6 of Regulation (EC) No 2135/95.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

COMMISSION REGULATION (EC) No 843/2000
of 26 April 2000
amending the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 1253/1999 ⁽²⁾, and in particular Article 13(8) thereof,

Whereas:

- (1) The corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 770/2000 ⁽³⁾.
- (2) On the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered.

- (3) The corrective amount must be fixed according to the same procedure as the refund. It may be altered in the period between fixings,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 April 2000.

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

Done at Brussels, 26 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 94, 14.4.2000, p. 24.

ANNEX

to the Commission Regulation of 26 April 2000 amending the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination ⁽¹⁾	Current 4	1st period 5	2nd period 6	3rd period 7	4th period 8	5th period 9	6th period 10
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	01	0	-1,00	-1,00	0	-1,00	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	03	0	0	-12,50	-20,00	-20,00	-20,00	-20,00
	02	0	0	-12,50	-20,00	-20,00	—	—
1002 00 00 9000	01	0	0	0	-50,00	-50,00	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	01	0	0	-20,00	-20,00	-20,00	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	-50,00	-50,00	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	-27,40	-27,40	—	—
1101 00 15 9130	01	0	0	0	-25,60	-25,60	—	—
1101 00 15 9150	01	0	0	0	-23,60	-23,60	—	—
1101 00 15 9170	01	0	0	0	-21,80	-21,80	—	—
1101 00 15 9180	01	0	0	0	-20,40	-20,40	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	-68,50	-68,50	—	—
1102 10 00 9700	01	0	0	0	-54,00	-54,00	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	01	0	-1,50	-1,50	0	-1,50	—	—
1103 11 10 9400	01	0	-1,34	-1,34	0	-1,34	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

(¹) The destinations are identified as follows:

01 all third countries,

02 other third countries,

03 Mauritania, Mali, Niger, Senegal, Burkina Faso, The Gambia, Guinea-Bissau, Guinea, Cape Verde, Sierra Leone, Liberia, Côte d'Ivoire, Ghana, Togo, Chad, Central African Republic, Benin, Cameroon, Equatorial Guinea, São Tomé and Príncipe, Gabon, Congo, Democratic Republic of the Congo, Rwanda, Burundi, Angola, Zambia, Malawi, Mozambique, Namibia, Botswana, Zimbabwe, Lesotho, Swaziland, Seychelles, The Comoros, Madagascar, Djibouti, Ethiopia, Eritrea and Mauritius.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30.7.1992, p. 20).

COMMISSION REGULATION (EC) No 844/2000**of 26 April 2000****altering the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1253/1999 ⁽²⁾, and in particular the fourth subparagraph of Article 13 (2) thereof,

Whereas

- (1) The export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EC) No 769/2000 ⁽³⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 769/2000 to the information known to the Commission that the export refunds at present in

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, exported in the natural state, as fixed in the Annex to Regulation (EC) No 769/2000 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 27 April 2000.

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

Done at Brussels, 26 April 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 94, 14.4.2000, p. 22.

ANNEX

**to the Commission Regulation of 26 April 2000 amending the export refunds on cereals and on wheat or rye
flour, groats and meal**

(EUR/t)			(EUR/t)		
Product code	Destination ⁽¹⁾	Amount of refund	Product code	Destination ⁽¹⁾	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	01	0	1101 00 15 9100	01	34,25
1001 90 91 9000	—	—	1101 00 15 9130	01	32,00
1001 90 99 9000	03	20,75	1101 00 15 9150	01	29,50
	02	0	1101 00 15 9170	01	27,25
1002 00 00 9000	03	55,00	1101 00 15 9180	01	25,50
	02	0	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	15,00	1102 10 00 9500	01	87,00
	02	0	1102 10 00 9700	01	68,50
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	01	0 ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9400	01	0 ⁽²⁾
1005 90 00 9000	03	28,00	1103 11 10 9900	—	—
	02	0	1103 11 90 9200	01	0 ⁽²⁾
1007 00 90 9000	—	—	1103 11 90 9800	—	—
1008 20 00 9000	—	—			

⁽¹⁾ The destinations are identified as follows:

- 01 all third countries,
- 02 other third countries,
- 03 Switzerland, Liechtenstein.

⁽²⁾ No refund is granted when this product contains compressed meal.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30.7.1992, p. 20).

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 30 March 2000

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and Switzerland concerning the extension of the common communication network/common system interface (CCN/CSI) within the framework of the Convention on a common transit procedure

(2000/305/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 together with the first sentence of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The implementation of the computerised transit system provided for by Decision No 1/1999 of the EC/EFTA Joint Committee on common transit ⁽¹⁾ requires the setting up of an international computer network to make possible the exchange of information between the competent authorities of the contracting Parties to the Convention of 20 May 1987 on a common transit procedure ⁽²⁾, hereinafter referred to as 'the Convention'.
- (2) The European Community has already developed a common communication network/common system interface (CCN/CSI) which fulfils the necessary requirements.
- (3) Decision No 2/1999 of the EC/EFTA Joint Committee on common transit provides that the CCN/CSI is to be used by all contracting Parties to the Convention ⁽³⁾ and that the financial participation of the partner countries and other related issues will be determined by mutual Agreement between the Community and each of the partner countries.

- (4) On 22 October 1999 the Council authorised the Commission of the European Communities to negotiate with each of the non-Community countries which are contracting Parties to the Convention an Agreement in the form of an Exchange of Letters on the extension of the CCN/CSI to each of them.
- (5) The Commission has negotiated the extension of the CCN/CSI to Switzerland.
- (6) The Agreement in the form of an Exchange of Letters concerning this extension should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and Switzerland concerning the extension of the common communication network/common system interface (CCN/CSI) within the framework of the Convention on a common transit procedure is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) authorised to sign the Agreement in the form of an Exchange of Letters so as to render it binding on the Community.

⁽¹⁾ OJ L 65, 12.3.1999, p. 50.

⁽²⁾ OJ L 226, 13.8.1987, p. 2.

⁽³⁾ OJ L 119, 7.5.1999, p. 53.

Article 3

This Decision shall take effect on the day of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 30 March 2000.

For the Council

The President

J. SÓCRATES

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS
between the European Community and Switzerland concerning the extension of the common communication network/common system interface (CCN/CSI) within the framework of the Convention on a common transit procedure

A. Letter from the European Community

Brussels, 13 April 2000

Sir,

Regarding the extension of the use of the common communication network/common system interface (CCN/CSI) for the new computerised transit system to Switzerland ⁽¹⁾, I would like to propose the following commitment on behalf of the European Community:

- I. The Parties will comply with the technical specifications set out in the documents listed in the Annex to this letter which have been made available to Switzerland, together with any future amendments which may be made in connection with the project.
- II. The Commission of the European Communities (hereinafter referred to as the 'Commission') will manage and develop the system in accordance with the guidelines drawn up by the Customs Policy Committee — Working Party on Data Processing — CCN/CSI Technical Subgroup (CPC-CWP -CCN/CSI) for the partner countries also.
- III. The Parties will comply with the rules on general security policy as laid down and decided within the framework of the project.
- IV. Not later than 15 May 2000, Switzerland will pay the costs of installing the CCN/CSI as justified by the Commission on the basis of the specific Agreement which it has concluded for that purpose with the subcontractor.
- V. Not later than 15 May 2000, Switzerland will pay the costs of operating the network as incurred by the Commission from the date of installation of the hardware and software up to 31 December 1999.
- VI. On 15 May each year, Switzerland will pay a flat-rate sum (EUR 90 000 for the year 2000) for the annual cost of Switzerland's use of the network. Before 31 July each year, the Commission will inform Switzerland of the flat-rate sum for the following year.
- VII. Before 31 January each year, the Commission will clear the accounts relating to the annual costs of operating the network on the basis of the sum already paid and the actual costs chargeable to Switzerland and will provide Switzerland with a statement of account. The Commission will calculate the actual costs on the basis of its relationship with the subcontractor chosen in accordance with the current procedures for the award of contracts. The final payment (payment of the balance) will take place 30 days after the presentation of the statement of account. The total amount to be paid by Switzerland will not in any case exceed by more than 20 % the annual flat-rate sum already paid.
- VIII. In the same way as the Member States of the European Union, Switzerland will be kept informed of the forecast trends in these costs as well as of the main aspects of the development of the CCN/CSI which are likely to have an impact on those costs.
- IX. Not later than 15 May 2000, Switzerland will pay the sum of EUR 40 000 by way of an annual deposit for future development and contingencies. The Commission will provide Switzerland with a statement of account specifying the breakdown of costs chargeable to that deposit. Not later than 15 May each year, Switzerland will replenish the deposit by paying a sum corresponding to the amount actually used for future development and contingencies in the previous year.
- X. All payments must be made to the Commission. Unless specified otherwise, they will be based on a statement of account issued by the Commission containing a breakdown of costs identifying the different services and the supply of hardware and software, payable within 60 days.

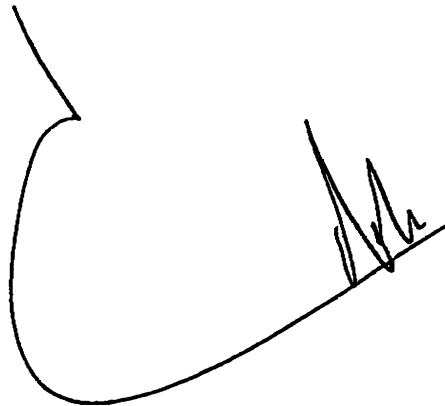
⁽¹⁾ The two Parties agree that the extension of the use of the CCN/CSI to Switzerland shall also apply to the Principality of Liechtenstein for as long as that Principality remains bound to Switzerland by a Customs Union Treaty.

- XI. This Agreement will remain in force as long as the two Parties are contracting Parties to the Convention of 20 May 1987 on a common transit procedure. However, both Parties shall reserve the right to amend the Agreement by mutual agreement.
- XII. If Switzerland pays the amounts provided for in points IV, V, VI, VII and IX later than the dates specified in those points, the European Union may charge interest on the arrears (at the rate applied by the European Central Bank to its operations in euro, published in the 'C' series of the Official Journal, on the day on which the deadline for repayment expires, plus one and a half points). The same rate will apply to payments to be made by the Community.

I would be grateful if you could confirm the agreement of Switzerland to the above.

Please accept, Sir, the assurance of my highest consideration.

On behalf of the Council of the European Union

A large, stylized handwritten signature in black ink, consisting of a large 'C' shape followed by several vertical strokes.

ANNEX TO THE EXCHANGE OF LETTERS

CCN/CSI EXTERNAL DOCUMENTATION

GENERAL

21info_en	CCN/CSI telematic integration for customs and indirect taxation (English version)
21info_fr	CCN/CSI : telematic integration for customs and indirect taxation (French version)
Arap_101	Architecture of trans-European applications
Bnf104de	Anticipated benefits of the use of the CCN/CSI for the trans-European applications of DG XXI (German version)
Bnf104en	Anticipated benefits of the use of the CCN/CSI for the trans-European applications of DG XXI (English version)
Bnf104fr	Anticipated benefits of the use of the CCN/CSI for the trans-European applications of DG XXI (French version)
Lr092v08	Description of the CSI offer
Lr155v01	Description of the dynamic behaviour of the CCN/CSI interactions
Lst-rol-XXI-00	Description of the role of the CCN/CSI
Mathaeus-Dublin	Architecture and methodology for intra-Community systems
Pre-gen-XXI	CCN/CSI presentation and reading guide

CCN/TC

Ccn_tc_sla_03	CCN/TC service level agreement
Epm01	CCN/TC external procedure manual
Sqp_01	CCN/TC service quality plan

DEVELOPMENT

Acg_03	Application configuration guide
Prg_c_05	Application programming guide (C language)
Prg_Cob_BS2000_03	Application programming guide (Cobol language for BS2000)
Prg_Cob_CICS_01	Application programming guide (Cobol language for IBM)
Prg_Cob_GCOS7_03	Application programming guide (Cobol language for GCOS7)
Prg_Cob_GCOS8_01	Application programming guide (Cobol language for GCOS8)
Ref_cd09	Common definitions reference manual (C language)
Ref_Cob_cd01	Common definitions reference manual (Cobol language)
Ref_Cob_cs01	CSI reference manual (Cobol language)
Ref_Cob_gs01	GSS reference manual (Cobol language)
Ref_Cob_hl01	HL reference manual (Cobol language)

Ref_Cob_os01	OS reference manual (Cobol language)
Ref_Cob_pr01	Presentation reference manual (Cobol language)
Ref_cs09	CSI reference manual (C language)
Ref_er05	Error code reference manual
Ref_gs03	GSS reference manual (C language)
Ref_hl07	HL reference manual (C language)
Ref_os01	OS reference manual (C language)
Ref_pr07	Presentation reference manual (C language)

SECURITY

Pol-sec-XXI-01	CCN/CSI general security policy
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SPECIFICATIONS

Ad_07	Design
Frs_03	Specifications
Fss_05	Functional system specifications
Ovw_07	System overview

TRAINING

Tra-csi(mod1)-05.ppt	Course for CSI application architects and developers
Tra-csi(mod2)-05.ppt	Course for CSI application architects and developers (C language)
Tra-csi(mod3)-03.ppt	Course for CSI application architects and developers (C language)
Tra-csi_cob(mod2)-01.ppt	Course for CSI application architects and developers (Cobol language)
Tra-csi_cob(mod3)-01.ppt	Course for CSI application architects and developers (Cobol language)

B. Letter from Switzerland

Berne, 14 April 2000

Sir,

I hereby acknowledge receipt of your letter concerning the extension of the use of the common communication network/common system interface (CCN/CSI) for the NCTS to Switzerland, which reads as follows:

'Regarding the extension of the use of the common communication network/common system interface (CCN/CSI) for the new computerised transit system to Switzerland ⁽¹⁾, I would like to propose the following commitment on behalf of the European Community:

- I. The Parties will comply with the technical specifications set out in the documents listed in the Annex to this letter which have been made available to Switzerland, together with any future amendments which may be made in connection with the project.
- II. The European Commission will manage and develop the system in accordance with the guidelines drawn up by the Customs Policy Committee — Working Party on Data Processing — CCN/CSI Technical Subgroup (CPC-CWP-CCN/CSI) for the partner countries also.
- III. The Parties will comply with the rules on general security policy as laid down and decided within the framework of the project.
- IV. Not later than 15 May 2000, Switzerland will pay the costs of installing the CCN/CSI as justified by the European Commission on the basis of the specific Agreement which it has concluded for that purpose with the subcontractor.
- V. Not later than 15 May 2000, Switzerland will pay the costs of operating the network as incurred by the European Commission from the date of installation of the hardware and software up to 31 December 1999.
- VI. On 15 May each year, Switzerland will pay a flat-rate sum (EUR 90 000 for the year 2000) for the annual cost of Switzerland's use of the network. Before 31 July each year, the European Commission will inform Switzerland of the flat-rate sum for the following year.
- VII. Before 31 January each year, the European Commission will clear the accounts relating to the annual costs of operating the network on the basis of the sum already paid and the actual costs chargeable to Switzerland and will provide Switzerland with a statement of account. The European Commission will calculate the actual costs on the basis of its relationship with the subcontractor chosen in accordance with the current procedures for the award of contracts. The final payment (payment of the balance) will take place 30 days after the presentation of the statement of account. The total amount to be paid by Switzerland will not in any case exceed by more than 20 % the annual flat-rate sum already paid.
- VIII. In the same way as the Member States of the European Union, Switzerland will be kept informed of the forecast trends in these costs as well as of the main aspects of the development of the CCN/CSI which are likely to have an impact on those costs.
- IX. Not later than 15 May 2000, Switzerland will pay the sum of EUR 40 000 by way of an annual deposit for future development and contingencies. The European Commission will provide Switzerland with a statement of account specifying the breakdown of costs chargeable to that deposit. Not later than 15 May each year, Switzerland will replenish the deposit by paying a sum corresponding to the amount actually used for future development and contingencies in the previous year.
- X. All payments must be made to the European Commission. Unless specified otherwise, they will be based on a statement of account issued by the European Commission containing a breakdown of costs identifying the different services and the supply of hardware and software, payable within 60 days.

⁽¹⁾ The two Parties agree that the extension of the use of the CCN/CSI to Switzerland shall also apply to the Principality of Liechtenstein for as long as that Principality remains bound to Switzerland by a Customs Union Treaty.

- XI. This Agreement will remain in force as long as the two Parties are contracting Parties to the Convention of 20 May 1987 on a common transit procedure. However, both Parties shall reserve the right to amend the Agreement by mutual agreement.
- XII. If Switzerland pays the amounts provided for in points IV, V, VI, VII and IX later than the dates specified in those points, the European Union may charge interest on the arrears (at the rate applied by the European Central Bank to its operations in euro, published in the "C" series of the Official Journal, on the day on which the deadline for repayment expires, plus one and a half points). The same rate will apply to payments to be made by the European Community.

I would be grateful if you could confirm the agreement of Switzerland to the above.'

I am pleased to confirm the agreement of Switzerland to the content of this letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government of Switzerland



R. Dürsch

COUNCIL DECISION

of 30 March 2000

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Czech Republic concerning the extension of the common communication network/common system interface (CCN/CSI) within the framework of the Convention on a common transit procedure

(2000/306/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 together with the first sentence of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The implementation of the computerised system introduced by Decision No 1/1999 of the EC/EFTA Joint Committee on common transit ⁽¹⁾ requires the setting up of an international computer network to make possible the exchange of information between the competent authorities of the parties to the Convention of 20 May 1987 on a common transit procedure ⁽²⁾, hereinafter referred to as 'the Convention'.
- (2) The European Community has already developed the common communication network/common system interface (CCN/CSI) which fulfils the necessary requirements.
- (3) Decision No 2/1999 of the EC/EFTA Joint Committee on common transit provides that the CCN/CSI is to be used by all contracting parties to the Convention ⁽³⁾ and that the financial participation of the partner countries and other related issues will be determined by mutual agreement between the Community and each of the partner countries.
- (4) On 22 October 1999 the Council authorised the Commission of the European Communities to negotiate with each of the non-Community partner countries, parties to the Convention, an agreement in the form of an exchange of letters on the extension of CCN/CSI to each of them.

- (5) The Commission has negotiated the extension of CCN/CSI to the Czech Republic.

- (6) The Agreement in the form of an Exchange of Letters concerning this extension should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Czech Republic concerning the extension of the common communication network/common system interface (CCN/CSI), in the framework of the Convention on a common transit procedure, is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) authorised to sign the Agreement in the form of an Exchange of Letters so as to render it binding on the Community.

Article 3

This Decision shall take effect on the day of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 30 March 2000.

For the Council

The President

J. SÓCRATES

⁽¹⁾ OJ L 65, 12.3.1999, p. 50.

⁽²⁾ OJ L 226, 13.8.1987, p. 2.

⁽³⁾ OJ L 119, 7.5.1999, p. 53.

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS

between the European Community and the Czech Republic concerning the extension of the common communication network/common system interface (CCN/CSI) within the framework of the Convention on a common transit procedure

A. Letter from the European Community

Brussels, 13 April 2000

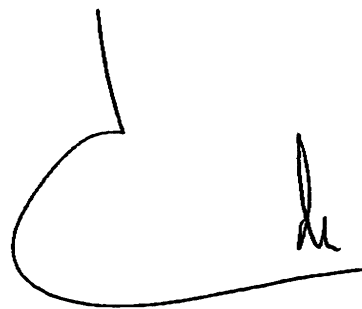
Sir,

Regarding the extension of the use of the common communication network/common system interface (CCN/CSI) for the new computerised transit system to the Czech Republic, I would like to propose the following commitment on behalf of the European Community:

- I. The Parties will comply with the technical specifications set out in the documents listed in the Annex to this letter, which have been made available to the Czech Republic together with any future amendments which may be made in connection with the project.
- II. The European Commission of the European Communities (hereinafter referred to as the 'Commission') will manage and develop the system in accordance with the guidelines drawn up by the Customs Policy Committee — Working Party on Data Processing — CCN/CSI Technical Subgroup (CPC-CWP -CCN/CSI) for the partner countries also.
- III. The Parties will comply with the rules on general security policy as laid down and decided within the framework of the project.
- IV. Not later than 15 May 2000, the Czech Republic will pay the costs of installing the CCN/CSI as justified by the Commission on the basis of the specific agreement which it has concluded for that purpose with the subcontractor.
- V. Not later than 15 May 2000, the Czech Republic will pay the costs of operating the network as incurred by the Commission from the date of installation of the hardware and software up to 31 December 1999.
- VI. On 15 May each year, the Czech Republic will pay a flat-rate sum (EUR 102 000 for the year 2000) for the annual cost of use of the network. Before 31 July each year, the Commission will inform the Czech Republic of the flat-rate sum for the following year.
- VII. Before 31 January each year, the Commission will clear the accounts relating to the annual costs of operating the network on the basis of the sum already paid and the actual costs chargeable to the Czech Republic and will provide the Czech Republic with a statement of account. The Commission will calculate the actual costs on the basis of its relationship with the subcontractor, chosen in accordance with the current procedures for the award of contracts. The final payment (payment of the balance) will take place 30 days after the presentation of the statement of account. The total amount to be paid by the Czech Republic will not in any case exceed by 20 % the annual flat-rate sum already paid.
- VIII. In the same way as the Member States of the European Union, the Czech Republic will be kept informed of the forecast trends in these costs as well as of the main aspects of the development of the CCN/CSI which are likely to have an impact on those costs.
- IX. Not later than 15 May 2000, the Czech Republic will pay a deposit for contingencies and future development of the amount of EUR 40 000. The Commission will provide the Czech Republic with a statement of account specifying the breakdown of costs chargeable to that deposit. Not later than 15 May each year, the Czech Republic will replenish the deposit by paying a sum corresponding to the amount actually used for contingencies and future development in the previous year.
- X. All payments must be made to the Commission. Unless specified otherwise, they will be based on a statement of account issued by the Commission containing a breakdown of costs identifying the different services and the supply of hardware and software, payable within 60 days.

- XI. This Agreement will remain in force as long as the two Parties are contracting parties to the Convention of 20 May 1987 on a common transit procedure. However, both parties shall reserve the right to amend the Agreement by mutual agreement.
- XII. If the Czech Republic pays the amounts provided for in points IV, V, VI, VII and IX later than the dates specified in those points, the European Union may charge interest on the arrears (at the rate applied by the Central European Central Bank to its operations in euro, published in the 'C' series of the Official Journal, on the day on which the deadline for repayment expires, plus one and a half points). The same rate will apply to payments to be made by the Community.
- I would be grateful if you could confirm the agreement of the Czech Republic to the above.
- Please accept, Sir, the assurance of my highest consideration.

*On behalf of the Council of the European
Union*

A handwritten signature in black ink, consisting of a large, stylized 'C' shape followed by a smaller, more complex scribble.

ANNEX TO THE EXCHANGE OF LETTERS

CCN/CSI EXTERNAL DOCUMENTATION

GENERAL

21info_en	CCN/CSI telematic integration in the customs and indirect taxation
21info_fr	CCN/CSI: l'intégration télématique au service de la douane et de la fiscalité indirecte
Arap_101	Architecture of trans-European applications
Bnf104de	Benefits expected from the use of CCN/CSI by the trans-European applications of DG XXI (in German)
Bnf104en	Benefits expected from the use of CCN/CSI by the trans-European applications of DG XXI
Bnf104fr	Benefits expected from the use of CCN/CSI by the trans-European applications of DG XXI (in French)
Lr092v08	Description of the CSI offer
Lr155v01	Description of the dynamic behaviour of the CCN/CSI interactions
Lst-rol-XXI-00	Description of CCN/CSI roles
Mathaeus-Dublin	Architecture and methodology for intra-Community systems
Pre-gen-XXI	CCN/CSI presentation and reading guide

CCN/TC

Ccn_tc_sla_03	CCN/TC Service level agreement
Epm01	CCN/TC External procedure manual
Sqp_01	CCN/TC Service quality plan

DEVELOPMENT

Acg_03	Application configuration guide
Prg_c_05	Application programming guide (C language)
Prg_Cob_BS2000_03	Application programming guide (Cobol language for BS2000)
Prg_Cob_CICS_01	Application programming guide (Cobol language for IBM)
Prg_Cob_GCOS7_03	Application programming guide (Cobol language for GCOS7)
Prg_Cob_GCOS8_01	Application programming guide (Cobol language for GCOS8)
Ref_cd09	Common definitions reference manual (C language)
Ref_Cob_cd01	Common definitions reference manual (Cobol language)
Ref_Cob_cs01	CSI Reference manual (Cobol language)
Ref_Cob_gs01	GSS Reference manual (Cobol language)
Ref_Cob_hl01	HL Reference manual (Cobol language)

Ref_Cob_os01	OS Reference manual (Cobol language)
Ref_Cob_pr01	Presentation reference manual (Cobol language)
Ref_cs09	CSI Reference manual (C language)
Ref_er05	CSI Error reason codes reference manual
Ref_gs03	GSS Reference manual (C language)
Ref_hl07	HL Reference manual (C language)
Ref_os01	OS Reference manual (C language)
Ref_pr07	Presentation reference manual (C language)

SECURITY

Pol-sec-XXI-01	CCN/CSI General security policy
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SPECIFICATIONS

Ad_07	Architecture design
Frs_03	Requirement specifications
Fss_05	Functional system specifications
Ovw_07	System overview

TRAINING

Tra-csi(mod1)-05.ppt	Course for the CSI application architects and developers
Tra-csi(mod2)-05.ppt	Course for the CSI application architects and developers (C language)
Tra-csi(mod3)-03.ppt	Course for the CSI application architects and developers (C language)
Tra-csi_cob(mod2)-01.ppt	Course for the CSI application architects and developers (Cobol language)
Tra-csi_cob(mod3)-01.ppt	Course for the CSI application architects and developers (Cobol language)

B. Letter from the Czech Republic

Prague, 13 April 2000

Sir,

I have the honour to acknowledge receipt of your letter concerning the extension of the use of the common communication network/common system interface (CCN/CSI) for the NCTS to the Czech Republic, which reads as follows:

'Regarding the extension of the use of the common communication network/common system interface (CCN/CSI) for the new computerised transit system to the Czech Republic, I would like to propose the following commitment on behalf of the European Community:

- I. The Parties will comply with the technical specifications set out in the documents listed in the Annex to this letter which have been made available to the Czech Republic together with any future amendments which may be made in connection with the project.
- II. The Commission of the European Communities (hereinafter referred to as the "Commission") will manage and develop the system in accordance with the guidelines drawn up by the Customs Policy Committee — Working Party on Data Processing — CCN/CSI Technical Subgroup (CPC-CWP-CCN/CSI) for the partner countries also.
- III. The Parties will comply with the rules on general security policy as laid down and decided within the framework of the project.
- IV. Not later than 15 May 2000, the Czech Republic will pay the costs of installing the CCN/CSI as justified by the Commission on the basis of the specific agreement which it has concluded for that purpose with the subcontractor.
- V. Not later than 15 May 2000, the Czech Republic will pay the costs of operating the network as incurred by the Commission from the date of installation of the hardware and software up to 31 December 1999.
- VI. On 15 May each year, the Czech Republic will pay a flat-rate sum (EUR 102 000 for the year 2000) for the annual cost of use of the network. Before 31 July each year, the Commission will inform the Czech Republic of the flat-rate sum for the following year.
- VII. Before 31 January each year, the Commission will clear the accounts relating to the annual costs of operating the network on the basis of the sum already paid and the actual costs chargeable to the Czech Republic and will provide the Czech Republic with a statement of account. The Commission will calculate the actual costs on the basis of its relationship with the subcontractor, chosen in accordance with the current procedures for the award of contracts. The final payment (payment of balance) will take place 30 days after the presentation of the statement of account. The total amount to be paid by the Czech Republic will not in any case exceed by more than 20 % the annual flat-rate sum already paid.
- VIII. In the same way as the Member States of the European Union, the Czech Republic will be kept informed of the forecast trends in these costs as well as of the main aspects of the development of the CCN/CSI which are likely to have an impact on those costs.
- IX. Not later than 15 May 2000, the Czech Republic will pay a deposit for contingencies and future development of the amount of EUR 40 000. The Commission will provide the Czech Republic with a statement of account specifying the breakdown of costs chargeable to that deposit. Not later than 15 May each year, the Czech Republic will replenish the deposit by paying a sum corresponding to the amount actually used for contingencies and future development in the previous year.
- X. All payments must be made to the Commission. Unless specified otherwise, they will be based on a statement of account issued by the Commission containing a breakdown of costs identifying the different services and the supply of hardware and software, payable within 60 days.

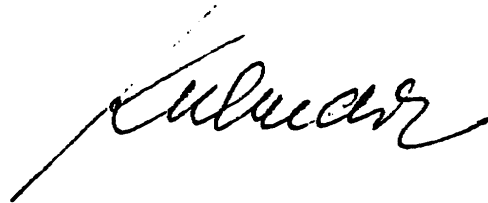
- XI. This Agreement will remain in force as long as the two parties are contracting parties to the Convention of 20 May 1987 on a common transit procedure. However, both parties shall reserve the right to amend the Agreement by mutual agreement.
- XII. If the Czech Republic pays the amounts provided for in points IV, V, VI, VII and IX later than the dates specified in those points, the European Union may charge interest on the arrears (at the rate applied by the Central European Bank to its operations in euro, published in the "C" series of the Official Journal, on the day on which the deadline for repayment expires, plus one and a half points). The same rate will apply to payments to be made by the Community.

I would be grateful if you could confirm the agreement of the Czech Republic to the above.'

The Czech Republic has the honour to confirm its agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government of the Czech Republic

A handwritten signature in black ink, appearing to be 'Kulucar', written over a horizontal line.