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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1086/2000**of 22 May 2000****amending Regulation (EC) No 368/98 imposing a definitive anti-dumping duty on imports of glyphosate originating in the People's Republic of China**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, and in particular Article 12 thereof,

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

Whereas:

A. PROCEDURE**1. Measures in force**

- (1) In February 1998, by Regulation (EC) No 368/98 ⁽²⁾, the Council imposed a definitive anti-dumping duty on imports of glyphosate originating in the People's Republic of China. The rate of the definitive duty applicable to the net, free-at-Community-frontier price, amounted to 24,0 %.

2. Request for a review

- (2) On 19 June 1998, a request for a review of the above-mentioned measures was lodged pursuant to Article 12 of Council Regulation (EC) No 384/96 (hereinafter referred to as the 'basic Regulation'). The lodging was made on behalf of the Community producers whose collective output of glyphosate constituted a major proportion of the total Community production of that product within the meaning of Article 5(4) of the basic Regulation, namely Cheminova Agro (Denmark), Monsanto Europe (Belgium) and Zeneca Agrochemicals (United Kingdom).
- (3) In the request, it was alleged that the abovementioned anti-dumping measures had led to no movement, or insufficient movement, in resale prices or subsequent selling prices in the Community. To this effect, the complainants submitted sufficient evidence showing that export prices had actually fallen following the imposi-

tion of the said measures which had made no impact on resale and subsequent selling prices in the Community.

B. REVIEW INVESTIGATION PURSUANT TO ARTICLE 12 OF THE BASIC REGULATION**1. Initiation of the review pursuant to Article 12**

- (4) On 6 August 1998, the Commission announced by a notice published in the *Official Journal of the European Communities* ⁽³⁾ the initiation of a review, pursuant to Article 12 of the basic Regulation, of the anti-dumping measures applicable to imports of glyphosate originating in the People's Republic of China, and commenced an investigation.
- (5) The Commission officially advised the producers/exporters known to be concerned, the representatives of the exporting country and the complainant Community producers, of the initiation of the review. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice of initiation.
- (6) The Commission services sent questionnaires to all exporters known to be concerned, namely: Beixi City Chemical Plant, Beixi (Liaoning); Shanghai Union Chemical, Shanghai; Panyu Chemical Factory, Panyu (Guangzhou); Samning City Pesticide Factory, Samning City (Fujian); Zhangjiagang No 2 Pesticide, Jiangsu; Haiyan Pesticide Factory, Haiyan (Zhejiang); Guangzhou Pesticide Factory, Guangzhou; Hainan Pesticide Factory, Haikou City (Hainan); Anyang Pesticide Factory, Anyang (Henan); Taixin Huangqiao Chemical Factory, Sanliu Bridge Village (Jiangsu); Nantong Chemical Plant, Nantong (Jiangsu); Suzhou Chemical & Pesticide, Suzhou (Jiangsu); Taichung Pesticide Factory, Taichung (Jiangsu); Wujin Pesticide Factory, Changzhou City (Jiangsu); Chuan Xi Chemical Plant, Deyang City (Sichuan); Shifang Chemical Group Pesticide Factory, Shuangsheng (Sichuan); Longyou Pesticide Factory, Longyou Town (Zhejiang); Ningbo No 2 Chemical Plant, Ningbo (Zhejiang); CAC Chemical Co. Ltd, Shanghai; Fujian Sannong Chemistry Co. Ltd, Xubi-Samning (Fujian); Zhangjiagang No 2 Pesticide Factory, Nansha Town (Jiangsu); Tide International Co. Ltd, Hangzhou; Sinochem Ningbo Imp & Exp Corp., Ningbo; Sinochem

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 905/98 (OJ L 128, 30.4.1998, p. 18).

⁽²⁾ OJ L 47, 18.2.1998, p. 1.

⁽³⁾ OJ C 246, 6.8.1998, p. 3.

Jiangsu Imp & Exp Corp., Nanjing; Sinochem Heilongjiang Imp & Exp Corp., Harbin; Sinochem International Chemicals Co., Beijing; Sinochem Liaoning Imp & Exp Corp., Dalian; Sinochem Tianjin Imp & Exp Corp., Tianjin; Hubei Sanonda Co. Ltd, Shashi (Hubei); Shenjen Jiangshan Commerce & Industrial Group, Shenzhou; China International Trust Investment Corp. ('CITIC'), Beijing; Quickett, Hong Kong; High Kite Ltd, Hong Kong, and Rotam, Hong Kong.

(7) No replies to the questionnaire were received from the abovementioned exporters and producers except for Fujian Sannong Chemistry Co. Ltd and Jiangsu Zhejiang Jiangnan Chemical Factory, which reported no exports to the Community during the new investigation period (as defined in recital 10), Hubei Sanonda Co. Ltd, which reported having stopped producing glyphosate since the year 1997, and Zhenjiang Xinan Chemical Industrial Group Co. Ltd which claimed that it was one of the largest Chinese manufacturers and exporters of glyphosate to the Community during the investigation period.

(8) On 23 September 1999, the sole cooperating exporter, Zhenjiang Xinan Chemical Industrial Group Co. Ltd requested individual treatment and submitted some information to support its claim. The Commission deemed such information insufficient and sent a specific individual treatment questionnaire to the Chinese company concerned. No reply was made to this questionnaire.

(9) Questionnaires were also sent to independent importers known to have imported glyphosate from the People's Republic of China so as to ascertain the resale prices of the product concerned before and after the imposition of the anti-dumping duties. Replies to the questionnaires were received from the following unrelated importers:

- Feinchemie Schwebda GmbH, Germany,
- Herbex Produtos Químicos SA, Portugal,
- Industrias Afrasa SA, Spain, and
- Calliope SA, France.

Verification visits were carried out at the premises of the abovementioned unrelated importers.

(10) The investigation period of this review runs from 1 January 1998 to 30 June 1998. This investigation period was used to determine the current level of export prices and resale and subsequent selling prices charged after the imposition of anti-dumping measures to see whether the measures had achieved the intended effects in terms of increased import prices for the product under consideration.

(11) In establishing whether resale and subsequent selling prices had moved sufficiently, the price levels charged in the investigation period were compared to those charged during the original investigation period which had

covered the period from 1 September 1994 to 31 August 1995.

(12) Owing to the volume of data gathered and examined, in particular in view of the complexity of the analysis of the movement of the resale and subsequent selling prices, and the fact that normal values were re-examined, the investigation exceeded the normal period of six months provided for in Article 12(4) of the basic Regulation.

2. Product concerned

(13) The product concerned by the request, and for which the review was initiated, is the same as in the original investigation, i.e. glyphosate currently classifiable within CN codes ex 2931 00 95 (2931 00 80 until 31 December 1997) and ex 3808 30 27, the latter when put up in forms or packing for retail use or as preparations or articles.

(14) Glyphosate is a herbicide which can be produced in different grades or forms of concentration: formulated (with 36 % glyphosate content), salt (with 62 %), cake (with 84 %) and acid (with 95 %). In order to reduce the costs of transportation, distributors normally purchase glyphosate in a concentrated form (usually acid, but also salt) which they subsequently dilute to obtain the formulated glyphosate, the only form that can be used as an end product.

3. Movement of export prices from China and of resale prices in the community

(a) Introduction

(15) The purpose of this investigation is to establish whether measures have had the intended remedial effects in removing injury and whether any such failure to remove injury is as a result of increased dumping through a fall in export prices. For the purpose of the present proceeding, such a fall in export prices may be reflected in the direct export prices charged by exporters to the Community or it may be reflected in a lack of movement in resale prices or subsequent selling prices in the Community due to a compensatory arrangement. Therefore, the investigation examined price movements of export prices from China as well as prices at resale and other levels in the Community.

(b) Movement in export prices from China

(16) The Commission sought information on the export prices of glyphosate from China. Information was provided by the one cooperating Chinese exporter and four cooperating unrelated importers in the Community. In fact, export prices were found to have fallen by approximately 45 % as compared to those that were established during the original investigation.

(c) *Movement in resale prices in the Community*

- (17) The Commission sought information on resale prices and subsequent selling prices of glyphosate in the Community before and after the imposition of anti-dumping measures. The four cooperating unrelated importers in the Community, who imported the product concerned during the investigation period, provided information on import and resale prices of Chinese glyphosate.
- (18) A comparison of resale prices charged during the original investigation period and those charged during the present investigation period showed that resale prices had actually fallen since measures were imposed. On average this fall amounted to approximately 12 % as compared to the level previously established in the original investigation. The unrelated importers did not provide evidence that this fall was due to the increased efficiency of their resale operations in the Community.

4. Claims made by interested parties

(a) *General*

- (19) In Article 12 investigations, importers and exporters are provided with an opportunity to provide evidence which could justify a lack of movement in prices in the Community following the imposition of measures. The reasons which can justify such a lack of movement include a reduction in the costs and profit of the importer or a fall in normal value. Several parties provided information in this respect.

(b) *Producers/exporters in the country of origin*

- (20) One Chinese producer/exporter of glyphosate argued that the fall in resale prices since the imposition of anti-dumping measures was mainly caused by a world-wide decline in the cost of production of glyphosate, which in its turn was reflected in significant changes of normal values which ought to be taken into account.
- (21) Since the normal value established during the original investigation was established on the basis of an analogue country, i.e. Brazil, the Commission requested information in respect of normal values from the two known Brazilian producers which cooperated during the original investigation, i.e. Monsanto Brasil and Nortox, which continue to be the sole producers of glyphosate in the analogue country. Investigations were carried out at the premises of the Brazilian producers.
- (22) The Commission verified normal values and found that they had indeed fallen. This fall, which was calculated in relation to the normal values of the original case and those prevailing in the investigation period of this case, showed a fall of 17 %. However, as export prices had

fallen by a far greater amount (45 %) the movement in normal values could not justify the lack of movement in resale prices in the Community.

(c) *Unrelated importers in the Community*

- (23) The Commission also examined whether the lack of movement of resale prices was due to a decrease in the costs and profits of the unrelated importers. In this respect, the position of the four cooperating importers was examined and it was found that the levels of their costs and profits had remained broadly the same as those found in the original case. Therefore, these claims were rejected.

5. Reassessment of the export prices

- (24) Normally, in Article 12 investigations where a lack of movement of resale prices has been established, export prices would be reassessed on the basis of prices charged to independent buyers in the Community by the importer from which all costs and a normal profit of the said importer would be deducted to arrive at a constructed export price. This would be done in accordance with Article 2(9) of the basic Regulation.
- (25) In this case, however, the reassessment of export prices was made by reference to the fall in the direct export prices charged between the exporters and importers in accordance with the last sentence of Article 12(2) of the basic Regulation. This direct fall in export prices was considered to be the reason for the lack of movement in resale prices and subsequent selling prices in the Community following the imposition of measures and therefore the absorption of measures is reflected in the fall in export prices.
- (26) As export prices were found to have fallen by 45 % since the existing measures were imposed, the reassessed export prices were established by taking the export prices found in the original investigation and deducting the amount of the anti-dumping duty in force.

6. Recalculation of the dumping margin taking account of reassessed export prices

- (27) As required under Article 12 of the basic Regulation, the Commission recalculated the dumping margin for the Chinese producers/exporters concerned. This was done by comparing the reassessed export prices with the normal values established during the original investigation. This gives a dumping margin which when expressed as a percentage of the cif value equates to 62 %. Pursuant to Article 12(3) of the basic Regulation, the measures in force shall therefore be amended in accordance with the new findings.

7. New level of duties

- (28) The measures currently in force are based on the level of injury found in the original investigation. Therefore, the reassessed export prices were compared with the injury threshold established in the original investigation. Since the injury margin calculated on this basis is lower than the dumping margin, the new level of the duty should be based in the former. Accordingly, the proposed level of duty expressed as a percentage of the cif value is 48 %,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 368/98 shall be replaced by the following:

'Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of glyphosate falling within CN codes ex 2931 00 95 (TARIC code 2931 00 95 80) and ex 3808 30 27 (TARIC code 3808 30 27 10) originating in the People's Republic of China.
2. The rate of duty applicable to the net, free-at-Community-frontier price before duty shall be 48 %.
3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.'

Article 2

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

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

Done at Brussels, 22 May 2000.

For the Council

The President

J. GAMA

COMMISSION REGULATION (EC) No 1087/2000
of 24 May 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 25 May 2000.

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

Done at Brussels, 24 May 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 24 May 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	90,2
	204	66,1
	999	78,2
0707 00 05	052	81,7
	068	51,8
	628	113,5
	999	82,3
0709 10 00	052	141,9
	999	141,9
0709 90 70	052	57,2
	628	96,2
	999	76,7
0805 10 10, 0805 10 30, 0805 10 50	052	65,4
	204	32,6
	212	49,7
	220	41,6
	600	62,6
	624	48,7
	999	50,1
0805 30 10	052	66,7
	388	62,4
	528	61,5
	999	63,5
0808 10 20, 0808 10 50, 0808 10 90	388	91,3
	400	81,4
	404	93,4
	508	78,2
	512	88,8
	528	85,5
	720	55,8
	804	86,6
	999	82,6

⁽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 1088/2000**of 24 May 2000****fixing the maximum export refund for white sugar for the 40th 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 40th 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 40th 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 47,380/100 kg.

Article 2

This Regulation shall enter into force on 25 May 2000.

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

Done at Brussels, 24 May 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 1089/2000**of 24 May 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 organisation 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 25 May 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, 24 May 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⁾	8,40	—	0,00
1703 90 00 ⁽¹⁾	8,89	—	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 1090/2000**of 24 May 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 25 May 2000.

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

Done at Brussels, 24 May 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 24 May 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	40,15 ⁽¹⁾
1701 11 90 9910	38,66 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	40,15 ⁽¹⁾
1701 12 90 9910	38,66 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— EUR/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4365
	— EUR/100 kg —
1701 99 10 9100	43,65
1701 99 10 9910	44,35
1701 99 10 9950	42,29
	— EUR/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4365

⁽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 1091/2000

of 24 May 2000

imposing a provisional anti-dumping duty on imports of styrene-butadiene-styrene thermoplastic rubber originating in Taiwan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) In August 1999 the Commission announced by a notice (hereafter 'notice of initiation') published in the *Official Journal of the European Communities* ⁽³⁾ the initiation of an anti-dumping proceeding with regard to imports into the Community of styrene-butadiene-styrene thermoplastic rubber (hereinafter referred to as 'SBS'), originating in Taiwan and commenced an investigation.
- (2) The proceeding was initiated as a result of a complaint lodged by the European Chemical Industry Council (CEFIC) on behalf of Community producers representing a major proportion of the Community production of SBS. The complaint contained evidence of dumping of the said product, and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.
- (3) At the same time the Commission initiated a parallel anti-subsidy proceeding on the same product originating in Taiwan ⁽⁴⁾.
- (4) The Commission officially advised the Community producers, exporting producers and importers known to be concerned, the representatives of the exporting country and the complainant of the initiation of the proceeding. It gave the parties concerned the opportunity to make their views known in writing and to request a hearing.
- (5) A number of exporting producers as well as some Community producers, importers and suppliers in the Community made their views known in writing. All parties who so requested within the time limits set in the notice of initiation were granted a hearing.

- (6) The Commission sent questionnaires to all parties known to be concerned and received replies from a number of companies in the Community and Taiwan.
- (7) The Commission sought and verified all the information it deemed necessary for the purpose of a preliminary determination of dumping and injury, and carried out investigations at the premises of the following parties:
- (8) *Exporting producers in Taiwan*
 - Chi Mei Corporation, Tainan
 - Lee Chang Yung Chemical Industry Corporation, Taipei.
- (9) *Community producers*
 - Dynasol SA, Madrid, Spain (new name of Repsol Química SA)
 - Enichem SpA, Milan, Italy
 - Fina Chemicals, Brussels, Belgium
 - Shell Chemicals Ltd, London, United Kingdom.
- (10) *Unrelated importers in the Community*
 - Biesterfeld France SARL, Rueil, France
 - Tecnopolimeri, Milan, Italy.
- (11) *Users in the Community*
 - Thermoplastiques Cousin-Teissier, Tiffauges, France.
- (12) The investigation of dumping covered the period from 1 July 1998 to 30 June 1999 (hereinafter referred to as the 'investigation period' or 'IP'). The examination of trends in the context of the injury analysis covered the period from 1 January 1995 up to the end of the investigation period (hereinafter referred to as the 'injury investigation period' or 'IIP').

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT**1. Product under consideration**

- (13) The product under consideration is styrene-butadiene-styrene thermoplastic rubbers, which is currently classifiable within CN codes ex 4002 19 00 and ex 4002 99. The TARIC codes corresponding to the mentioned CN codes are: 4002 19 00 10; 4002 99 10 10 and 4002 99 90 91. A change to the Combined Nomenclature may be adopted during the period of validity of provisional measures.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 128, 30.4.1998, p. 18.

⁽³⁾ OJ C 241, 26.8.1999, p. 5.

⁽⁴⁾ OJ C 241, 26.8.1999, p. 4.

(14) This product is used in a variety of applications such as thermomodification of bitumen for road asphalt and roofing membranes, for technical and footwear compounding (mixture of different types of polymers, fillers and plasticisers), plastic modification, and adhesives.

(15) SBS is a polymer made from styrene and butadiene. It can be either dry or, with the addition of oil at the manufacturing stage, oil-extended SBS. Furthermore, SBS can come in different types which can be identified through different specifications (e.g. the ratio of styrene to butadiene and the oil content). Although the potential range of various types of SBS is important, there are no significant differences in their basic physical characteristics and no clear dividing lines exist between the various types. They are therefore considered as one single product for the purpose of this investigation.

2. Like product

(16) The Commission found no differences between the basic physical characteristics and uses of the SBS originating in Taiwan and imported into the Community, the SBS sold on the domestic market in Taiwan, and the SBS produced by the Community industry and sold on the Community market. It was therefore concluded that all these products are alike within the meaning of Article 1(4) of Regulation (EC) No 384/96 (hereinafter referred to as 'the basic Regulation').

C. DUMPING

1. Normal value

(a) Sufficient domestic sales

(17) In accordance with Article 2(2) of the basic Regulation, the Commission services first examined whether the domestic sales of SBS to independent customers by each exporting producer were sufficient for the purpose of establishing normal value, i.e. whether the total volume of such sales was equal to or greater than 5 % of the total volume of the corresponding export sales to the Community. This assessment revealed that all investigated exporting producers had representative sales of SBS on their domestic markets during the investigation period.

(18) For each of the types sold by the exporting producers on their domestic market and found to be directly comparable to types sold for export to the Community, it was further considered whether domestic sales were sufficient. This was the case when the volume of that type sold on the domestic market to independent customers

during the investigation period represented 5 % or more of the total volume of the comparable type sold for export to the Community.

(b) Ordinary course of trade test

(19) The Commission subsequently examined whether the domestic sales of each company could be considered as being made in the ordinary course of trade pursuant to Article 2(4) of the basic Regulation. This was done by establishing the proportion of domestic sales to independent customers, of each type, sold at a profit (i.e. at a price equal to or higher than the weighted average cost of production) on the domestic market during the investigation period.

(20) For each product type which was profitable on a weighted average basis and for which more than 80 % of its sales, by volume, was profitable, the normal value was calculated as the weighted average price of all domestic sales.

(21) For each type where the volume of profitable sales made on the domestic market was 80 % or less and 10 % or more, normal value was calculated as the weighted average price of the profitable domestic sales.

(22) For those types where less than 10 %, by volume, was sold at a profit on the domestic market, it was considered that the type concerned was not sold in the ordinary course of trade and therefore, normal value was constructed.

(c) Normal value based on actual domestic price

(23) For those types which were sold in sufficient quantities and in the ordinary course of trade in the domestic market, normal value was based on the actual prices paid or payable by independent customers in the domestic market of the exporting country, during the investigation period, as set out in Article 2(1) of the basic Regulation.

(d) Normal value based on constructed value

(24) For product types which were not sold in sufficient quantities or not sold in the ordinary course of trade on the domestic market, normal value had to be constructed. Constructed normal value was established for each cooperating exporting producer by adding to the manufacturing cost of the product type the actual selling, general and administrative expenses (hereinafter 'SG & A') incurred and the average profit realised on domestic sales of the like product, in the ordinary course of trade, during the investigation period.

2. Export price

- (25) As all exports of the product under consideration by all exporting producers were made directly to independent customers in the Community, the export price was established in accordance with Article 2(8) of the basic Regulation, on the basis of export prices actually paid or payable.

3. Comparison

- (26) For the purpose of ensuring a fair comparison between the normal value and the export price, 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 costs, ocean freight and insurance costs, handling, loading and ancillary costs, packing costs, credit costs, and commissions, have been granted where applicable and justified. The comparison between normal value and export price was made on an ex-factory basis.

4. Dumping margin

- (27) For both exporting producers, it was found that the export prices varied significantly between time periods, so that the comparison of normal values with weighted average export prices by product type would not reflect the full degree of dumping, in the sense of Article 2(11) of the basic Regulation. As foreseen in that Article, the normal weighted average values were thus compared to the prices of individual export transactions.
- (28) The two exporting companies who cooperated in these investigations were responsible for less than 30 % of the SBS imported into the European Community during the period of investigation and originating in Taiwan.
- (29) Given this low level of cooperation, it was considered inappropriate to establish the duty rate for non-cooperating companies at the same rate as the highest rate that has been established for the cooperating companies, i.e. 9,1 %. Rather, in order not to reward non-cooperation,

it is proposed to establish a residual dumping margin at a higher level, that is, on the basis of the highest dumping margins found for the two cooperating exporting producers with regard to product types sold in representative quantity, i.e. 20 %.

- (30) The provisional dumping margins expressed as a percentage of the cif import price at the Community border duty unpaid are the following:

— Lee Chang Yung Chemical Industry Corporation, Taipei:	5,3 %
— Chi Mei Corporation, Tainan:	9,1 %
— Non-cooperating exporting producers:	20 %.

D. INJURY

1. Definition of Community industry

- (31) Four companies produced SBS in the Community, all of them complainants in the present case.
- (32) All four companies fully cooperated in the investigation and on this basis it was established that they represent 100 % of the Community production of SBS. They, therefore, constitute the Community industry within the meaning of Article 4(1) of the basic Regulation and will, hereafter, be referred to as 'the Community industry'.

2. Consumption in the Community

- (33) The Community consumption of SBS was taken as the combined volume of sales made by the Community industry, the import volume from Taiwan and the imports from other third countries. Since no product-specific Eurostat statistics exist, and since cooperation was very low (30 %), actual export figures could not be used in the calculation and, therefore, the Commission used the best information available concerning the quantity of imports of the product concerned from Taiwan.

Consumption	1995	1996	1997	1998	IP
Tonnes	170 543	176 902	212 301	195 140	203 450
Index	100	104	124	114	119

Community consumption of SBS increased in volume by 19 % between 1995 and the investigation period.

3. Imports of SBS from Taiwan to the Community

(a) Volume of imports ⁽¹⁾

- (34) Between 1995 and the investigation period, imports originating in Taiwan developed in volume as follows:

Imports	1995	1996	1997	1998	IP
Tonnes	3 541	8 681	15 429	15 893	12 380
Index	100	245	436	449	350

The volume of imports from Taiwan increased significantly over the period examined. Between 1995 and 1998 they increased 4,5 times, and by 3,5 times from 1995 to the end of the investigation period.

(b) Market share of imports

- (35) The market share in volume held by imports from Taiwan confirms the sharp increase of these imports in the Community market. The market share almost quadrupled between 1995 and 1998, and increased threefold between 1995 and the investigation period.
- (36) The market share has followed the same trend as the volume of imports. Indeed, import volumes from Taiwan have increased substantially over the period 1995-98, and show a certain reduction in the investigation period.

Market share	1995	1996	1997	1998	IP
Tonnes	2,1 %	5,0 %	7,4 %	8,0 %	6,1 %
Index	100	236	350	392	293

(c) Average price of imports

- (37) The average import price from Taiwan decreased 17 % between 1997 and the investigation period.

Average import price	1997	1998	IP
Ecu/kg	0,92	0,85	0,76
Index	100	93	83

These figures were obtained from the cooperating exporters and were not available for 1995 and 1996 because the companies just set up at that time.

⁽¹⁾ The information concerning the volume of imports initially came from the Community producers of the product concerned, and was cross-checked with the Community importers' figures during the on-spot investigations.

(d) *Price undercutting*

- (38) For the determination of price undercutting, the Commission compared export prices from Taiwan with prices charged by the Community industry to independent customers at the same level of trade, after excluding discounts and rebates.
- (39) Prices were compared for similar product types of SBS. The results of the comparison showed price undercutting margins, expressed as a percentage of the Community industry's average selling prices, of 12,3 %.

4. Economic situation of the Community industry(a) *Production, capacity and capacity utilisation*

- (40) Annual production of the Community industry fluctuated, going from 242 710 tonnes in 1995 to 235 926 tonnes in the investigation period. However, from 1997 to the investigation period production fell by 8 %.
- (41) As regards capacity, this increased from 271 999 tonnes in 1995 to 328 000 tonnes in 1997 or by 22 %. It remained constant from 1997 onwards.

	1995	1996	1997	1998	IP
Production (tonnes)	242 710	222 139	257 808	226 880	235 926
<i>Index</i>	100	92	106	93	97
Capacity (tonnes)	271 999	310 011	328 000	328 000	333 008
<i>Index</i>	100	114	120	120	122
Capacity utilisation	89 %	72 %	79 %	69 %	71 %
<i>Index</i>	100	80	88	78	79

(b) *Sales volume*

- (42) The volume of SBS sold by the Community industry on the Community market increased by 13 % during the period considered. It reached a peak in 1997 of 183 301 tonnes, falling to 167 877 in 1998, and recovering some of the lost ground to 180 920 tonnes during the investigation period.

Sales	1995	1996	1997	1998	IP
Tonnes	159 543	160 902	183 301	167 877	180 920
<i>Index</i>	100	101	115	105	113

(c) *Average sales price and price evolution*

- (43) Prices have decreased year on year throughout the whole period, from 1995 up to and including the investigation period. Overall, the average price fell by 47 % during the period.

Average EC industry price	1995	1996	1997	1998	IP
Ecu/kg	1,766	1,272	1,172	1,089	0,954
Index	100	72	66	62	53

(d) *Market share*

- (44) The development of sales volume compared to that of Community consumption shows that the market share held by the Community in industry decreased significantly during the period considered.
- (45) The negative trend was reversed during the investigation period, without recovering to the level reached in 1995 and 1996.

	1995	1996	1997	1998	IP
Market share	94 %	91 %	86 %	86 %	89 %
Index	100	97	92	92	95

(e) *Stocks*

- (46) Compared to 1996, stocks increased by 17 % in 1997 and then fell back in 1998 and the investigation period to level 11 % below the 1996 figure.

	1996	1997	1998	IP
Stocks (tonnes)	39 741	46 417	43 494	34 453
Index	100	117	109	89

The exact figures for 1995 could not be obtained accurately because of changes of accounting systems in one company and changes of the structure of an other company.

(f) *Profitability*

- (47) In 1996, the Community industry showed a profit of 14,9 %, expressed as a percentage of net sales. In 1997 profits declined to 0,5 %, then turned into a loss of 1,5 % in 1998, followed by a loss of 9,8 % in the investigation period.

	1996	1997	1998	IP
Profitability (% of sales value)	14,9 %	0,5 %	- 1,5 %	- 9,8 %
Index	100	4	(10)	(66)

The exact figures for 1995 could not be obtained accurately because of changes of accounting systems in one company and changes of the structure of another company. This decrease in profitability reflects the fact that Community industry, in an apparent effort to hold on to market share, reduced its selling prices by almost 50 % between 1995 and the investigation period as mentioned above.

(g) *Investments*

- (48) Yearly investments made by the Community industry are very important in view of the fact that the SBS industry is capital intensive. Investment fell by 35% between 1998 and the investigation period, reflecting that investments for machinery equipment have been made before 1995, and no important investments have been made since then. Only during 1998 was the decreasing trend halted, when investments were significantly higher than in either 1997 or the investigation period.

Investments	1995	1996	1997	1998	IP
Thousand ecu	12 687	9 555	8 550	14 428	8 304
<i>Index</i>	100	75	67	114	65

(h) *Employment*

- (49) Employment of the sector in the product concerned declined steadily by a total of 5% between 1995 and the investigation period.

	1995	1996	1997	1998	IP
Employment	575	570	563	561	547
<i>Index</i>	100	99	98	96	95

5. Conclusion on injury

- (50) From 1995 up to the investigation period negative trends were found in investments (– 35 %), employment (– 5 %), capacity utilisation (– 16 %), sales prices (– 47 %), market share (– 5 percentage points), and profitability (net loss of 9,8 %).
- (51) The figures for the investigation period show that the Community industry is now in a very critical situation: – 9,8 % profitability.
- (52) The 3 % increase of production between 1995 and the investigation period should be seen in the context that in both 1996 and 1998 production declined by 6 % and 2 % respectively and during the same period consumption in the Community market of the product concerned increased by 19 %.
- (53) Between 1998 and the investigation period, a number of indicators showed modest rises. Capacity, volume of sales, market share and production levels were all up on the previous year. Employment continued its downward trend. More significant were the steep decline in sales prices, which fell 12 % from their 1998 level; and profit margin, deteriorating from a 1,5 % loss in 1998 into a 9,8 % loss during the investigation period.
- (54) The investigation has shown that the Community industry has suffered continuous and significant price pressure, with price undercutting averaging 12,3 % for imports from Taiwan. In parallel, the market share of these imports developed from 2,1 % to 6,1 % between 1995 and the investigation period.

- (55) In the light of this analysis, in particular price undercutting, sharply declining prices, and heavy financial losses, the Commission concluded that the Community industry has suffered material injury.

E. CAUSATION

1. Introduction

- (56) It must first be noted that, since anti-dumping and anti-subsidy investigations are running in parallel, and provisional countervailing measures are being imposed by Regulation (EC) No 1092/2000 ⁽¹⁾ relating to the same imports, the effect of the dumping and subsidisation cannot be considered in isolation. Consequently the reference to 'dumped' imports in this text should be read in the context of the fact that these imports are subsidised as well as dumped.
- (57) In order to reach its conclusions on whether the dumped imports caused material injury, the Commission considered the impact of all known factors on the situation of the Community industry, and examined how far they could intervene in the explanation of the injury caused to the Community Industry.

2. Effect of the dumped imports

- (58) The Commission found that imports of SBS from Taiwan to the Community increased significantly during the period examined, from 3 541 tonnes in 1995 to 12 380 tonnes during the investigation period. At the same time, the average sales prices decreased by 17 %.
- (59) The market share held by Taiwan increased from 2,1 % in 1995 to 6,1 % during the investigation period, whilst during the same period the Community industry lost 5 percentage points of market share.
- (60) During the investigation period, price undercutting averaged over 12 %.
- (61) The Commission considers that, in the circumstances, it is clear that the low price of imports of SBS from Taiwan caused a pressure on prices in the market, and subsequently, the critical decrease of sales prices of the Community industry.
- (62) The level of cooperation of exporters of the product concerned is extremely low (approximately 30 % in volume), leading to an uncertainty concerning the exact development of the prices practised by the non-cooperating exporters.
- (63) A strong causal link between the increasing volume of dumped imports from Taiwan and the deteriorating situation of the Community industry, was highlighted by the fact that the major losses suffered by the Community industry occurred for those product types of SBS mainly imported from Taiwan.
- (64) The Commission considers this to be particularly relevant as imported SBS and SBS produced in the Community have been found like products, as the market for these products is highly transparent, and as they have the same physical characteristics for each type, and are furthermore offered through similar sales channels in the Community market. Increasing volumes of SBS imported from Taiwan had a significant impact on that market overall and/or the situation of the Community industry. In the transparent SBS market, low-priced dumped SBS from Taiwan had a major impact on the level of prices in the Community.

⁽¹⁾ See page 26 of this Official Journal.

3. Impact of other factors

(a) Development of consumption

- (65) From 1995 up to the investigation period, consumption in the Community market increased by 19 % in volume terms indicating a growing SBS market. Therefore, the injurious situation suffered by the Community industry cannot be explained by the development of consumption.

(b) Imports of SBS from other third countries

- (66) Total imports of SBS onto the Community market from countries other than Taiwan, developed as follows:

Imports (tonnes)	1995	1996	1997	1998	IP
Brazil	1 500	1 500	2 500	2 000	1 500
<i>Index</i>	100	100	167	133	100
Mexico	2 000	2 500	3 000	3 500	3 500
<i>Index</i>	100	125	150	175	175
South Korea		300	1 000	1 600	1 300
<i>Index</i>		100	333	533	433
USA	3 000	2 705	6 328	3 963	3 500
<i>Index</i>	100	90	211	132	116
Other countries (excluding Taiwan)	959	314	743	307	350
<i>Index</i>	100	33	77	32	36
Total (excluding Taiwan)	7 549	7 319	13 571	11 370	10 150
<i>Index</i>	100	97	180	151	136
Year to year change		- 3 %	+ 83 %	- 29 %	- 10 %

- (67) The imports from other third countries increased by 36 % in terms of volume. However, a peak was reached in 1997, since when import volumes have been falling back.
- (68) In market share, the evolution is shown in the following table:

(%)					
Market share	1995	1996	1997	1998	PI
Brazil	0,9	0,8	1,2	1,0	0,7
Mexico	1,2	1,4	1,4	1,8	1,7
South Korea	0,0	0,2	0,5	0,8	0,6
USA	1,8	1,5	3,0	2,0	1,7
Total	3,9	3,9	6,1	4,6	4,7

- (69) That imports onto the Community market from other third countries did have an impact on the economic situation of the Community industry cannot be excluded. Nevertheless, the market share of Taiwan in the investigation period (6,1 %) is well above the total amount for all other countries taken together. Taking into account that the level of these imports has decreased since 1997, they cannot break the causal link between the imports from Taiwan and the injury suffered by the Community industry.

(c) *Export activity and other activities of the Community industry*

- (70) Exports to third countries between 1995 and the investigation period represented between 26 % and 30 % of total sales.

Exports	1995	1996	1997	1998	IP
Tonnes	67 213	66 535	67 831	61 926	64 047
Index	100	99	101	92	95

- (71) Considering the proportion of exports to total sales, this relatively small reduction of export volume cannot be considered as an important cause of injury.

(d) *Prices of raw materials*

- (72) The product concerned is composed, on average, of 70 % butadiene and 30 % styrene. The average purchase price for these two components for the Community industry were:

Styrene	1996	1997	1998	IP
Price in ecu/tonne	449	495	429	416
Index	100	110	95	93

Butadiene	1996	1997	1998	IP
Price in ecu/tonne	370	413	356	325
Index	100	112	96	88

- (73) Although there is a price decrease for raw materials during the investigation period, the price evolution does not show a constant trend over the period 1996 to the investigation period, and any decrease in the price of raw materials has been far less than the decrease in the SBS price in the Community.

4. Conclusion

- (74) It cannot be excluded that factors other than dumped imports from Taiwan, in particular the imports from other third countries, contributed to the difficult state of the Community industry. However, in view of the substantial increase in import volume from Taiwan, and the considerable degree of price decreases and price undercutting for these imports, the Commission concluded that the dumped imports had material negative consequences on the situation of the Community industry. Therefore, dumped imports from Taiwan, taken in isolation, have caused material injury to the Community industry.
- (75) One importer claimed that in fact only one exporting producer from Taiwan had been responsible for the significant price drop and only this exporter, consequently, should be subject to measures. However, the Commission found that the cooperating exporters from Taiwan to significantly undersold and undercut European Community industry prices, although in different degrees.

F. COMMUNITY INTEREST

1. Introduction

- (76) The Commission examined whether, despite the conclusions on dumping and injury caused thereby, compelling reasons existed which would lead to the conclusion that it would not be in the Community interest to adopt measures in this particular case. For this purpose, and pursuant to Article 21 of the basic Regulation, the Commission services considered the impact of measures for all parties involved in the proceedings.

2. Community industry

- (77) The Community industry has been suffering from low-priced and dumped imports of SBS. The objective of anti-dumping measures is to re-establish fair competition in the Community market.
- (78) 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 in this price sensitive market. The Community industry deployed particular efforts of rationalisation during the period examined
- (79) In view of the nature of the injury suffered by the Community industry, the Commission considered that, in the absence of the imposition of anti-dumping measures, the further deterioration of the situation of the Community industry would be quite probable.
- (80) The investigation showed that a capacity reduction may result in closure of certain production sites, which could not operate economically in view of the low-priced imports.
- (81) Furthermore, the ongoing restructuring efforts made by the Community industry show that it is not ready to abandon this segment of production, particularly as the market is rapidly growing.

3. Importers and users

- (82) The Commission sent questionnaires to 15 known importers unrelated to the exporting producers in Taiwan, as well as to 15 users of SBS in the Community. Five importers and three users submitted replies.
- (83) Some importers claimed that the imposition of anti-dumping duties would diminish competition in the Community market and would affect negatively the price and availability of SBS.
- (84) However, the imposition of anti-dumping measures, does not foreclose the Community to imports, it will merely establish fair trading conditions. As to the availability of SBS, there are a number of producers operating in the Community, these producers have unused production capacity, and there are other sources of imports which, under fair trading conditions, will find the Community market more appealing again.
- (85) No evidence was provided by the users concerning any potential disadvantage that anti-dumping measures could bring to their business.
- (86) On the basis of the above the Commission concluded that the imposition of provisional anti-dumping measures against imports of SBS from Taiwan would not cause any significant deterioration of the situation of importers and users.

4. Conclusion on Community Interest

- (87) On the basis of the above facts and considerations, the Commission concluded, that there were no compelling reasons not to impose measures concerning imports from Taiwan, in order to ensure competitive conditions of fair pricing and to prevent the continuation of injury in the Community industry.

G. PROVISIONAL DUTY

- (88) In view of the conclusions reached with regard to dumping, injury, causation and Community interest, provisional anti-dumping measures should be taken in order to prevent further injury being caused to the Community industry by the dumped imports from Taiwan.
- (89) For the purpose of determining the level of these measures, the Commission took account of the dumping margins found and of the amount of duty necessary to eliminate the injury sustained by the Community industry. It also took account of the countervailing duties imposed in the parallel anti-subsidy investigation.

- (90) In accordance with Article 14(1) of the basic Regulation, no product shall be subject to both anti-dumping and countervailing duties for the purposes of dealing with one and the same situation arising from dumping or from export subsidisation. The subsidy schemes investigated in the parallel anti-subsidy proceeding did not constitute export subsidies within the meaning of Article 3(4)(a) of Council Regulation (EC) No 2026/97 ⁽¹⁾. As such, the subsidies affect both the export prices and the domestic prices of the exporting producers, thus not affecting the margin of dumping and the provisional anti-dumping duty should not be adjusted to reflect the amount of subsidy found.
- (91) In order to determine the injury margin, the Commission considered that the prices of dumped imports should be increased to a non-injurious level. The necessary price increase was determined on the basis of an appropriate comparison of the export price, as established for the undercutting calculations, with the non-injurious price of the different types sold by the Community industry on the Community market. The non-injurious price has been obtained by adding to the sales price of the Community industry its average actual loss and by further adding a profit margin of 8 %. This profit margin was considered a reasonable profit for this product that would be earned in absence of unfair trade; it has been used in previous cases for this type of industry and is well below the profit margin that was being achieved by the Community industry in the mid-1990s.
- (92) In accordance with Article 7(1) of the Basic Regulation, the anti-dumping duty should correspond to the dumping margin, unless the injury margin is lower. Since all dumping including the residual margin, when combined with the provisional countervailing duty of 1,0 or 1,5 %, were found to be lower than the injury margins, the provisional duties to be imposed should correspond to the dumping margins established, in conformity with Article 7(2) of the basic anti-dumping Regulation. Accordingly, this leads to the following provisional anti-dumping duty rates for the exporting producers in Taiwan:
- | | |
|---|-------|
| — Chi Mei Corporation: | 9,1 % |
| — Lee Chang Yung Chemical Industry Corporation: | 5,3 % |
| — Non-cooperating exporting producers: | 20 %. |
- (93) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of the present investigation. Therefore, they reflect the situation found during that investigation with respect to these companies. These duty rates (as opposed to the country-wide duty applicable to 'all other companies') are thus exclusively applicable to imports of products originating in the country concerned and produced by the companies and thus by the specific legal entities mentioned. Imported products produced by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.
- (94) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting-up of new production or sales entities) should be addressed to the Commission ⁽²⁾ forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with e.g. that name change or that change in the production and sales entities. The Commission, if appropriate, will, after consultation of the advisory committee, amend the Regulation accordingly by updating the list of companies benefiting from individual duty rates.

H. FINAL PROVISION

- (95) In the interests of sound administration, periods 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 purposes of this Regulation are provisional and may have to be reconsidered for the purposes of any definitive duty,

⁽¹⁾ OJ L 288, 21.10.1997, p. 1.

⁽²⁾ European Commission
Trade Directorate-General
Directorate C
DM 24-8/38
Rue de la Loi/Wetstraat 200
B-1049 Brussels.

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of styrene-butadiene-styrene thermoplastic rubbers, falling within CN codes ex 4002 19 00 and ex 4002 99 and originating in Taiwan. These codes may change during the period of validity of this duty as set out in recital 13 of this Regulation.

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

Producer	Rate of duty (%)	TARIC additional code
Chi Mei Corporation 59-1 San Chia, Yen Te, Tainan County, Taiwan Republic of China	9,1	A127
Lee Chang Yung Chemical Industry Corporation 83 Pateh Road, Section 4, Taipei, Taiwan 105, Republic of China	5,3	A128
All other Taiwanese companies	20,0	A999

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

4. The release for 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. The parties referred to in Article 20(1) of Regulation (EC) No 384/96 may make their views known in writing and apply to be heard orally by the Commission within 15 days of the date of entry into force of this Regulation.

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

Article 3

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

Article 4

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

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

Done at Brussels, 24 May 2000.

For the Commission

Pascal LAMY

Member of the Commission

COMMISSION REGULATION (EC) No 1092/2000

of 24 May 2000

imposing a provisional countervailing duty on imports of styrene-butadiene-styrene thermoplastic rubber originating in Taiwan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community⁽¹⁾ and in particular Article 12 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) In August 1999 the Commission announced by a notice (here-in-after referred to as 'notice of initiation') published in the *Official Journal of the European Communities*⁽²⁾ the initiation of an anti-subsidy proceeding with regard to imports into the Community of styrene-butadiene-styrene thermoplastic rubber (hereinafter referred to as 'SBS'), originating in Taiwan and commenced an investigation.
- (2) The proceeding was initiated as a result of a complaint lodged by the European Chemical Industry Council (CEPIC) on behalf of Community producers representing a major proportion of Community production of SBS. The complaint contained evidence of subsidisation of the said product, and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.
- (3) At the same time the Commission initiated a parallel anti-dumping proceeding on the same product from Taiwan⁽³⁾.
- (4) Prior to the initiation of the proceeding and in accordance with Article 10(9) of Regulation (EC) No 2026/97 (hereinafter referred to as the 'basic Regulation'), the Commission notified the Government of Taiwan (hereinafter referred to as GOT) that it had received a properly documented complaint alleging that subsidised imports of SBS originating in Taiwan are causing material injury to the Community industry.
- (5) The Commission officially advised the Community producers, exporting producers and importers known to be concerned, the representatives of the exporting country and the complainant of the initiation of the proceeding, it gave the parties concerned the opportunity

to make their views known in writing and to request a hearing.

- (6) The GOT, a number of exporting producers as well as some producers, importers and suppliers in the Community made their views known in writing. All parties who so requested were granted a hearing within the time limits set in the notice of initiation.
- (7) The Commission sent questionnaires to all parties known to be concerned and received replies from the GOT and a number of companies in the Community and Taiwan.
- (8) The Commission sought and verified all the information it deemed necessary for the purpose of a preliminary determination of subsidisation and injury, and carried out investigations at the premises of the following competent government agencies, exporting producers, Community producers, as well as unrelated importers and users in the Community:
- (9) *Government of Taiwan*
 - Ministry of Economic Affairs — Board of Foreign Trade (BOFT), Taipei
 - Ministry of Economic Affairs — Industrial Development Bureau (IDB), Taipei
 - Ministry of Finance — Department of Taxation, Taipei
 - Ministry of Finance — Directorate-General of Customs, Taipei
 - Development Fund of the Executive Yuan, Taipei
 - Chiao Tung Bank, Taipei
 - Business Bank of Taiwan, Taipei.
- (10) *Exporting producers in Taiwan*
 - Chi Mei Corporation, Taiwan
 - Lee Chang Yung Chemical Industry Corporation, Taipei.
- (11) *Community Producers*
 - Dynasol SA, Madrid, Spain (new name of Repsol Quimica SA)
 - Enichem SpA, Milan, Italy
 - Fina Chemicals, Brussels, Belgium
 - Shell Chemicals Ltd, London, UK.
- (12) *Unrelated Importers in the Community*
 - Biesterfeld France SARL, Rueil, France
 - Tecnopolimeri, Milan, Italy.
- (13) *Users in the Community*
 - Thermoplastiques Cousin-Teissier, Tiffauges, France.

⁽¹⁾ OJ L 288, 21.10.1997, p. 1.

⁽²⁾ OJ C 241, 26.8.1999, p. 4.

⁽³⁾ OJ C 241, 26.8.1999, p. 5.

- (14) The investigation of subsidisation covered the period from 1 July 1998 to 30 June 1999 (hereinafter referred to as the 'investigation period' or 'IP'). The examination of trends in the context of the injury analysis covered the period from 1 January 1995 up to the end of the investigation period (hereinafter referred to as the 'injury investigation period' or 'IIP').

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

1. Product under consideration

- (15) The product under consideration is styrene-butadiene-styrene thermoplastic rubber, which is currently classifiable within CN codes ex 4002 19 00 and ex 4002 99. A change to the Combined Nomenclature may be adopted during the period of validity of provisional measures. In such a case, the TARIC codes corresponding respectively to the mentioned CN codes are: 4002 19 00 10; 4002 99 10 10 and 4002 99 90 91.
- (16) This product is used in a variety of applications such as thermomodification of bitumen for road asphalt and roofing membranes, for technical and footwear compounding (mixture of different types of polymers, fillers and plasticisers), plastic modification, and adhesives.
- (17) SBS is a polymer made from styrene and butadiene. It can be either dry or, with the addition of oil at the manufacturing stage, oil-extended SBS. Furthermore, SBS can come in different types which can be identified through different specifications (e. g. the ratio of styrene to butadiene and the oil content). Although the potential range of various types of SBS is important, there are no significant differences in their basic physical characteristics. They are therefore considered as one product for the purpose of this investigation.

2. Like product

- (18) The Commission found no differences between the basic physical characteristics and uses of the SBS originating in Taiwan and imported into the Community, that sold on the domestic market in Taiwan, and that SBS produced by the Community industry and sold on the Community market. It was therefore concluded that all these products are alike within the meaning of Article 1(4) of the basic Regulation.

C. SUBSIDERS

1. Introduction

- (19) On the basis of the information contained in the complaint and the replies to the Commission's questionnaires, the Commission investigated the following four schemes, which allegedly granted subsidies:

- (i) Tax credits and tax exemptions;
- (ii) Loans at preferential interest rates;
- (iii) Accelerated depreciation;
- (iv) Import duty exemption.

- (20) Schemes (i) to (iii) are based on the Statute for upgrading industries which entered into force on 1 January 1991, and which was last amended on 27 January 1995. These programmes are designed to promote a general upgrading of the industry by creating an advantageous tax environment backed by appropriate financial measures. The implementation of these programmes is regulated by the enforcement rules of the Statute for upgrading industries as last amended on 21 July 1999. Finally, the practical implementation of these programmes is regulated by measures enacted by the GOT.

- (21) Scheme (iv) is based on additional note 6 to Chapter 29 of the Customs import tariff and classification of import and export commodities of the Republic of China.

2. Tax credits and tax exemptions

- (22) The complainant made a number of allegations concerning tax incentives granted to SBS producers in Taiwan. However, the Commission found that only the tax credits for the purchase of automation equipment and pollution control equipment scheme was used.
- (23) Tax credits are available to private manufacturing and technical-service-rendering Taiwanese companies. There is no specific export requirement nor is availability dependent on certain product types or minimum production quantity or turnover. However, tax exemptions are only granted for investments exceeding 600 000 TWD in the following limited areas:
- equipment for automation of production,
 - equipment for pollution control,
 - technology for automation of production or for pollution control.

(a) Practical implementation

- (24) Any eligible company, which invests in the abovementioned equipment types, may credit 10 % to 20 % of the purchase amount against the corporate income tax payable for the current year. Where the amount of income tax payable is less than the deductible amount, the benefit may be carried over during the next four years.

(25) The amount of tax credit is determined as follows:

- for the purchase of domestically manufactured automated equipment or pollution control equipment, the credit rate is 20 %,
- for the purchase of foreign-made automated or pollution control equipment, the credit rate is 10 %,
- for the purchase of technology for automation production, the permissible credit rate is 10 %,
- for the purchase of technology for pollution control, the permissible credit rate is 5 %.

(26) In order to obtain the tax credits, a company makes an application for the issuance of a tax-deduction certificate to the Industrial Development Bureau (IDB) of the Ministry of Economic Affairs within six months of the date of delivery of the equipment or the date of completion of the project. Prior to issuing the tax-deduction certificate, the local tax authorities will verify whether the equipment falls within the laid-down criteria and has been installed. Once the certificate is issued, the tax credit can be deducted in the tax declaration for the current year.

(b) Countervailability

(27) Under the purchase of automation equipment tax credit and the pollution control tax credit, there is a financial contribution by the GOT in the form of taxes foregone and a benefit accrues to the recipient (i.e. the producer concerned) by not having to pay a certain amount of taxes.

(28) The tax credits for domestically manufactured automated or pollution control equipment, constitute countervailable subsidies which are contingent upon the use of domestic over imported goods.

(29) Since this credit rate is only available for domestically produced equipment and not for imported equipment, it is contingent upon the use of domestic over imported goods. This tax credit is therefore a specific and therefore countervailable import substitution subsidy in the meaning of Article 3(4)(b) of the basic Regulation.

(c) Calculation of the subsidy amount

(30) The amount of subsidy has been calculated on the basis of the amount of taxes unpaid during the investigation period. In order to encompass the full benefit to the recipient, this amount has been adjusted by adding the average commercial interest during the investigation period (9 %). The total amount of subsidy so attributed

to the investigation period should be allocated over total sales since this subsidy benefits both domestic and export sales.

(31) Both cooperating companies, Chi Mei Corporation and Lee Chang Yung Chemical Industry Corporation, availed themselves of these schemes, obtaining a benefit of 0,32 % and 0,42 % respectively.

3. Loans at preferential interest rates

(32) It was alleged that there are several programmes regarding preferential loans available to the companies under investigation. The Commission established that only loans for automation and loans for anti-pollution incentives were used by the producers of the product concerned.

(a) Eligibility

(33) These schemes are covered by Article 21(1)(3), item 3 of the Statute for upgrading industries. The GOT has established a development fund and makes use of it for providing loans in line with the government industrial policy for assisting the sound development of industries.

(b) Practical implementation

(34) A company has to file an application with the Chiao Tung Bank (which is partly State owned), or with certain other designated banks. The bank will verify whether the application falls within the criteria laid down. Based on the financial situation of the applicant, the Chiao Tung Bank will decide on the amount of the loan. 25 % of the Fund is financed through the Development Fund, the remaining 75 % through the commercial banks. The Chiao Tung Bank takes care of channelling the loans to the benefiting companies.

(c) Countervailability

(35) The Commission established that there is a financial contribution by the GOT since the executive Yuan of the Development Fund, which is responsible for drafting and amending the rules relating to these types of loans is State controlled. Furthermore, the Chiao Tung Bank, which is also State-controlled, channels the loans to the companies.

(36) In addition, a benefit is conferred on the recipient of the loan since the interest rates of these loans are generally lower than comparable commercial loans.

- (37) Low-interest loans are only available to companies which purchase specific equipment under specific conditions set by the Executive Yuan of the Development Fund. These criteria are not considered to be objective since it is established at the time of granting the loan that only companies investing in certain equipment will be in a position to benefit from this programme. Since the eligibility is expressly limited to certain enterprises and not based on neutral criteria within the meaning of Article 3(2)(b) of the basic Regulation, the scheme is considered specific in accordance with Article 3(2)(a) of the basic Regulation.

(d) Calculation of the subsidy amount

- (38) The subsidy is the difference between the amount of interest paid on the loan during the investigation period and the interest normally payable on a comparable commercial loan during the investigation period.
- (39) The comparable loan should be a loan of a similar amount with a similar repayment period actually obtained by the recipient from a representative private bank operating on the domestic market. In this investigation there were no such comparable commercial loans granted to the respective companies. Therefore the Commission considered that the appropriate benchmark would be the average commercial interest rate during the investigation period (9 %).
- (40) In order to encompass the full benefit to the company, for any amount as calculated above, interest was added at a rate which corresponds to the average commercial interest rate described above. The full subsidy amount so obtained was allocated over the total turnover of the company during the investigation period.
- (41) Both cooperating companies, Chi Mei Corporation and Lee Chang Yung Chemical Industry Corporation availed themselves of these schemes and each obtained a benefit of 0,07 %.

4. Accelerated depreciation

- (42) It was alleged that the GOT allows accelerated depreciation under a number of programmes. Whilst the Commission established that these programmes exist and that one company had made use of them, the amount of benefit was found to be negligible.

5. Import duty exemption

- (43) It was alleged that the GOT granted import duty exemption for equipment and raw materials.

PURCHASES OF NEW EQUIPMENT AND ANTI-POLLUTION EQUIPMENT

- (44) The purchase of some specific new manufacturing machinery and equipment which is not manufactured locally and which is used by companies for the purposes of development of new products, improvement of product quality, enhancement of productivity, saving of

energy resources, promotion of waste reclamation, improvement in manufacturing processes are, following approval of the GOT, exempted from import duties.

- (45) This exemption of import duty also exists for manufacturers who purchase equipment designed specifically for prevention and control of air, noise, or water pollution, vibration control, environmental monitoring or waste processing.

(a) Eligibility

- (46) This scheme is governed by the additional notes 3 and 9 to Chapter 84; additional notes 4 and 5 to Chapter 85; and additional notes 1 and 2 to Chapter 90 of the Customs import tariff and classification of import and export commodities of the Republic of China (hereinafter referred to as the 'Customs Code').
- (47) A manufacturing company which imports equipment and machinery solely for the purposes outlined in recital 44, and which are not yet manufactured locally, is exempted from paying imports duties on those imports.
- (48) Furthermore, a company importing equipment as outlined in recital 45 is exempted from paying import duties.

(b) Practical implementation

- (49) A company which intends to import the abovementioned machinery or equipment files an application which the Industrial Development Board (IDB) prior to importation. If the IDB establishes that the machinery to be purchased falls within the criteria outlined in recitals 44 and 45, it will issue a certificate. This certificate enables the company to import the specified machinery without paying import duties. Random checks are made by the customs services to ensure that the imported machinery corresponds with the IDB certificate.

(c) Countervailability

- (50) There is a financial contribution by the GOT in the form of import duties foregone. Consequently this scheme confers a direct benefit to the recipient in the form of unpaid import duty.
- (51) The import-duty exemption constitutes a specific subsidy, as, de facto, it can only be used by limited sectors of the Taiwanese industry investing in specific equipment. Eligibility for the import-duty exemption on purchases of new equipment is limited to only those companies who import machinery which is not available on the local market. With regard to anti-pollution equipment, it is a fact that only certain sectors will be in a position to use this specific equipment and therefore eligibility for this scheme is de facto limited to such sectors.

(52) The Commission considers that access to this programme is limited to certain companies and that this scheme therefore is specific within the meaning of Article 3(2)(a) of the basic Regulation. Therefore, this subsidy is countervailable.

(d) Calculation of the subsidy amount

(53) The benefit to the companies represents the amount of import duties normally payable without the benefit of the exemption. The normal import-duty rate for machinery lies between 2 % and 20 %. For the purchase of imported machinery, this amount should be allocated over the normal service life of the machinery in this industry, i.e. eight years. In order to encompass the full benefit to the recipient, this amount has been adjusted by adding the average commercial interest during the investigation period (9 %). The total amount of subsidy so attributed to the investigation period was allocated over total sales since this subsidy benefits both domestic and export sales.

(54) Both cooperating companies, Chi Mei Corporation and Lee Chang Yung Chemical Industry Corporation availed themselves of this scheme and obtained a benefit of 0,05 % and 0,04 % respectively.

IMPORTS OF RAW MATERIAL

(55) The customs import tariff offers tax-exemptions for imports of main raw materials of chemicals and submaterial, and that access to the tax exemption is explicitly limited to certain enterprises, including the producers of SBS.

(a) Eligibility

(56) Manufacturing companies which import certain specific raw materials exhaustively described in the Customs Code and which are not yet produced or sufficiently available on the local market are exempted from paying import duties on the purchases of those raw materials.

(b) Practical implementation

(57) A company which intends to import the specified raw material files an application with the IDB prior to importation. If the IDB has established that the raw material to be purchased is not produced in Taiwan or is not supplied sufficiently in Taiwan, it will issue a certificate enabling the company to import the raw material without payment of import duties. The customs services randomly check that the imported raw material is as described on the certificate.

(c) Countervailability

(58) There is a financial contribution by the GOT in the form of import duties foregone. Consequently this scheme confers a direct benefit to the recipient in the form of unpaid import duties.

(59) The import duty exemption pursuant to the Customs Code constitutes a subsidy. Due to its nature, it can clearly be demonstrated that the programme can only be used by limited sectors of the Taiwanese industry importing specific raw materials, as those industry sectors whose raw material is produced in Taiwan will not be able to use this programme.

(60) The scheme is not a general duty suspension scheme. Utilisation of the scheme is dependant upon individual applications from each company, for each product manufactured, and for each raw material to be improved duty free. The GOT has discretion in the granting of certificates. Further, it is considered that access to this scheme is limited to certain companies. Therefore, this scheme is specific within the meaning of Article 3(2)(a) of the basic Regulation and the subsidy is countervailable.

(d) Calculation of the subsidy amount

(61) The benefit to the companies was calculated as the amount of import duties normally payable without the benefit of the exemption for the production of the product concerned. The normal import duty rate for raw material needed for the manufacturing of SBS lies between 1,25 % and 5,00 %.

(62) In order to encompass the full benefit to the recipient, this amount has been adjusted by adding interest. In this case, since the companies obtained subsidies equivalent to a series of grants during the investigation period, it is considered appropriate to assume that an average grant would have been received at the mid-point of the investigation period, and therefore the interest should cover a period of six months. Therefore, half the average commercial rate (4,5 %) was added. The total amount of subsidy so attributed to the investigation period was allocated over the total sales turnover for the product concerned since this subsidy benefits both domestic and export sales.

(63) Both cooperating companies, Chi Mei Corporation and Lee Chang Yung Chemical Industry Corporation availed themselves of this scheme and obtained a benefit of 0,97 % and 0,61 % respectively.

6. Other subsidies

- (64) The Commission determined that there were no other subsidy programmes used by the exporting producers.

7. Amount of countervailable subsidies

- (65) The amount of countervailable subsidies in accordance with the provisions of the basic Regulation, expressed *ad valorem*, for the investigated exporting producers is as follows:

	(in %)	
	Chi Mei Corporation	Lee Chang Yung Chemical Industry Corporation
Tax credits	0,42	0,32
Loans at preferential interest rates	0,07	0,07
Accelerated depreciation	0,00	0,00
Import-duty exemption	1,02	0,65
Total amount of subsidy	1,51	1,04

D. INJURY

1. Definition of Community industry

- (66) Four companies produced SBS in the Community, all of them complainants in the present case.
- (67) All four companies fully cooperated in the investigation and on this basis it was established that they represent 100 % of the Community production of SBS. They, therefore, constitute the Community industry within the meaning of Article 4(1) of the Basic Regulation and will, hereafter, be referred to as the 'Community industry'.

2. Consumption in the Community

- (68) The Community consumption of SBS was taken as the combined volume of sales made by the Community industry, the import volume from Taiwan and the imports from other third countries. Since no product-specific Eurostat statistics exist, and since cooperation was very low (30 %), actual export figures could not be used in the calculation and, therefore, the Commission used the best information available concerning the quantity of imports of the product concerned from Taiwan.

Consumption	1995	1996	1997	1998	IP
Tonnes	170 543	176 902	212 301	195 140	203 450
Index	100	104	124	114	119

Community consumption of SBS increased in volume 19 % between 1995 and the investigation period.

3. Imports of SBS from Taiwan to the Community ⁽¹⁾

(a) Volume of imports

- (69) Between 1995 and the investigation period, imports originating in Taiwan developed in volume as follows:

⁽¹⁾ The information concerning the volume of imports initially came from the Community producers of the product concerned, and was cross-checked with the Community importers' figures during on-the-spot investigations.

Imports	1995	1996	1997	1998	IP
Tonnes	3 541	8 681	15 429	15 893	12 380
<i>Index</i>	100	245	436	449	350

The volume of imports from Taiwan increased significantly over the period examined. Between 1995 and 1998 they increase 4,5 times, and by 3,5 times from 1995 to the end of the investigation period.

(b) *Market share of imports*

- (70) The market share in volume held by imports from Taiwan confirms the sharp increase of these imports in the Community market. The market share almost quadrupled between 1995 and 1998, and increased threefold between 1995 and the investigation period.
- (71) The market share has followed the same trend as the volume of imports. Indeed, import volumes from Taiwan increased substantially over the period 1995 to 1998, and show a certain reduction in the investigation period:

Market share	1995	1996	1997	1998	IP
Total	2,1 %	5,0 %	7,4 %	8,0 %	6,1 %
<i>Index</i>	100	236	350	392	293

(c) *Average price of imports*

- (72) The average import price from Taiwan decreased 17 % between 1997 and the investigation period:

Average import price	1997	1998	IP
In ECU/kg	0,92	0,85	0,76
<i>Index</i>	100	93	83

These figures were obtained from the cooperating exporters and were not available for 1995 and 1996 because the companies had just set up at that time.

(d) *Price undercutting*

- (73) For the determination of price undercutting, the Commission compared export prices from Taiwan with prices charged by the Community industry to independent customers at the same level of trade, after excluding discounts and rebates.
- (74) Prices were compared for similar product types of SBS. The results of the comparison showed price undercutting margins, expressed as a percentage of the Community industry's average selling prices, of 12,3 %.

4. Economic situation of the Community industry

(a) *Production, capacity and capacity utilisation*

- (75) Annual production of the Community industry fluctuated, going from 242 710 tonnes in 1995 to 235 926 tonnes in the investigation period. However, from 1997 to the investigation period production fell by 8 %.
- (76) As regards capacity, this increased from 271 999 tons in 1995 to 328 000 tons in 1997 or by 22 %. It remained constant from 1997 onwards:

	1995	1996	1997	1998	IP
Production (tonnes)	242 710	222 139	257 808	226 880	235 926
<i>Index</i>	100	92	106	93	97
Capacity (tonnes)	271 999	310 011	328 000	328 000	333 008
<i>Index</i>	100	114	120	120	122
Capacity utilisation	89 %	72 %	79 %	69 %	71 %
<i>Index</i>	100	80	88	78	79

(b) *Sales volume*

- (77) The volume of SBS sold by the Community industry on the Community market increased by 13 % during the period considered. It reached a peak in 1997 of 183 301 tonnes, falling to 167 877 in 1998, and recovering some of the lost ground to 180 920 tonnes during the investigation period:

Sales	1995	1996	1997	1998	IP
Tonnes	159 543	160 902	183 301	167 877	180 920
<i>Index</i>	100	101	115	105	113

(c) *Average sales price and price evolution*

- (78) Prices have decreased year on year throughout the whole period, from 1995 up to and including the investigation period. Overall, the average price fell by 47 % during the period:

Average EC industry price	1995	1996	1997	1998	IP
ECU/kg	1,766	1,272	1,172	1,089	0,954
<i>Index</i>	100	72	66	62	53

(d) *Market share*

- (79) The development of sales volume compared to that of Community consumption shows that the market share held by the Community industry decreased significantly during the period considered.
- (80) The negative trend was reserved during the investigation period, without recovering to the level reached in 1995 and 1996:

	1995	1996	1997	1998	IP
Market share	94 %	91 %	86 %	86 %	89 %
<i>Index</i>	100	97	92	92	95

(e) *Stocks*

- (81) Compared to 1996, stocks increased by 17 % in 1997 and the fell back in 1998 and the investigation period to level 11 % below the 1996 figure:

	1996	1997	1998	IP
Stocks (tonnes)	39 741	46 417	43 494	34 453
<i>Index</i>	100	117	109	89

The exact figures for 1995 could not be obtained accurately because of changes of accounting system in one company and changes of the structure of an other company.

(f) *Profitability*

- (82) In 1996, the Community industry showed a profit of 14,9 %, expressed as a percentage of net sales. In 1997 profits declined to 0,5 %, then turned into a loss of 1,5 % in 1998, followed by a loss of 9,8 % in the investigation period:

	1996	1997	1998	IP
Profitability (% of sales value)	14,9 %	0,5 %	- 1,5 %	- 9,8 %
<i>Index</i>	100	4	(10)	(66)

The exact figures for 1995 could not be obtained accurately because of changes of accounting systems in one company and changes of the structure of an other company. This decrease in profitability reflects the fact that Community industry, in an apparent effort to hold on to market share, reduced its selling prices by almost 50 % between 1995 and the investigation period as mentioned above.

(g) *Investments*

- (83) Yearly investments made by the Community industry are very important in view of the fact that the SBS industry is capital-intensive. Investment fell by 35 % between 1995 and the investigation period, reflecting that investments for machinery equipment were made before 1995, and no important investments have been made since then. Only during 1998 was the decreasing trend halted, when investments were significantly higher than in either 1997 or the investigation period:

Investments	1995	1996	1997	1998	IP
Thousand ecus	12 687	9 555	8 550	14 428	8 304
<i>Index</i>	100	75	67	114	65

(h) *Employment*

- (84) Employment in the sector in the product concerned declined steadily by a total of 5 % between 1995 and the investigation period:

	1995	1996	1997	1998	IP
Employment	575	570	563	561	547
<i>Index</i>	100	99	98	96	95

5. Conclusion on Injury

- (85) From 1995 up to the investigation period negative trends were found in investments (- 35 %), employment (- 5 %), capacity utilisation (- 16 %), sales prices (- 47 %), market share (- 5 %), and profitability (net loss of 9,8 %).
- (86) The figures for the investigation period show that the Community industry is now in a very critical situation: - 9,8 % profitability.
- (87) The 3 % increase in production between 1995 and the investigation period should be seen in the context that in both 1996 and 1998 production declined by 6 % and 2 % respectively and during the same period consumption in the Community market of the product concerned increased by 19 %.
- (88) Between 1998 and the investigation period, a number of indicators showed modest rises. Capacity, volume of sales, market share and production levels were all up on the previous year. Employment continued its downward trend. More significant were the steep decline in sales prices, which fell 12 % from their 1998 level, and in the profit margin, deteriorating from a 1,5 % loss in 1998 into a 9,8 % loss during the investigation period.

- (89) The investigation has shown that the Community industry has suffered continuous and significant price pressure, with price undercutting averaging 12,3 % for imports from Taiwan. In parallel, the market share of these imports developed from 2,1 % to 6,1 % between 1995 and the investigation period.
- (90) In the light of this analysis, in particular price undercutting, sharply declining prices, and heavy financial losses, the Commission concluded that the Community industry has suffered material injury.

E. CAUSATION

1. Introduction

- (91) It must first be noted that, since anti-dumping and anti-subsidy investigations are running in parallel, and provisional anti-dumping measures are being imposed by Regulation (EC) No 1091/2000 ⁽¹⁾ relating to the same imports, the effect of the dumping and subsidisation cannot be considered in isolation. Consequently the reference to 'subsidised' imports in this text should be read in the context of the fact that these imports are subsidised as well as dumped.
- (92) In order to reach its conclusions on whether the subsidised imports caused material injury, the Commission considered the impact of all known factors on the situation of the Community industry.

2. Effect of the subsidised imports

- (93) The Commission found that imports of SBS from Taiwan to the Community increased significantly during the period examined, from 3 541 tons in 1995 to 12 380 tons during the investigation period. At the same time, the value of these imports decreased from ECU 14 122 000 to ECU 9 430 000, resulting in average sales prices falling 17 %.
- (94) The market share held by Taiwan increased from 2,1 % in 1995 to 6,1 % during the investigation period, whilst during the same period the Community industry lost five percentage points of market share.
- (95) During the investigation period, the level of underselling of imports from Taiwan was between 27 % and 37 %, and price undercutting averaged over 12 %.
- (96) The Commission considers that these figures show that the price of imports of SBS from Taiwan were responsible for pressure on prices in the market, and subsequently, for the critical decrease of sales prices of the Community industry. Whilst other factors, (as outlined in recitals 101 to 109), could have contributed to the losses of the Community industry, these are not as significant as the price of imports from Taiwan.
- (97) The level of cooperation of exporters of the product concerned is extremely low (approximately 30 % in volume), leading to an uncertainty concerning the exact development of the prices practised by the non-cooperating exporters.
- (98) A strong causal link between the increasing volume of subsidised imports from Taiwan and the deteriorating situation of the Community industry, was highlighted by the fact that the major losses suffered by the Community industry occurred for those product types of SBS mainly imported from Taiwan.
- (99) The Commission considers this to be particularly relevant as imported SBS and SBS produced in the Community are like products, offered through similar sales channels in the Community market. Increasing volumes of SBS imported from Taiwan had a significant impact on that market overall. In the transparent SBS market, low-priced subsidised SBS from Taiwan had a major impact on the level of prices in the Community.
- (100) For these reasons, the Commission concluded that low-priced dumped and subsidised imports had a significant negative impact on the situation of the Community industry.

⁽¹⁾ See page 12 of this Official Journal.

3. Impact of other factors

(a) Development of consumption

- (101) From 1995 up to the investigation period, consumption in the Community market increased by 19 % in volume terms indicating a growing SBS market. Therefore, the injurious situation suffered by the Community industry cannot be explained by the development of consumption.

(b) Imports of SBS from other third countries

- (102) Total imports of SBS on to the Community market from countries other than Taiwan, developed as follows:

Import (tonnes)	1995	1996	1997	1998	IP
Brazil	1 500	1 500	2 500	2 000	1 500
<i>Index</i>	100	100	167	133	100
Mexico	2 000	2 500	3 000	3 500	3 500
<i>Index</i>	100	125	150	175	175
South Korea		300	1 000	1 600	1 300
<i>Index</i>		100	333	533	433
USA	3 000	2 705	6 328	3 963	3 500
<i>Index</i>	100	90	211	132	116
Other countries (excluding Taiwan)	959	314	743	307	350
<i>Index</i>	100	33	77	32	36
Total (excluding Taiwan)	7 549	7 319	13 571	11 370	10 150
<i>Index</i>	100	97	180	151	136
Year to year change		- 3 %	+ 83 %	- 29 %	- 10 %

- (103) The imports from other third countries increased by 36 % in terms of volume. However, a peak was reached in 1997, since when import volumes have been falling back.

- (104) In market share, the evolution is shown in the following table:

	(in %)				
Market share	1995	1996	1997	1998	IP
Brazil	0,9	0,8	1,2	1,0	0,7
Mexico	1,2	1,4	1,4	1,8	1,7
South Korea	0,0	0,2	0,5	0,8	0,6
USA	1,8	1,5	3,0	2,0	1,7
Total	3,9	3,9	6,1	4,6	4,7

- (105) That imports on to the Community market from other third countries did have an impact on the economic situation of the Community industry cannot be discounted. Nevertheless, the market share of Taiwan in the investigation period (6,1 %) is well above the total amount for all other countries taken together. Taking into account that the level of these imports has decreased since 1997, they cannot break the causal link between the imports from Taiwan and the injury suffered by the Community industry.

(c) Export activity and other activities of the Community industry

- (106) Exports to third countries between 1995 and the investigation period represented between 26 % and 30 % of total sales:

Exports	1995	1996	1997	1998	IP
Tonnes	67 213	66 535	67 831	61 926	64 047
Index	100	99	101	92	95

- (107) Considering the proportion of exports to total sales, this relatively small reduction of export volume cannot be considered as an important cause of injury.

(d) Prices of raw materials

- (108) The product concerned is composed, on average, of 70 % butadiene and 30 % styrene. The average purchase price for these two components for the Community industry were:

Styrene	1996	1997	1998	IP
Price in ECU/t	449	495	429	416
Index	100	110	95	93

Butadiene	1996	1997	1998	IP
Price in ECU/t	370	413	356	325
Index	100	112	96	88

- (109) Although there is a price decrease for raw materials during the investigation period, the price evolution does not show a constant trend over the period 1996 to the investigation period, and any decrease in the price of raw materials has been far less than the decrease in the sales price of the final product in the Community. Therefore, this cannot explain the decrease of sales prices or the decrease in profitability of SBS.

4. Conclusion on causation

- (110) It cannot be excluded that factors other than subsidised imports from Taiwan, in particular the imports from other third countries, contributed to the difficult state of the Community industry. However, in view of the substantial increase in import volume from Taiwan, and the considerable degree of price decreases and price undercutting for these imports, the Commission concluded that they had material negative consequences on the situation of the Community industry. It was therefore concluded that the subsidised imports from Taiwan, taken in isolation, have caused material injury to the Community industry.
- (111) One importer claimed that in fact only one exporter from Taiwan had been responsible for the significant price drop and only this exporter, consequently, should be subject to measures. However, the Commission found that both cooperating exporters from Taiwan did significantly undersell and undercut European Community industry prices, although in different degrees.

F. COMMUNITY INTEREST

1. Introduction

- (112) In order to reach its final conclusions the Commission examined; whether, despite the conclusions on subsidisation and injury caused thereby, compelling reasons existed which would lead to the conclusion that it is not in the Community's interest to adopt measures in this particular case. For this purpose, and pursuant to Article 31 of the basic Regulation, the Commission services considered the impact of measures for all parties involved in the proceedings.

2. Interest of the Community industry

- (113) The Community industry has been suffering from low priced imports of SBS. The objective of provisional countervailing measures is to re-establish fair competition in the Community market between the Community producers and their exporting counterparts in third countries.
- (114) 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 in this price-sensitive market. The Community industry deployed particular efforts of rationalisation during the period examined.
- (115) In view of the nature of the injury suffered by the Community industry, the Commission considers that, in the absence of the imposition of countervailing measures, further deterioration of the situation of the Community industry is quite probable.
- (116) The investigations show that a capacity reduction may result in closure of certain production sites, which could not operate economically in view of the low-priced imports.
- (117) Furthermore, the ongoing restructuring efforts made by the Community industry show that it is not ready to abandon this segment of production, particularly as the market is rapidly growing. The adoption of countervailing measures would therefore be in the interest of the Community industry.

3. Impact on importers and users

- (118) The Commission sent questionnaires to 15 known importers unrelated to the exporting producers in Taiwan, as well as to 15 users of SBS in the Community. Five importers and three users submitted their replies.
- (119) Some importers claimed that the imposition of countervailing duties would diminish competition in the Community market and would negatively affect the price and availability of SBS.
- (120) However, the imposition of provisional countervailing measures, does not foreclose the Community to imports; it will merely establish fair trading conditions. As to the availability of SBS, there are a number of producers operating in the Community; these producers have unused production capacity, and there are other sources of imports which, under fair trading conditions, will find the Community market more appealing again.
- (121) No further evidence was provided by the users concerning any potential disadvantage that countervailing measures could bring to their business.
- (122) On the basis of the above the Commission concluded that the imposition of provisional countervailing measures against imports of SBS from Taiwan would not cause any significant deterioration of the situation of the users.

4. Conclusion on Community interest

- (123) On the basis of the above facts and considerations in particular, and having examined the arguments submitted by the Community industry, importers, and Community users of the product concerned, the Commission concluded that there were no compelling reasons not to impose measures concerning imports from Taiwan. Rather, the Commission concluded that measures should be imposed in order to ensure competitive conditions of fair pricing and to prevent the continuation of injury to the Community industry.

G. PROVISIONAL DUTY

- (124) In view of the conclusions reached with regard to subsidies, injury, causation and Community interest, provisional countervailing measures should be taken in order to prevent further injury being caused to the Community industry by the subsidised imports from Taiwan.
- (125) For the purpose of determining the level of these measures, the Commission took account of the subsidy margins found and of the amount of duty necessary to eliminate the injury sustained by the Community industry.
- (126) In accordance with Article 24(1) of the basic Regulation no product shall be subject to both anti-dumping and countervailing duties for the purposes of dealing with one and the same situation arising from dumping or from export subsidisation. The subsidy schemes concerned by this proceeding did not constitute export subsidies within the meaning of Article 3(4)(a) of the basic Regulation. As such, the subsidies affect both the export prices and the domestic prices of the exporting producers, thus not affecting the margin of dumping.
- (127) To that effect, the Commission considered that the prices of subsidised imports should be increased to a non-injurious level. The necessary price increase was determined on the basis of a comparison of the import price, as established for the undercutting calculations, with the non-injurious price of the different models sold by the Community industry on the Community market. The non-injurious price has been obtained by adding to the sales price of the Community industry its average actual loss and by further adding a profit margin of 8 %. This profit margin is a reasonable profit for this product that would be earned in absence of unfair trade; it has been used in previous cases for this type of industry and is well below the profit margin that was being achieved by the Community industry in the mid-1990s.
- (128) In accordance with Article 12(1) of the basic Regulation, the countervailing duty should correspond to the amount of subsidy, unless the injury margin is lower. Accordingly, this would lead to the following provisional countervailing duty rates for the cooperating exporting producers in Taiwan:
- | | |
|--|-------|
| — Chi Mei Corporation | 1,5 % |
| — Lee Chang Yung Chemical Industry Corporation | 1,0 % |
- (129) The two exporting companies who cooperated in these investigations were responsible for less than 30 % of the SBS imported into the European Community during the period of investigation and originating in Taiwan.
- (130) Given this low level of cooperation, it was considered inappropriate to establish the duty rate for non-cooperating companies at the same rate as the highest rate that has been established for the cooperating companies i.e. 1,5 %. Rather, in order not to reward non-cooperation nor to disadvantage those companies which did cooperate with the Commission in this proceeding, it is proposed to set a countrywide residual duty at a level equivalent to the mid-point of the highest duty rate found (1,5 %) and the level of subsidisation alleged in the complaint (15,0 %). The mid-point figure was used because the Commission, on the basis of this and other countervailing duty investigations in Taiwan, found the 15 % figure in the complaint to be unrealistically high. The resulting provisional residual duty rate is 8,2 %. This is lower than the residual underselling margin of 44,0 %, which was established on the basis of the highest margin found for an individual subproduct type.

H. FINAL PROVISION

- (131) In the interests of sound administration, a period should be fixed, within which the interested parties which made themselves known within the time limit specified in the notice of initiation, may make their views known in writing and request a hearing. Furthermore, it should be stated that the findings made for the purposes of this Regulation are provisional and may have to be reconsidered for the purposes of any definitive duty,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional countervailing duty is hereby imposed on imports of styrene-butadienestyrene thermoplastic rubbers, falling within CN codes ex 4002 19 00 and ex 4002 99 and originating in Taiwan. These codes may change during the period of validity of this duty as set out in recital 15 of this Regulation.
2. The rate of the provisional countervailing duty applicable to the net, free-at-Community-frontier price, before duty, shall be as follows:

Producer	Rate of duty	TARIC additional code
Chi Mei Corporation, Tainan, Taiwan	1,5 %	A127
Lee Chang Yung Chemical Industry Corporation, Taipei, Taiwan	1,0 %	A128
All other Taiwanese companies	8,2 %	A999

3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.
4. The release for 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 30 of Regulation (EC) No 2026/97, 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 orally by the Commission within 15 days of the date of entry into force of this Regulation.
2. Pursuant to Article 31(4) of Regulation (EC) No 2026/97, 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 that of its publication in the *Official Journal of the European Communities*.

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

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

Done at Brussels, 24 May 2000.

For the Commission

Pascal LAMY

Member of the Commission

COMMISSION REGULATION (EC) No 1093/2000**of 24 May 2000****fixing the intervention threshold for lemons for the 2000/01 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 27(1) and (2) thereof,

Whereas:

- (1) Article 27(1) of Regulation (EC) No 2200/96 provides for an intervention threshold to be fixed if the market in a product listed in Annex II thereto is suffering from or is at risk of suffering from general or structural imbalances giving rise to or liable to give rise to too large a volume of withdrawals.
- (2) Commission Regulation (EC) No 1152/1999 ⁽³⁾ fixes an intervention threshold for lemons for the 1999/2000 marketing year. The conditions laid down by the above-mentioned Article 27 have been met for this product. An intervention threshold must therefore be set for lemons for the 2000/01 marketing year.
- (3) The intervention threshold for lemons has to be fixed on the basis of a percentage of the average production intended for consumption in the natural state over the last five marketing years for which data are available. The period to be taken into account for assessing the overrun of the intervention threshold for lemons must also be established.
- (4) Under the abovementioned Article 27, an overrun of the intervention threshold gives rise to a reduction in the Community withdrawal compensation in the marketing

year following the overrun. The implications of this overrun for lemons should be determined and a reduction proportional to the size of the overrun should be fixed.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. The intervention threshold for lemons for the 2000/01 marketing year shall be 87 400 tonnes.
2. The overrun of the intervention threshold shall be assessed on the basis of the withdrawals carried out between 1 April 2000 and 31 March 2001.

Article 2

If the quantity subject to withdrawals in the period laid down in Article 1(2) exceeds the threshold fixed in Article 1(1), the Community withdrawal compensation fixed pursuant to Article 26 of Regulation (EC) No 2200/96 shall be reduced in the following marketing year in proportion to the size of the overrun, based on the production used to calculate the threshold in question.

Article 3

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

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

Done at Brussels, 24 May 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 297, 21.11.1996, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 139, 2.6.1999, p. 14.

COMMISSION REGULATION (EC) No 1094/2000

of 24 May 2000

amending, for the second time, Annex III to Council Regulation (EC) No 1294/1999 concerning a freeze of funds and a ban on investment in relation to the Federal Republic of Yugoslavia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1294/1999 of 15 June 1999 concerning a freeze of funds and a ban on investment in relation to the Federal Republic of Yugoslavia ⁽¹⁾, as last amended by Commission Regulation (EC) No 826/2000 ⁽²⁾, and in particular Article 8(5) thereof,

Whereas:

- (1) The list of competent authorities contained in Annex III to Regulation (EC) No 1294/1999 was amended for the first time by means of Commission Regulation (EC) No 1970/1999 ⁽³⁾.
- (2) Denmark requested that the new address of its competent authority be published.
- (3) Germany requested that the addresses of the national authorities that receive requests for naturalisation be added to the list in order to allow such authorities to receive and transmit applications for authorisations under Article 8 of Regulation (EC) No 1294/1999, in respect of payments to the Federal Republic of Yugoslavia in connection with such requests.
- (4) Sweden indicated that it was necessary to indicate for which matters either competent Swedish authority should be contacted.
- (5) Regulation (EC) No 1294/1999 was amended by means of Council Regulation (EC) No 723/2000 ⁽⁴⁾.
- (6) As a result of that amendment, the Commission should indicate to banks, other financial institutions, insurance companies and other bodies and persons to which service they should provide information facilitating compliance with that Regulation, in accordance with Article 6 of Regulation (EC) No 1294/1999,
- (7) It is therefore appropriate to amend Annex III to Regulation (EC) No 1294/1999,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 1294/1999 shall be amended as follows:

⁽¹⁾ OJ L 153, 19.6.1999, p. 63.

⁽²⁾ OJ L 101, 26.4.2000, p. 3.

⁽³⁾ OJ L 244, 16.9.1999, p. 39.

⁽⁴⁾ OJ L 86, 7.4.2000, p. 1.

- (a) under the heading 'Denmark', the name and address of the competent authority shall be replaced by:

'Erhvervsfremmestyrelsen (Danish Agency for Trade and Industry)

Dahlerups Pakhus
Langelinie Allé 17
DK-2100 København Ø
Tel. (45) 35 46 60 00
Fax (45) 35 46 60 01;

- (b) under the heading 'Germany', a section shall be added as follows:

'3. For requests concerning payments to the Federal Republic of Yugoslavia by those that relinquish citizenship of that republic:

Baden-Württemberg

Innenministerium
Dorotheenstraße 6
D-70173 Stuttgart
Tel. (49-711) 23 14
Fax (49-711) 231 50 00

Bayern

Staatsministerium des Innern
Odeonsplatz 3
D-80539 München
Tel. (49-89) 21 92 01
Fax (49-89) 219 21 22 25

Berlin

Senatsverwaltung für Inneres
Klosterstraße 47
D-10179 Berlin
Tel. (49-30) 902 70
Fax (49-30) 90 27 28 80

Brandenburg

Ministerium des Innern
Henning-von-Treskow-Straße 9-13
D-14467 Potsdam
Tel. (49-331) 86 60
Fax (49-331) 866 23 99

Freie Hansestadt Bremen

Senator für Inneres, Kultur und Sport
Contrescarpe 22-24
D-28203 Bremen
Tel. (49-421) 36 10
Fax (49-421) 361 90 09

Freie Hansestadt Hamburg

Behörde für Inneres
Johanniswall 4
D-20095 Hamburg
Tel. (49-40) 42 83 90
Fax (49-40) 428 39 29 06

Hessen

Ministerium des Innern und für Landwirtschaft, Forsten
und Naturschutz
Friedrich-Ebert-Allee 12
D-65185 Wiesbaden
Tel. (49-611) 35 30
Fax (49-611) 353 17 66

Mecklenburg-Vorpommern

Innenministerium
Arsenal am Pfaffenteich
Wismarsche Straße 133
D-19053 Schwerin
Tel. (49-385) 58 80
Fax (49-385) 588 29 72

Niedersachsen

Innenministerium
Lavesallee 6
D-30169 Hannover
Tel. (49-511) 12 00
Fax (49-511) 120 65 50

Nordrhein-Westfalen

Innenministerium
Haroldplatz 5
D-40213 Düsseldorf
Tel. (49-211) 871 01
Fax (49-211) 871 33 55

Rheinland-Pfalz

Ministerium des Innern und für Sport
Schillerplatz 3-5
D-55116 Mainz
Tel. (49-6131) 160
Fax (49-6131) 16 35 95

Saarland

Ministerium des Innern
Franz-Josef-Röder-Straße 21
D-66119 Saarbrücken
Tel (49-681) 501 00
Fax (49-681) 501 21 46

Sachsen

Staatsministerium des Innern
Archivstraße 1
D-01097 Dresden
Tel. (49-351) 56 40
Fax (49-351) 564 31 99

Sachsen-Anhalt

Ministerium des Innern
Halberstädter Straße 2
D-39112 Magdeburg
Tel. (49-391) 567 01
Fax (49-391) 567 52 90

Schleswig-Holstein

Innenministerium
Düsternbrooker Weg 92
D-24105 Kiel
Tel. (49-431) 98 80
Fax (49-431) 988 28 33

Thüringen

Innenministerium
Steigerstraße 24
D-99096 Erfurt
Tel. (49-361) 379 00
Fax (49-361) 379 31 11';

- (c) under the heading 'Sweden', the names and addresses of the competent authorities shall be amended to read:

'For Articles 5(2) and 7(5):

Riksåklageren
Box 16 370
S-103 27 Stockholm
Tel. (46-8) 453 66 00
Fax (46-8) 453 66 99

For Article 8(4):

Regeringskansliet
Utrikesdepartementet
Rättsssekretariatet för EU-frågor
Fredsgatan 6
S-103 39 Stockholm
Tel. (46-8) 405 10 00
Fax (46-8) 723 11 76';

- (d) a heading 'European Community' shall be added to the list as follows:

'EUROPEAN COMMUNITY'

European Commission
Directorate-General External Relations
Directorate A, CFSP
Unit A/2, Economic and Financial Sanctions Coordination
Section
Rue de la Loi/Wetstraat 200
B-1049 Brussels
Tel. (32-2) 295 68 80
Fax (32-2) 296 75 63
E-mail: anthonius.de-vries@cec.eu.int'.

Article 2

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

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

Done at Brussels, 24 May 2000.

For the Commission
Christopher PATTEN
Member of the Commission

COMMISSION REGULATION (EC) No 1095/2000**of 23 May 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 26 May 2000.

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

Done at Brussels, 23 May 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)	42,02 249,86 342,85	578,25 275,65 1 695,21	82,19 33,10 25,16	313,41 81 368,07	14 153,38 92,61	6 992,06 8 424,88
1.30	Onions (other than seed) 0703 10 19	a) b) c)	29,28 174,07 238,85	402,85 192,04 1 180,99	57,26 23,06 17,53	218,34 56 686,05	9 860,12 64,52	4 871,10 5 869,29
1.40	Garlic 0703 20 00	a) b) c)	121,77 723,99 993,43	1 675,54 798,73 4 912,03	238,15 95,90 72,91	908,13 235 771,85	41 010,79 268,34	20 260,16 24 411,89
1.50	Leeks ex 0703 90 00	a) b) c)	45,99 273,44 375,21	632,84 301,67 1 855,23	89,95 36,22 27,54	342,99 89 049,06	15 489,43 101,35	7 652,09 9 220,17
1.60	Cauliflowers 0704 10 00	a) b) c)	55,28 328,68 451,00	760,67 362,61 2 229,99	108,12 43,54 33,10	412,28 107 037,01	18 618,30 121,82	9 197,82 11 082,64
1.70	Brussels sprouts 0704 20 00	a) b) c)	59,69 354,90 486,98	821,35 391,54 2 407,89	116,74 47,01 34,74	445,17 115 575,96	20 103,59 131,54	9 931,58 11 966,77
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	38,29 227,65 312,37	526,84 251,15 1 544,51	74,88 30,15 22,93	285,55 74 134,55	12 895,16 84,37	6 370,47 7 675,91
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)	105,95 629,95 864,39	1 457,90 694,99 4 274,01	207,22 83,44 63,44	790,18 205 147,81	35 683,96 233,48	17 628,60 21 241,07
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	48,58 288,86 396,36	668,52 318,68 1 959,83	95,02 38,26 29,09	362,33 94 069,81	16 362,75 107,06	8 083,53 9 740,02
1.110	Cabbage lettuce (head lettuce) 0705 11 10	a) b) c)	152,67 907,73 1 245,56	2 100,79 1 001,45 6 158,69	298,60 120,24 91,42	1 138,61 295 610,34	51 419,26 336,44	25 402,15 30 607,59
1.120	Endives ex 0705 29 00	a) b) c)	21,82 129,74 178,02	300,25 143,13 880,22	42,68 17,18 13,07	162,73 42 249,41	7 348,98 48,08	3 630,54 4 374,52
1.130	Carrots ex 0706 10 00	a) b) c)	39,65 235,72 323,45	545,54 260,06 1 599,30	77,54 31,22 23,74	295,68 76 764,59	13 352,64 87,37	6 596,47 7 948,23
1.140	Radishes ex 0706 90 90	a) b) c)	129,01 767,06 1 052,53	1 775,22 846,25 5 204,25	252,32 101,60 77,25	962,16 249 798,19	43 450,57 284,30	21 465,46 25 864,18
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	a) b) c)	515,66 3 066,00 4 207,05	7 095,70 3 382,54 20 801,86	1 008,55 406,12 308,78	3 845,83 998 466,09	173 675,87 1 136,38	85 799,39 103 381,49

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)	122,89 730,69 1 002,62	1 691,04 806,12 4 957,49	240,36 96,79 73,59	916,54 237 953,84	41 390,33 270,82	20 447,66 24 637,81
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	a) b) c)	139,56 829,77 1 138,58	1 920,35 915,43 5 629,72	272,95 109,91 83,57	1 040,82 270 220,23	47 002,83 307,54	23 220,35 27 978,69
1.180	Broad beans ex 0708 90 00	a) b) c)	157,74 937,88 1 286,92	2 170,55 1 034,71 6 363,22	308,51 124,23 94,45	1 176,42 305 427,23	53 126,83 347,61	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)	211,01 1 254,60 1 721,52	2 903,55 1 384,13 8 512,09	412,70 166,18 126,35	1 573,71 408 570,78	71 067,90 465,00	35 108,98 42 303,55
1.200.2	— other ex 0709 20 00	a) b) c)	311,12 1 849,83 2 538,27	4 281,10 2 040,81 12 550,53	608,50 245,03 186,30	2 320,33 602 411,16	104 785,01 685,62	51 765,91 62 373,84
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	97,10 577,31 792,17	1 336,09 636,92 3 916,90	189,91 76,47 58,14	724,15 188 006,59	32 702,37 213,97	16 155,63 19 466,26
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	50,80 302,07 414,49	699,09 333,26 2 049,46	99,37 40,01 30,42	378,90 98 371,81	17 111,06 111,96	8 453,21 10 185,45
1.230	Chantarelles 0709 51 30	a) b) c)	1 699,80 10 106,55 13 867,82	23 389,76 11 149,96 68 569,76	3 324,52 1 338,70 1 017,84	12 677,11 3 291 271,75	572 492,64 3 745,87	282 822,92 340 779,30
1.240	Sweet peppers 0709 60 10	a) b) c)	191,97 1 141,40 1 566,18	2 641,55 1 259,23 7 744,01	375,46 151,19 114,95	1 431,71 371 704,01	64 655,19 423,04	31 940,97 38 486,35
1.250	Fennel 0709 90 50	a) b) c)	73,55 437,31 600,06	1 012,07 482,46 2 967,00	143,85 57,93 44,04	548,54 142 412,66	24 771,64 162,08	12 237,69 14 745,45
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	60,08 357,21 490,15	826,70 394,09 2 423,56	117,50 47,32 35,98	448,07 116 328,39	20 234,47 132,40	9 996,24 12 044,68
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	176,48 1 049,30 1 439,81	2 428,42 1 157,63 7 119,19	345,16 138,99 105,68	1 316,19 341 712,93	59 438,46 388,91	29 363,80 35 381,06
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	126,64 752,97 1 033,19	1 742,61 830,71 5 108,65	247,69 99,74 75,83	944,48 245 209,62	42 652,42 279,08	21 071,16 25 389,08

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)	127,55 758,36 1 040,60	1 755,09 836,66 5 145,25	249,46 100,45 76,38	951,25 246 966,20	42 957,96 281,08	21 222,10 25 570,96
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	121,48 722,32 991,13	1 671,67 796,89 4 900,69	237,60 95,68 72,75	906,03 235 227,57	40 916,11 267,72	20 213,39 24 355,54
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 10	a) b) c)	47,94 285,05 391,14	659,70 314,48 1 933,98	93,77 37,76 28,71	357,55 92 829,04	16 146,93 105,65	7 976,91 9 611,55
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	a) b) c)	34,07 202,55 277,93	468,76 223,46 1 374,23	66,63 26,83 20,40	254,07 65 961,55	11 473,53 75,07	5 668,16 6 829,68
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)	42,76 254,24 348,86	588,39 280,49 1 724,93	83,63 33,68 25,60	318,90 82 794,91	14 401,57 94,23	7 114,67 8 572,61
2.70.2	— Monreales and satsumas 0805 20 30	a) b) c)	69,01 410,33 563,04	949,64 452,70 2 783,98	134,98 54,35 41,32	514,70 133 627,80	23 243,58 152,08	11 482,80 13 835,86
2.70.3	— Mandarines and wilkings 0805 20 50	a) b) c)	66,62 396,10 543,51	916,69 436,99 2 687,40	130,30 52,47 39,89	496,84 128 991,98	22 437,21 146,81	11 084,44 13 355,87
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	a) b) c)	43,08 256,15 351,47	592,80 282,59 1 737,87	84,26 33,93 25,80	321,30 83 415,67	14 509,55 94,94	7 168,01 8 636,88
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	128,47 763,86 1 048,14	1 767,81 842,72 5 182,54	251,27 101,18 76,93	958,14 248 756,29	43 269,34 283,11	21 375,93 25 756,30
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 00	a) b) c)	65,60 390,04 535,20	902,69 430,31 2 646,33	128,30 51,66 39,28	489,25 127 020,86	22 094,35 144,57	10 915,05 13 151,78
2.90.2	— pink ex 0805 40 00	a) b) c)	67,70 402,54 552,35	931,61 444,10 2 731,13	132,42 53,32 40,54	504,93 131 091,29	22 802,37 149,20	11 264,83 13 573,23
2.100	Table grapes ex 0806 10 10	a) b) c)	147,65 877,90 1 204,61	2 031,73 968,53 5 956,25	288,78 116,29 88,41	1 101,18 285 893,17	49 729,03 325,38	24 567,14 29 601,47

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)	27,47 163,31 224,09	377,96 180,17 1 108,03	53,72 21,63 16,45	204,85 53 184,11	9 250,99 60,53	4 570,17 5 506,70
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)	91,28 542,70 744,67	1 255,98 598,73 3 682,04	178,52 71,89 54,66	680,73 176 733,82	30 741,55 201,14	15 186,95 18 299,07
2.120.2	— other ex 0807 19 00	a) b) c)	124,88 742,51 1 018,84	1 718,40 819,16 5 037,67	244,25 98,35 74,78	931,36 241 802,75	42 059,82 275,20	20 778,40 25 036,33
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>) ex 0808 20 50	a) b) c)	133,05 791,09 1 085,50	1 830,82 872,76 5 367,27	260,23 104,79 79,67	992,30 257 622,85	44 811,61 293,21	22 137,84 26 674,35
2.140.2	Other ex 0808 20 50	a) b) c)	70,42 418,68 574,50	968,96 461,90 2 840,61	137,72 55,46 42,17	525,17 136 345,94	23 716,38 155,18	11 716,37 14 117,30
2.150	Apricots 0809 10 00	a) b) c)	495,26 2 944,68 4 040,58	6 814,93 3 248,69 19 978,74	968,64 390,05 296,56	3 693,65 958 957,08	166 803,57 1 091,41	82 404,33 99 290,72
2.160	Cherries 0809 20 95 0809 20 05	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.170	Peaches 0809 30 90	a) b) c)	60,10 357,36 490,35	827,04 394,25 2 424,57	117,55 47,34 35,99	448,25 116 376,60	20 242,86 132,45	10 000,38 12 049,67
2.180	Nectarines ex 0809 30 10	a) b) c)	183,12 1 088,78 1 493,98	2 519,77 1 201,18 7 387,01	358,15 144,22 109,65	1 365,70 354 568,02	61 674,51 403,54	30 468,45 36 712,08
2.190	Plums 0809 40 05	a) b) c)	219,71 1 306,31 1 792,47	3 023,22 1 441,18 8 862,91	429,71 173,03 131,56	1 638,57 425 409,75	73 996,91 484,17	36 555,97 44 047,06
2.200	Strawberries 0810 10 00	a) b) c)	394,59 2 346,12 3 219,26	5 429,67 2 588,34 15 917,69	771,75 310,76 236,28	2 942,85 764 031,23	132 897,64 869,56	65 654,12 79 108,03
2.205	Raspberries 0810 20 10	a) b) c)	750,86 4 464,41 6 125,89	10 332,06 4 925,32 30 289,62	1 468,55 591,35 449,61	5 599,91 1 453 867,69	252 889,65 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 14 867,81	25 076,36 11 953,96 73 514,22	3 564,25 1 435,23 1 091,24	13 591,24 3 528 600,36	613 774,22 4 015,97	303 216,85 365 352,38
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	a) b) c)	95,36 567,00 778,02	1 312,22 625,54 3 846,92	186,51 75,10 57,10	711,21 184 647,74	32 118,12 210,15	15 867,00 19 118,48

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 2 832,39	4 777,16 2 277,29 14 004,80	679,01 273,42 207,89	2 589,19 672 214,86	116 926,86 765,06	57 764,23 69 601,34
2.240	Khakis (including sharon fruit) ex 0810 90 85	a) b) c)	308,94 1 836,88 2 520,50	4 251,12 2 026,52 12 462,66	604,24 243,31 184,99	2 304,08 598 193,58	104 051,40 680,82	51 403,49 61 937,15
2.250	Lychees ex 0810 90 30	a) b) c)	447,09 2 658,29 3 647,60	6 152,12 2 932,73 18 035,65	874,44 352,11 267,72	3 334,41 865 691,02	150 580,62 985,26	74 389,87 89 633,92

COMMISSION REGULATION (EC) No 1096/2000
of 24 May 2000
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 2702/1999 ⁽²⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries.
- (2) The detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72 ⁽³⁾, as last amended by Regulation (EEC) No 2962/77 ⁽⁴⁾.
- (3) Article 3(3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community.
- (4) In accordance with Article 3(4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market. However, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period. The amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take

account of export costs for the products on the world market.

- (5) In accordance with Article 3(3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender. The tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations.
- (6) The second indent of Article 3(3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The refund must be fixed at least once every month. It may, if necessary, be altered in the intervening period.
- (8) It follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto.
- (9) The Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(2)(c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 May 2000.

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

Done at Brussels, 24 May 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 72, 30.9.1966, p. 3025/66.

⁽²⁾ OJ L 327, 21.12.1999, p. 7.

⁽³⁾ OJ L 78, 31.3.1972, p. 1.

⁽⁴⁾ OJ L 348, 30.12.1977, p. 53.

ANNEX

to the Commission Regulation of 24 May 2000 fixing the export refunds on olive oil

(EUR/100 kg)

Product code	Amount of refund ⁽¹⁾
1509 10 90 9100	0,00
1509 10 90 9900	0,00
1509 90 00 9100	0,00
1509 90 00 9900	0,00
1510 00 90 9100	0,00
1510 00 90 9900	0,00

⁽¹⁾ For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 (OJ L 351, 14.12.1987, p. 1), as well as for exports to third countries.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 1097/2000**of 24 May 2000****amending Regulation (EC) No 846/2000 on the issue of import licences for rice against applications submitted during the first ten working days of April 2000 pursuant to Regulation (EC) No 327/98**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice ⁽¹⁾, as amended by Regulation (EC) No 648/98 ⁽²⁾, and in particular Article 5(2) thereof,

Whereas:

Commission Regulation (EC) No 846/2000 ⁽³⁾ laid down the quantities available under the following tranche. Following an

error in calculation, the quantity available under the following tranche should be amended,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 846/2000 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 May 2000.

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

Done at Brussels, 24 May 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 37, 11.2.1998, p. 5.

⁽²⁾ OJ L 88, 24.3.1998, p. 3.

⁽³⁾ OJ L 103, 28.4.2000, p. 3.

ANNEX

Reduction percentages to be applied to quantities applied for under the tranche for April 2000 and quantities available for the following tranche:

(a) quantity referred to in Article 2: semi-milled and wholly-milled rice falling within CN code 1006 30

Origin	Reduction (%)	Quantity available for the tranche for July 2000 (in tonnes)
United States of America	0 ⁽¹⁾	21 907,61
Thailand	0 ⁽¹⁾	9 359,04
Australia	0 ⁽¹⁾	190
Other origins	98,2354	—

⁽¹⁾ Issue for the quantity applied for.

(b) quantity referred to in Article 2: husked rice falling within CN code 1006 20

Origin	Reduction (%)	Quantity available for the tranche for July 2000 (in tonnes)
Australia	0,5467	2 607
United States of America	0 ⁽¹⁾	1 940
Thailand	0 ⁽¹⁾	71,03
Other origins	0 ⁽¹⁾	52,50

⁽¹⁾ Issue for the quantity applied for.

COMMISSION REGULATION (EC) No 1098/2000
of 24 May 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 25 May 2000.

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

Done at Brussels, 24 May 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	129,39	40,95	60,36		97,04
1006 20 13	129,39	40,95	60,36		97,04
1006 20 15	129,39	40,95	60,36		97,04
1006 20 17	203,95	67,04	97,63	0,00	152,96
1006 20 92	129,39	40,95	60,36		97,04
1006 20 94	129,39	40,95	60,36		97,04
1006 20 96	129,39	40,95	60,36		97,04
1006 20 98	203,95	67,04	97,63	0,00	152,96
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)	203,95	455,00	129,39	455,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	340,28	284,74	439,03	323,29	—
(b) fob price (EUR/tonne)	—	—	—	406,10	290,36	—
(c) Sea freight (EUR/tonne)	—	—	—	32,93	32,93	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 2 May 2000

on epidemiological surveillance of bluetongue in Greece and certain measures to prevent the spread of the disease

(notified under document number C(2000) 1143)

(Only the Greek text is authentic)

(2000/350/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, as last amended by Directive 92/118/EEC ⁽²⁾, and in particular Article 10(4) thereof,

Having regard to Council Decision 90/424/EEC ⁽³⁾ of 26 June 1990 on expenditure in the veterinary field as last amended by Decision 94/370/EC ⁽⁴⁾, and in particular Article 6 thereof,

Whereas:

- (1) Following outbreaks of bluetongue in 1999 on a certain part of the Greek territory.
- (2) Bluetongue is included in List A of the Office International des Epizooties (OIE) and its spread constitutes a serious hazard for the Community and could have international consequences for trade.
- (3) It is necessary to set up an alert system to monitor, after a cold season, the possible start of a new cycle of the disease in year 2000 in regions where the virus circulation was established in 1999.
- (4) It is necessary to maintain restriction of movements of animals in order to prevent movements of viraemic animals.
- (5) The infected zone may be divided, on the basis of the epidemiological data available on the evolution of the

disease during the year 1999, into a low-risk area and a high-risk area.

- (6) Anti-vector measures have to be implemented during winter time in places where virus-transmission might have been maintained.
- (7) Greece has adopted since 19 November 1999 (Ministerial Decision No 398171 as amended by Ministerial Decision No 331765) national measures prohibiting the dispatch to Member States and export to third countries of animals, their sperm, ova and embryos, of species susceptible to bluetongue (all ruminants) from its entire territory. Greek authorities have undertaken not to amend those measures without prior consultation with and agreement of the Commission and the Member States in the framework of the Standing Veterinary Committee.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. For the purpose of this Decision the following definitions shall apply:

- 'zone at low risk' means prefectures where during the year 1999:
 - data available concludes that bluetongue virus was in circulation,
 - *C. imicola* has not been captured,
 - the disease was sporadic,

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 224, 18.8.1990, p. 19.

⁽⁴⁾ OJ L 168, 2.7.1994, p. 31.

- 'zone at high risk' means prefectures where during the year 1999:
 - *C. imicola* has been captured,
 - the disease was epidemic.
- 2. Prefectures may be added to one of the zones considering the geographical or ecological elements, even when they do not meet all the criteria, in order to respect an epidemiological consistency.
- 3. The prefectures included in the zone at low risk are listed in Annex I.
- 4. The prefectures included in the zone at high risk are listed in Annex II.

Article 2

1. Greece shall set up before 1 June 2000 an epidemiological surveillance of bluetongue in each of the prefectures listed in Annexes I and II not covered by Decision 2000/71/EC⁽¹⁾ by establishing the follow-up of 50 sentinel bovine animals in localities most exposed to the risk of new incursions of the disease and setting at least one light trap in one of those localities, close to what could be considered as a suitable breeding site for vectors.
2. Greece shall communicate to the Commission before 1 June 2000 a map of the selected locations of the sentinel animals and traps.
3. Sentinel animals shall be tested every 15 days and any seroconversion shall be immediately notified to the Commission and the Member States.
4. In case cattle are not available in suitable locations, sheep or goats shall be taken as sentinel animals.

Article 3

1. Greece shall prohibit the dispatch of animals, their sperm, ova and embryos, of species susceptible to bluetongue from prefectures listed in Annexes I and II to the rest of the Greek territory.
2. Greece shall prohibit the dispatch of animals, their sperm, ova and embryos, of species susceptible to bluetongue from the prefectures listed in Annex II to the prefectures listed in Annex I.
3. By derogation, in the case of slaughter animals, the competent Greek authority may authorise movements prohibited in paragraphs 1 and 2 under the following conditions:
 - animals must be transported in vehicles sealed by the competent authority directly to the slaughterhouse for the purpose of slaughter without delay, under official supervision,
 - the competent authority responsible for the slaughterhouse shall be informed of the intention to send animals to it and must notify the dispatching competent authority of their arrival,

- animals must have undergone, before transport, an external insecticide treatment to prevent any attack of vectors before slaughtering,
 - animals shall be protected from attacks by vectors after their arrival in the slaughterhouse until they are slaughtered,
 - animals must show no sign of bluetongue on the day of transport.
4. Paragraphs 1 and 2 do not apply when the surveillance and monitoring has demonstrated, for at least 90 days, no evidence of bluetongue transmission or vector activity in the prefecture of origin.

Article 4

Greece shall request authorisation for the entry of sheep into the prefectures listed in Annexes I and II delivered by the local competent authority under conditions that ensure the traceability of the animals.

No compensation in the framework of Decision 90/424/EEC will be due to the owners of those animals in case of slaughter because of bluetongue.

Article 5

During the course of the year 2000 Greece shall apply restrictions to movements provided in Articles 3 and 4 to new prefectures if they meet the requirements provided in Article 1 to be listed in Annex I or II.

Annexes will be reviewed every two months.

Article 6

Greek authorities may introduce further measures other than those referred to in this Decision if they are deemed necessary for the control of the disease. Greece shall inform the Commission and the Member States of these measures immediately. They shall be discussed in the framework of the Standing Veterinary Committee.

Article 7

Before the end of the vector's low activity period, Greece shall set up an anti-vector programme by insecticide spray of suitable breeding sites in places where vector activity might have been maintained during winter.

Article 8

For the epidemiological surveillance and the control of Bluetongue in Greece, the Community financial contribution towards the cost of the measures implemented in 2000, shall be, up to a maximum of EUR 110 000:

- 50 % of the cost incurred by Greece for serological analysis of the sentinel animals set up in accordance with Article 2,

⁽¹⁾ OJ L 24, 29.1.2000, p. 53.

- 50 % of the costs incurred by Greece, up to a maximum amount of EUR 10 000 for the set up of the entomological survey in accordance with Article 2,
- 50 % of the costs incurred by Greece for the purchase of insecticide and spraying equipment for the implementation of the anti-vector campaign provided for in Article 7.

Article 9

The Community financial contribution shall be granted after supporting documents have been submitted.

The supporting documents referred to in paragraph 1 shall include a list of the expenses (excluding VAT), including a description of the measures and the date of payment.

Article 10

Applications for payment, together with the supporting documents referred to in Article 9 shall be submitted to the Commission before 1 April 2001.

Article 11

1. The Commission may carry out on-the-spot checks in collaboration with the competent national authorities to ensure

that the assisted measures have been implemented and the relevant expenditure incurred.

The Commission shall inform the Member States of the outcome of these checks.

2. Articles 8 and 9 of Council Regulation (EC) No 1258/1999 shall apply, *mutatis mutandis*.

Article 12

This Decision shall apply until 1 February 2001.

Article 13

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 2 May 2000.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

Zones at low risk

Evros, Rodopi, Xanthi, Kavala, Drama, Serres and Thessaloniki.

ANNEX II

Zones at high risk

Chalkidiki, Pieria, Larissa, Magnissia, Evia, Lesvos, Dodekanisa, Samos and Chios.

COMMISSION DECISION
of 3 May 2000
on the procedure for the designation of a new common host server for the integrated computer-
ised veterinary system

(notified under document number C(2000) 818)

(Text with EEA relevance)

(2000/351/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Decision 92/438/EEC of 13 July 1992 on computerisation of veterinary import procedures (Shift project), amending Directives 90/675/EEC, 91/496/EEC, 91/628/EEC and Decision 90/424/EEC, and repealing Decision 88/192/EEC ⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 12 thereof,

Whereas:

- (1) By Decision 92/373/EEC ⁽⁴⁾, the Commission designated the ANIMO host server, and in accordance with Commission Decision 92/486/EEC ⁽⁵⁾, as last amended by Decision 1999/716/EC ⁽⁶⁾, the ANIMO host server is to be operational at least until 31 March 2000.
- (2) Further to work at Community level, including studies and seminars, on reviewing the architecture of the ANIMO network, a veterinary system integrating the various computer applications should be implemented.
- (3) It is necessary at this stage to specify the procedure to be used for the designation of a new common host server to perform all the services required under the integrated computerised veterinary system.
- (4) The common host server must meet precise technical specifications.

- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

1. The Commission shall issue an invitation to tender starting in 2000 for a common host server taking account of the progress in data communication technologies and of the new services needed for the exchange of information between Member States under the integrated computerised veterinary system.
2. The invitation to tender provided for in paragraph 1, which shall include all the information needed for its implementation (detailed specification), shall take account of at least the technical specifications defined in the Annex.
3. Following the invitation to tender provided for in paragraph 1, the Commission shall, for the purpose of designating the host server, select at least three tenders meeting the technical specifications referred to in paragraph 2.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 May 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 243, 25.8.1992, p. 27.

⁽⁴⁾ OJ L 195, 14.7.1992, p. 31.

⁽⁵⁾ OJ L 291, 7.10.1992, p. 20.

⁽⁶⁾ OJ L 289, 11.11.1999, p. 1.

ANNEX

TECHNICAL SPECIFICATIONS FOR THE COMMON HOST SERVER**1. General Description**

The host server for the exchange and processing of messages and other data must be operational by 1 April 2001 at the latest.

It must comprise the following elements:

- (a) computers of a suitable number and performance to guarantee the management of large amounts of data, the acceptance of veterinary applications, databases and reference files,
- (b) equipment (hard- and software) guaranteeing multiprotocol communications management between the various networks permitting simultaneous access for many users,
- (c) e-message services conforming to international standards,
- (d) web-type facilities and services,
- (e) file transfer services,
- (f) data storage capacity sufficient for one year,
- (g) archiving facilities during the contract period,
- (h) back-up and immediate reboot facilities in the event of a breakdown.

The host server must be able to interoperate with existing systems such as national servers or systems in national veterinary administrations conforming to international standards.

The host server must be available around the clock seven days a week.

2. Format and volume of transmitted data

Message format for existing applications must be ASCII with defined characters but must be capable of developing toward other structured formats. The estimated number of messages transmitted per day is approximately 4 000. As a result management of the host server will involve some 4 000 entry and 8 000 dispatch operations per day.

Other data transmitted will be principally reference and data files and application software.

3. System capacity

The system must be able to manage 2 000 potential users. However, since periods of use may vary, the estimated number of simultaneous users (input and output) will be an average of about 70 and a maximum of 100. That capacity must be expandable if necessary to guarantee the level of service. The system must be capable of managing waiting queues.

4. Message traceability

The host server must be able to guarantee and monitor the traceability of messages. It must ensure that operation of communication networks is maintained and that interrupted communications are restored, and that it possesses all the message traceability elements it may be required to have at any time.

5. System and data security

The host server must have a set of strict and coherent provisions for data protection and integrity. Data shall not be useable by the host server.

Access to the system must be protected and controlled by a series of security procedures using various methods such as user IDs and message transmitter authentication by the host server.

A series of measures to back up and restore data in the system must be available and operational at the host server such that no information can be lost because of hardware failure.

The host server must have all the skilled staff necessary.

6. Assistance

A help service must be available 12 hours a day, from 7 a.m. to 7 p.m., at the host server premises to deal with any communication problems.

Each application shall have on-line support.

7. System management

The host server must provide management statistics, concerning message flow, reference file dissemination, communication network breakdowns and all parameters of use for cost management purposes.

COMMISSION DECISION

of 4 May 2000

amending Decision 94/984/EC laying down animal health conditions and veterinary certificates for the importation of fresh poultrymeat from third countries in respect of the People's Republic of China

(notified under document number C(2000) 1163)

(Text with EEA relevance)

(2000/352/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/494/EEC of 26 June 1991 on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultrymeat ⁽¹⁾, as last amended by Directive 1999/89/EC ⁽²⁾, and in particular Articles 11 and 12 thereof,

Whereas:

- (1) Commission Decision 94/984/EC ⁽³⁾, as last amended by Decision 2000/254/EC ⁽⁴⁾, established the animal health conditions and the veterinary certificates for imports of fresh poultrymeat from certain third countries; two different certificates, model A and model B are laid down; their use depends on the Newcastle disease situation in the country concerned.
- (2) Certain parts of the territory of China listed in Annex I of Decision 94/984/EC were allowed to use the model B certificate until an inspection revealed problems with certification; because of this, imports of fresh poultrymeat from China from 1 August 1996 were suspended by Commission Decision 96/456/EC.
- (3) An inspection mission was carried out in October 1999 by the Commission in China and has shown that significant improvement has been achieved by the Chinese veterinary services and written assurances have been given so that the above mentioned suspension can be repealed.
- (4) The disease situation as concerns Newcastle disease still requires additional guarantees to be fulfilled as laid down in the model B certificate of Decision 94/984/EC.

(5) For reasons of clarity this Decision shall apply for fresh poultrymeat certified as from 1 June 2000.

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 94/984/EC is amended as follows:

In the line 'CN China (PR)' the footnote '3' after the word 'Shandong' and after the letter 'B' and the corresponding footnote '3, Importation suspended as from 1 August 1996' at the bottom of the page are deleted.

Article 2

This Decision shall apply for fresh poultrymeat certified as from 1 June 2000.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 4 May 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 268, 24.9.1991, p. 35.

⁽²⁾ OJ L 300, 23.11.1999, p. 17.

⁽³⁾ OJ L 378, 21.12.1994, p. 11.

⁽⁴⁾ OJ L 78, 29.3.2000, p. 33.

COMMISSION DECISION

of 11 May 2000

amending Decision 95/94/EC establishing a list of semen collection centres approved for the export to the Community of semen of domestic animals of the porcine species from certain third countries

(notified under document number C(2000) 1314)

(Text with EEA relevance)

(2000/353/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species ⁽¹⁾, as amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 8 thereof,

Whereas:

- (1) Commission Decision 93/160/EEC ⁽²⁾, as last amended by Decision 1999/150/EC ⁽³⁾, establishes a list of third countries from which Member States authorise the importation of semen of domestic animals of the porcine species.
- (2) Hungary is on that list.
- (3) Commission Decision 95/94/EC ⁽⁴⁾, as last amended by Decision 1999/684/EC ⁽⁵⁾, establishes a list of semen collection centres approved for the export to the Community of semen of domestic animals of the porcine species from certain third countries.
- (4) The competent Hungarian veterinary authorities have submitted a request for the addition of the collection centre OMTV RT. Szekszárd Al-Állomás to that list. The Community has received guarantees regarding the compliance of this centre with the requirements of Article 8 of Directive 90/429/EEC.

(5) The list of approved centres should therefore be amended to include the centre OMTV RT. Szekszárd Al-Állomás, Hungary.

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The following words added at the end of Part 3, relating to Hungary, of the Annex to Decision 95/94/EC:

‘— OMTV RT. Szekszárd Al-Állomás
7101 Szekszárd Móricz Zsigmond u.
Hungary
Approval code: H 06’.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 May 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 62.

⁽²⁾ OJ L 67, 19.3.1993, p. 27.

⁽³⁾ OJ L 49, 25.2.1999, p. 40.

⁽⁴⁾ OJ L 73, 1.4.1995, p. 87.

⁽⁵⁾ OJ L 270, 20.10.1999, p. 32.

CORRIGENDA**Corrigendum to Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs**

(Official Journal of the European Communities L 109 of 6 May 2000)

On page 39,

Annex III (published in error in French in the English version) shall read as follows:

‘ANNEX III

Designation of flavourings in the list of ingredients

1. Flavourings shall be designated either by the word “flavouring(s)” or by a more specific name or description of the flavouring.
2. The word “natural” or any other word having substantially the same meaning may be used only for flavourings in which the flavouring component contains exclusively flavouring substances as defined in Article 1(2)(b)(i) of Council Directive 88/388/EEC of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production ⁽¹⁾ and/or flavouring preparations as defined in Article 1(2)(c) of the said Directive.
3. If the name of the flavouring contains a reference to the vegetable or animal nature or origin of the incorporated substances, the word “natural” or any other word having substantially the same meaning may not be used unless the flavouring component has been isolated by appropriate physical processes, enzymatic or microbiological processes or traditional food-preparation processes solely or almost solely from the foodstuff or the flavouring source concerned.

⁽¹⁾ OJ L 184, 15.7.1988, p. 61. Directive as amended by Commission Directive 91/71/EEC (OJ L 42, 15.2.1991, p. 25).’
