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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2263/2000
of 9 October 2000**

imposing a definitive anti-dumping duty on imports of black colorformers originating in Japan

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 9 thereof,

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

Whereas:

A. PROCEDURE

1. Initiation

- (1) On 24 July 1999, the Commission announced by two notices (the 'notices of initiation') published in the *Official Journal of the European Communities* ⁽²⁾ the initiation of two anti-dumping proceedings with regard to imports into the Community of, respectively, One Dye Black 1 ('ODB-1') and One Dye Black 2 ('ODB-2') originating in Japan.
- (2) The proceedings were initiated following two complaints lodged in June 1999 by CEFIC (European Chemical Industry Council) on behalf of Ciba Specialty Chemicals plc, representing the totality of the Community production of respectively ODB-1 and ODB-2, two black colorformers. The complaints contained evidence of dumping of the said products and of material injury resulting therefrom, which was considered sufficient to justify the initiation of the proceedings.

2. Investigation

- (3) The Commission officially advised the complainant Community producer and its representative association in the Community, the exporters, the producers, the importers, and the users known to be concerned and the representatives of the exporting country concerned of the initiation of the proceedings. 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 notices of initiation.
- (4) One exporting producer in the country concerned, as well as the Community producer, made their views known in writing. All parties who so requested within the set time limit and who indicated that there were particular reasons why they should be heard were granted the opportunity to be heard.
- (5) The Commission sent questionnaires to parties known to be concerned and to all other parties that made themselves known within the time limits set out in the notices of initiation. Replies were received from the sole Community producer, six users of ODB-1 and/or ODB-2, a group of importers related to a Japanese exporter and two companies located in Japan.

⁽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 C 213, 24.7.1999, pp. 2 and 3.

- (6) None of the exporting producers cooperated in the investigation. Therefore, and pursuant to Article 18(1) of Council Regulation (EC) No 384/96 (the 'basic Regulation'), findings were made on the basis of the facts available. In the absence of a proper reply and in accordance with Article 16(1) of the basic Regulation, no verification visits were carried out at the premises of any exporting producers or related importers.
- (7) The Commission sought and verified all the information it deemed necessary for the purpose of a determination of injury and Community interest. Verification visits were carried out at the premises of the following companies:
- (a) *Community producer*
- Ciba Specialty Chemicals plc, Macclesfield (United Kingdom)
- (b) *Users in the Community*
- Jujo Thermal Ltd, Eura (Finland)
- Torraspapel SA, Barcelona (Spain)
- Zanders Feinpapiere AG, Bergisch Gladbach (Germany).
- (8) The investigation of dumping and injury covered the period from 1 July 1998 to 30 June 1999 ('investigation period' or 'IP'). The examination of trends relevant for the determination of injury covered the period from 1 January 1996 to the end of the investigation period ('period considered').

3. Clarification/extension of the product scope

- (9) During the preliminary investigations it was found that there were black colorformers other than ODB-1 and ODB-2 which appeared to share the same basic chemical and physical characteristics and appeared to overlap in their use (namely coating paper for use as carbonless copy paper ('carbonless paper') or paper for thermal image applications ('thermal paper')).
- (10) Therefore, after consulting the Anti-Dumping Committee, the Commission deemed it necessary to publish on 1 April 2000, a notice in the *Official Journal of the European Communities* ⁽¹⁾ relating to the product scope of the anti-dumping proceedings, to cover all black colorformers for use in paper coating applications ('black colorformers'), in order to investigate this matter further.
- (11) The complainant Community producer and its representative association, the exporters, the producers, the importers, the users known to be concerned as well as the representatives of the exporting country were officially informed of the clarification/extension of the product scope of the proceedings. 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 this notice.
- (12) The Commission sent further questionnaires to all parties known to be concerned and to all other parties who made themselves known within the time limit set out in the notice. Replies to these questionnaires were received from the sole Community producer, one importer related to an exporter, three Japanese companies and six users of black colorformers.
- (13) At this stage again, none of the Japanese exporting producers cooperated in the investigation. Consequently, pursuant to Article 18(1) of the basic Regulation, findings were made on the basis of the facts available for Japan as a whole and no verification visits were carried out at the premises of the exporting producers or related importers in accordance with Article 16(1) of the basic Regulation.
- (14) The Commission further sought and verified all the information it deemed necessary for the purpose of a determination of injury and Community interest, including carrying out a verification visit at the premises of the following user in the Community:
- Papierfabrik August Koehler AG, Oberkirch (Germany).
- (15) One interested party argued that the proceedings could not be extended to cover all black colorformers originating in Japan because complaints were filed only in respect of ODB-1 and ODB-2 without mentioning other colorformers although the Community industry could not have been ignorant of their existence.

⁽¹⁾ OJ C 94, 1.4.2000, p. 5.

- (16) The definition of the product scope of an anti-dumping proceeding is not the prerogative of the complainant. Rather, the product has to be defined in accordance with the applicable law, as embodied in the practice of the Commission and the Council and confirmed by the case-law of the European Court of Justice. In the present case, complaints were lodged respectively for ODB-1 and ODB-2 originating in Japan, providing prima facie evidence of dumping and resulting injury to the Community industry. However, the information gathered in the course of the investigations, which were initiated on the basis of these complaints, showed that both proceedings should be merged and the product scope of the resulting single proceeding extended to cover all black colorformers for use in paper-coating applications. This was due to the fact that all these black colorformers appeared to share the same basic physical and chemical characteristics and overlap in their use. Furthermore, the prima facie evidence on dumping and resulting injury contained in the original complaints and relating to only two types of black colorformers was considered sufficiently representative for all black colorformers, in view of the significant share of the Community market held by these two types. In terms of due process, the rights of the parties concerned were respected since they were informed by means of a notice published in the *Official Journal of the European Communities* and had all the opportunities to make themselves known and to provide comments or request hearings.

B. PRODUCT

1. General

- (17) Black colorformers constitute a specific group of fluoran colorformers which, when used to coat paper for the production of carbonless paper or thermal paper generate by their own properties a black image on the paper without having to be mixed with other colorformers.
- (18) On the basis of the information submitted by all parties, different types of black colorformers exist, such as Black 15, Black 100, Black 303, Black 305, Black 500, CF 51, ETAC, Fuji Black, ODB-1, ODB-2, ODB-7, PSD 150, PSD 184, PSD 300A, S-205 and TH 107. This list of product types is not exhaustive since new product types appear on the market regularly. However, it should be noted that the main types representing over 90 % of total Community consumption in the IP are ODB-1, ODB-2, Black 15 and S-205.
- (19) The investigation has shown that all black colorformers share the same basic chemical characteristics, i.e. the same basic molecule ($C_{26}H_{16}N_2O_3$). The basic molecule is the result of condensing a benzophenone keto type acid in sulphuric acid with a substituted diphenylamine. The resulting phthalide product is then washed, isolated and purified. Next to the basic molecule, different substituents are attached on the ring system (R1-R5). The colorforming reaction is conferred on the paper by the basic chemical molecule, in a reaction where, the application of heat or pressure opens up the ring in the basic molecule. This leaves a residual positive charge which is delocalised around the ring system. The energy required to allow this delocalisation is absorbed from incident visible radiation giving the compound its black colour. In this respect, the nature of the colorforming reaction is unaffected by the substituents on the ring system. These substituents only lead to a variety of minor differences and specific properties of the final paper product (background whiteness, resistance to temperature changes, image stability).
- (20) Furthermore, all black colorformers share the same basic physical characteristics, in that they are a white or lightly coloured, free-flowing powder.
- (21) Finally, all black colorformers have the same basic use. Black colorformers are used to coat paper in order to produce carbonless paper and/or thermal paper. In order to coat paper the black colorformers are mixed with other chemicals into a 'recipe' which is particular to each paper producer and varies according to each type of colorformer used. The information provided by cooperating users shows that there is a large interchangeability between the different types of black colorformers to produce either carbonless paper and/or thermal paper. Furthermore, users have also switched black colorformers within a short period of time to produce the same end paper product.

2. Product under consideration

- (22) The product under consideration is black colorformers originating in Japan. As described above, all types of the product concerned share the same basic physical and chemical characteristics and overlap in their use to coat paper to produce carbonless paper and/or thermal paper. Consequently, they are to be considered as one single product for the purpose of this investigation, i.e. the product under consideration.
- (23) One interested party argued that ODB-1/ODB-2 and S-205 do not share the same basic chemical characteristics. It was argued that the substituents R1 and R2 are different between ODB-1/ODB-2 and S-205 and that this alters significantly the characteristics of S-205 as compared to ODB-1/ODB-2. It should be noted that this party did not specify which characteristics were meant.
- (24) The investigation has shown that S-205 and ODB-1/ODB-2 share the same basic chemical characteristics, i.e. the same basic molecule (see recital 19) and generate without having to be mixed with other colorformers a black image on the coated paper. As to specific characteristics conferred by different substituents R1 and R2, it should be noted that users have been found to produce the same paper product by using indifferently ODB-1/ODB-2 or S-205, suggesting therefore that the different characteristics conferred on the paper by the use of different types of black colorformers, if any, are generally minor. In addition, another interested party while stating that each type of black colorformer contains different additional features did not however dispute the fact that the basic chemical characteristics are the same.
- (25) As to the interchangeability, the same interested party stated that ODB-1 is in general not used for the production of thermal paper.
- (26) The investigation, however, revealed that at least two users in the Community use ODB-1 for the production of thermal paper. The same user also stated that in the production of carbonless paper, ODB-1, ODB-2 and S-205 are interchangeable. Furthermore, one user switched from ODB-1 to ODB-2 in 1998 and then to Black 15 in the IP for the production of carbonless paper.
- (27) The same interested party also argued that thermal paper could be produced on the basis of either ODB-2 or S-205. However, the characteristics and quality of the finished product varied. It was further stated that for end customers, paper products manufactured using S-205 were not interchangeable with paper manufactured with other types of black colorformers, which, it was claimed were of lesser quality, less resistant to ageing and providing for less stable printing.
- (28) Given the fact that at least six users are producing thermal paper using types of black colorformers other than S-205 and that within thermal paper production there are standard products such as fax paper, this argument cannot be accepted. Furthermore, one exporting producer and its related importer stated that if the price of ODB-2 were to increase, a change from ODB-2 to S-205 would take place and that S-205 was interchangeable with ODB-2.
- (29) Two interested parties argued that a change in black colorformer would require users to make a change in the technology employed, in particular a change in the recipe or formulation. Therefore, it was argued that it was not possible to immediately switch types of black colorformer without significant technical and economic costs. It was therefore argued that each type of black colorformer was one single product.
- (30) It should be noted that the notion of the same or a similar end use of the product covered by the proceeding does not necessarily entail that every user should be able to switch from the use of one type of the product in question to another without carrying out certain adaptations. In this case it is clear that the change of type of black colorformer entails a change in the recipe. It should be noted, however, that the need to change the recipe does not constitute an economic or technical deterrent to the substitution, as evidenced by past switches from one type to another by users. In any event, users themselves have indicated that the production line, production procedure and know-how do not have to be changed substantially when switching types of black colorformers.

- (31) In view of the above, it is concluded that all types of black colorformers originating in Japan should be considered as one product, i.e. the product under consideration.

3. Like product

- (32) It was found that the product under consideration and the black colorformers manufactured and sold in the Community by the Community industry (as defined at recital 61) shared the same basic chemical and physical characteristics and the same uses as those originating in Japan and exported to the Community. The same was found to be the case for the black colorformers produced and sold on the domestic market of Japan, which were alike to the product under consideration.
- (33) It was argued that since the Community industry only produces two types of black colorformers, i.e. ODB-1 and ODB-2, the product under consideration should be limited only to those types produced by the Community industry.
- (34) It should firstly be noted that, in anti-dumping proceedings, the product under consideration and the like product are defined by reference to its basic physical, chemical and/or technical characteristics and its basic use. Once the product under consideration is defined, i.e. the product exported from Japan, it has to be examined whether the product produced and sold domestically, and the product produced and sold by the Community industry in the Community are like products to the product under consideration. In this respect, the fact that a certain product type is not produced in the Community is irrelevant.
- (35) Furthermore, a limitation of the product coverage and eventually of anti-dumping measures to only the types produced by the Community industry in the present case, would ignore the fact that the behaviour of exporters of non-Community produced types have an influence on the Community industry because their respective products are alike. Indeed, such a limitation could ultimately lead users to switch to such types of colorformers not covered by the investigation, and would thus render any anti-dumping measure inefficient. Users have quoted price differences between 5 % and 15 % as sufficient to motivate a switch of type of black colorformer.
- (36) It is therefore concluded that the black colorformers produced and sold by the Community industry on the Community market and those sold on the domestic market of Japan are like products to the product under consideration within the meaning of Article 1(4) of the basic Regulation.
- (37) In view of the conclusion that all black colorformers are one single product, the original proceedings concerning respectively ODB-1 and ODB-2 are merged and it is confirmed that the product scope of the resulting proceeding covers all black colorformers. A single analysis of dumping and resulting injury as well as Community interest has therefore been undertaken.

C. DUMPING

1. Cooperation

- (38) The complaints identified three Japanese producers of ODB-1 and ODB-2. A fourth company was identified in the preliminary investigations as exporting S-205. None of the four companies cooperated in the investigation.
- (39) Nippon Soda Co. Ltd declared, upon initiation and after extension/clarification of the product scope, that it would not reply to the questionnaires.
- (40) Hodogaya Chemical Co. Ltd ('Hodogaya') completed both questionnaires for producers/exporters of ODB-1 and ODB-2 and the questionnaire for producers/exporters of black colorformers. The information submitted did however not allow individual determinations in respect of this company. Hodogaya was given disclosure of this issue and did not raise any comment.

- (41) Yamamoto Chemicals Inc. ('Yamamoto') did not reply to the main part of the questionnaires intended for producers/exporters of ODB-1 and ODB-2. Replies were only received for the part of the questionnaires labelled 'questionnaire intended for related companies involved in sales of the product concerned' from a group of trading companies (the 'Mitsui group')⁽¹⁾. Indeed, Yamamoto declared that all its sales on the Community market were handled by the Mitsui group and only claimed for an individual determination in respect of export prices and injury margin. In response to the questionnaire regarding black colorformers, Yamamoto only presented a supplementary submission on injury and Community interest. In view of the above, no individual determination of dumping could be reached for this company.
- (42) Yamada Chemical Co. Ltd ('Yamada') and its related company Fukui Yamada Chemical Co. Ltd ('Fukui Yamada') submitted materially incomplete replies to the questionnaire for producers/exporters of black colorformers. The companies were duly informed and given an opportunity to provide further explanations in accordance with Article 18(4) of the basic Regulation. The companies were informed that, in the absence of a satisfactory response, the information submitted was insufficient to make any individual determination. Notably, the corporate structure of these companies could not be ascertained as the companies accepted disclosure of the identity of one of their shareholders only; no information was submitted on the production process and cost of production; access to the audited accounts or other financial statements was refused to the Commission on the grounds of company business secrets. On 13 and 17 July 2000, more than two months after the deadline for replying to the questionnaire, Yamada/Fukui Yamada submitted information on the costs of production of S-205 and their financial statements for three financial years. These submissions, which were made well beyond any prescribed time limit, could not change the legal assessment that these companies were not cooperating in the investigation. The submissions were equally not capable of being used as information available within the meaning of Article 18 of the basic Regulation as they were received at an advanced stage of the investigation and could not reasonably be given due consideration.
- (43) No other producer exporting the product concerned to the Community made itself known within the relevant time limits.
- (44) On 17 and 18 July 2000, a Japanese exporter, Nagase & Co. Ltd, made for the first time two submissions. These submissions, made well beyond any prescribed time limit, could, however, not compensate for the initial non-cooperation of the company. Neither could the cooperation of its related company in Germany, which made itself known and cooperated in the investigation as an independent importer. The submissions of Nagase & Co. Ltd could equally not be used as information available within the meaning of Article 18 of the basic Regulation as they were received at an advanced stage of the investigation and could not reasonably be given due consideration.
- (45) In the absence of cooperation from the exporting producers, findings in respect of dumping were made on the basis of the facts available for Japan as a whole pursuant to Article 18(1) of the basic Regulation. According to the information available, the vast majority of imports of black colorformers originating in Japan consist of ODB-1, ODB-2 and S-205. It was therefore concluded that any finding of dumping based on these three product types would be reasonably representative for the imports of the product concerned.

2. Normal value

- (46) In respect of ODB-1 and ODB-2, given the absence of any cooperation, the complaints were the only source of information available. The complaints estimated the normal values on the basis of domestic prices. The incomplete questionnaire responses did not contain any information either on domestic sales or on costs of production.

⁽¹⁾ These answers were submitted by Mitsui & Co. Ltd in Japan and its related importers (Mitsui & Co. Deutschland GmbH, Mitsui & Co. UK plc, Mitsui & Co. España SA, Mitsui & Co. Scandinavia AB (Sweden) and Mitsui & Co. France SA (the 'Mitsui group')). It was declared that Mitsui & Co. Ltd purchased from Yamamoto.

- (47) In respect of S-205, the only information available was the questionnaire reply submitted by Yamada/Fukui Yamada. These domestic sales were considered representative because they accounted for more than 5 % of the sales volume to the Community. In the absence of information on the cost of production of S-205, this latter was estimated on the basis of the information submitted in the complaints in respect of ODB-1 and ODB-2. On this basis, the transactions reported by Yamada appeared profitable. Accordingly, normal value for S-205 was established as the weighted average price of all domestic sales to independent customers declared by Yamada for the IP.

3. Export price

- (48) The export prices for the three product types were determined as follows:

3.1. ODB-1

- (49) The export price was determined on the basis of the information provided by the Mitsui group and Eurostat.
- (50) As far as information from the Mitsui group is concerned, it should be noted that all companies belonging to the group were found to be related. Pursuant to Article 2(9) of the basic Regulation, prices of sales between them were disregarded for not being reliable and use was made of the prices at which the imported ODB-1 was first resold to an independent buyer. These prices were adjusted to take into account all costs incurred between importation and resale, including taxes, customs duties, the selling, general and administrative expenses of each related company, which intervened between the importation and the resale to the independent customer and a 5 % profit on turnover. In the absence of any cooperation from an independent importer in the Community, the 5 % profit corresponds to the profit margin considered as reasonable in a previous case dealing with a chemical product ⁽¹⁾.
- (51) As ODB-1 fell under a specific TARIC code during the IP, the value and quantity of the remaining sales on the Community market were established by deducting the quantity and cif values of the exports declared by Mitsui & Co. Ltd (Japan) for the IP from the respective totals as established by Eurostat statistics.

3.2. ODB-2

- (52) The export price was determined on the basis of the information provided by the Mitsui group and in the complaint.
- (53) As regards prices of the ODB-2 exports declared by the Mitsui group, the methodology set out in recital 50 was followed.
- (54) For the remaining sales, Eurostat data were not a reliable source of information as the TARIC code under which imports of ODB-2 are declared also includes other chemicals and ODB-2 represents only a fraction of the import volume declared under this heading. This is confirmed by the fact that the average unit cif value was considerably lower compared to the average cif export price estimated in the complaint and to the data submitted by the companies of the Mitsui group. Therefore the quantity and value of the remaining imports of ODB-2 were established by deducting the quantity and cif value of the exports declared by Mitsui & Co. Ltd (Japan) for the IP from the respective totals as estimated in the complaint since there was no other information available.

3.3. S-205

- (55) Fukui Yamada declared that it supplied all products to Yamada, which in turn used a Japanese independent trader to export S-205 to the Community. The export prices submitted corresponded to the cif prices invoiced by this trader to a related company in the Community. These prices were consequently disregarded for not being reliable and use was made of the purchase prices submitted by the first independent buyers in the Community. These prices were adjusted to take into account all costs incurred between importation and resale and the 5 % profit margin on turnover.

⁽¹⁾ See Commission Regulation (EEC) No 2172/93 of 30 July 1993 imposing provisional anti-dumping duties on imports of ethanalamine originating in the United States of America (OJ L 195, 4.8.1993, p. 5) and Council Regulation (EC) No 229/94 (OJ L 28, 2.2.1994, p. 40).

4. Comparison

- (56) For the purpose of a fair comparison between the normal values and the export prices at an ex-works level, due allowances in the form of adjustments were made for differences that affected price comparability. These adjustments were made by reference to Article 2(10) of the basic Regulation in respect of commissions, transport, insurance, handling, loading and ancillary costs using information submitted in the complaints (for ODB-1 and ODB-2) and by Yamada (for S-205).

5. Dumping margin

- (57) According to Article 2(11) of the basic Regulation the weighted average normal values were compared to the weighted average export prices for each of the three product types.
- (58) Pursuant to Article 2(12) of the basic Regulation, a weighted average of the dumping margins per type was established and considered representative of the level of dumping on all black colorformers originating in Japan.
- (59) Expressed as a percentage of the cif Community frontier value of the imports, the dumping margin so established is 49,8 %.

D. COMMUNITY INDUSTRY

- (60) Ciba Specialty Chemicals plc was the sole Community producer of black colorformers in the Community during the IP.
- (61) Therefore, this company constitutes the 'Community industry' pursuant to Article 4(1) of the basic Regulation.

E. INJURY

1. Preliminary remarks

- (62) As indicated above, the examination of trends relevant for the determination of injury covered the period from 1 January 1996 to the end of the investigation period.
- (63) One interested party argued that the time period chosen was unrepresentative and disproportionate and that the analysis should start in 1992, the year when the complainant started its production of black colorformers in the Community.
- (64) Firstly, it should be noted that it is normal practice in anti-dumping proceedings to use a time period of between three and five years to examine the evolution of the situation of the Community industry.
- (65) Secondly, it should be noted that injury as well as dumping has to be ascertained for the IP. The time period prior to the IP merely serves as an indicator of the evolution of the situation of the Community industry to determine whether the situation during the IP can be classified as injurious. In this respect, the finding of injury suffered by the Community industry during the IP would have been reached regardless of the starting point taken.
- (66) In view of the above, it is not considered justified to extend the period used for the analysis of trends in the context of injury.

2. Community consumption

- (67) In the absence of any cooperation from exporting producers and in view of the imprecise nature of Eurostat information on imports, Community consumption was determined on the basis of the volume of sales reported by the Community industry on the Community market, imports originating in Japan and in the USA as provided by cooperating users and information provided by the Community industry in the complaints.
- (68) Between 1996 and 1998 consumption increased by 18 % as a result of the increase in the production of thermal paper. Between 1998 and the IP consumption decreased slightly by 1 %. This decrease is explained by the withdrawal of two Community users from paper production.

3. Imports originating in Japan

3.1. Volume and market shares of the imports concerned

- (69) Given the lack of cooperation from exporting producers and the imprecise nature of Eurostat information on imports, these have been based on the information available, i.e. the information provided by cooperating users and information given by the Community industry in the complaints.
- (70) On this basis, the volume of imports of the product under consideration has risen continuously from (index) 100 in 1996 to 123 in 1997, 131 in 1998 and 141 in the IP, i.e. an increase of over 40 %. This increase is also reflected in the market share of the product under consideration which went from 36,0 % in 1996, to 41,7 % in 1997, to 40,0 % in 1998 and to 43,4 % in the IP.

3.2. Prices of the imports concerned

(a) Evolution of the prices of the imports concerned

- (71) The average unit prices of all black colorformers imported from Japan, based on the information provided by co-operating users and one importer, expressed in ECU/EURO per kg decreased by 19 % over the period considered. Prices decreased from ECU 24,9 per kg in 1996 to ECU 22,1 per kg in 1997 and then to ECU 21,6 per kg in 1998 and further decreased to ECU/EUR 20,2 per kg in the IP ⁽¹⁾. Prices of various types of black colorformers have continuously decreased over the period considered albeit to a different extent: average ODB-1 prices decreased by 13 % over the period concerned whereas average ODB-2 prices decreased by 19 % and average S-205 prices by 15 % over the same period ⁽²⁾.

(b) Price undercutting

- (72) The Community market for black colorformers is characterised by a reduced number of suppliers and a limited number of users. In this market, the price setting takes place via a system of price quotations whereby the users ask for prices from all suppliers and further negotiations are based on the prices offered by the suppliers.

⁽¹⁾ Prices between 1996 and 1998 do not include Black 15, since no user has reported imports of that type. In any event, even if prices of Black 15 are excluded for the IP, the average price for the IP amounts to 20,28 EUR/kg.

⁽²⁾ No user has provided information on imports of Black 15 originating in Japan between 1996 and 1998, but only for the IP. Therefore no price evolution could be established for this type.

- (73) Given the above, price undercutting has been examined on the basis of the price negotiations between the suppliers and the Community users. In the absence of cooperation from the Japanese exporting producers, the analyses of the price undercutting has been based on the information provided by the Community industry with reference to price negotiations representing around 50 % of the total sales of the Community industry. Where possible, this information has been verified by reference to cooperating users.
- (74) As regards ODB-1, price negotiations have been examined for transactions representing around 45 % of the Community sales of ODB-1 in the IP. On that basis, it was found that the price initially offered by the Community industry was subsequently undercut by a Japanese offers in a range of 5 % to 8 % when comparing the initial offer with the final price agreed.
- (75) Regarding ODB-2, price negotiations have been examined for transactions representing around 70 % of the Community sales of ODB-2 in the IP. The same pattern was observed as regards this type of black colorformer, with undercutting margins ranging between 1 % to 5 %.
- (76) This situation clearly reflects not only the extent to which Community industry's sales prices have been undercut by the prices of the product under consideration within the process of price quotations, but also the depressive effect of the dumped imports on the sales prices of the Community industry, as it has been established that the low prices of the quotations necessarily influence all prices negotiated in follow-up transactions for the same customer.
- (77) In conclusion, the price pressure exerted by the Japanese offers and transactions on the Community market has forced the Community industry to align its prices thereto. This caused a price depression of around 3 % to the Community industry between 1998 and the IP.
- (78) One interested party argued that the methodology used to examine price undercutting was erroneous. It alleged that the initial bid in a commercial negotiation rarely represents a commercial price level, rather such bid is often set too high since the party making the bid knows that it will be reduced in the negotiation process.
- (79) According to the information provided by the Community industry, the initial bids quoted by the Community industry corresponded to the price level agreed with the respective customers in the previous price negotiations. It should furthermore be noted that this price was already one which yielded an insufficient return for the Community industry. It is therefore concluded that the initial bid used to examine price undercutting is not erroneous.

4. Situation of the Community industry

4.1. General considerations

- (80) In accordance with Article 3(5) of the basic Regulation, the examination of the impact of the dumped imports on the Community industry included an evaluation of all relevant economic factors and indices having a bearing on the state of the industry including a decline of sales, profits, production, market share, productivity, return on investments, capacity utilisation, factors affecting Community prices, cash flow, inventories, employment, wages, growth, ability to raise capital or investments. It should be noted that not any one or more of these factors necessarily gives decisive guidance.

4.2. Production, capacity, capacity utilisation and inventories

- (81) Production increased by 19 % between 1996 and 1997, coinciding with an increase in consumption. It decreased by 2 % between 1997 and 1998 and further decreased by 18 % between 1998 and the IP. This decrease coincided with a small decrease in consumption and a severe drop in sales in the same period.

- (82) Production capacity should be seen in the light of the fact that the same production facilities are used to produce both black colorformers and colour colorformers. Therefore, production capacity for black colorformers has been estimated by deducting from the demonstrated capacity of that production line the production of colour colorformers.
- (83) Accordingly, the capacity utilisation rate evolved from 72 % in 1996 to a peak of 79 % in 1997 before dropping to a level of 69 % in 1998 which was maintained during the IP.
- (84) When analysing inventories, it should be noted that black colorformers are produced to order and that therefore inventories are goods awaiting despatch to customers. In this context, therefore, the evaluation of inventories does not appear to be relevant for the examination of the economic situation of the Community industry. However, for the sake of completeness the evolution of inventories is analysed below.
- (85) The Community industry's closing inventories decreased by 58 % between 1996 and the IP, reaching a peak in 1997 and returning to the 1996 level in 1998. In relation to the total production volume of the Community industry, closing inventories have decreased by 58 % over the period considered as well, namely inventories represented 20,7 % of total production volume in 1996 and 8,7 % in the IP.
- (86) The decrease in inventories in the IP was due to the introduction of an inventory reduction project. Furthermore, three factors contributed to the decrease in the inventory of finished goods: actual orders were better in line with sales forecasts; milling of products created a bottleneck in 1999 which led to a build up of inventories of semi-finished products (unpacked black colorformers) and therefore lower inventories of finished goods and finally in June 1999 the American sales organisation of the Community industry started to build up inventories in the United States of America and therefore the dispatches to the United States of America led to a reduction in Community inventories.

4.3. Sales volume, market share and growth

- (87) Sales of the Community industry to unrelated parties in the Community decreased by 5 % over the period considered. Sales volume decreased by 2 % between 1996 and 1997. Between 1997 and 1998 sales increased by 15 %, in line with the evolution of consumption. Sales decreased sharply between 1998 and the IP, whereas consumption dropped only slightly (decrease of 1 %).
- (88) The resulting market share of the Community industry decreased from 45,0 % in 1996, to 41,6 % in 1997 then slightly increased to 43,1 % in 1998 and decreased again to 36,5 % in the IP. Therefore, despite a significant growth in the consumption of black colorformers in the Community, the Community industry has not been able to benefit from it. This overall decrease in market share for the Community industry is matched by a similar increase of market share by the product under consideration. It is important to note that despite a growth in the overall consumption of black colorformers of 17 % over the period considered, the Community industry did not benefit from increased sales. To the contrary, the Community industry lost sales volume (5 % decline) and market share over the same period.

4.4. Sales prices and factors affecting sales prices

- (89) Unit prices of the product concerned sold by the Community industry on the Community market decreased by 16 % in total over the period considered. After a decrease of 6 % between 1996 and 1997 prices decreased by a further 7 % between 1997 and 1998, followed by a further decrease of 3 % between 1998 and the IP.
- (90) Regarding factors affecting sales prices, cost of production has been examined. The cost of manufacturing decreased by 8 % between 1996 and the IP, mostly due to the decrease in the price of raw materials which account for [between 60 % and 75 %] ⁽¹⁾ of the total cost of production. The total cost of production decreased by 7 %.

⁽¹⁾ Actual figures indexed for reasons of confidentiality.

- (91) Regarding more specifically wages, according to the data available for Ciba Specialty Chemicals plc, wages rose by 26 % over the period concerned. Taking into account the 15 % rise in the estimated employment in black colorformers, the raise in wages amounted to 10 % over the period concerned, i.e. a 2,8 % yearly average increase in wages and salaries. It should be noted, however, that the cost of labour accounts for a small percentage of the total cost of production. The moderate increase in wages, however, coincided with increased efficiencies of the Community industry in terms of a reduction in the time necessary to complete a production cycle ('batch time') and increased yields per batch.
- (92) It is therefore concluded that over the period considered, the prices of the Community industry decreased well over the decrease in the cost (– 7 %). This severe price depression (– 16 %) led to important losses to the Community industry as described below.

4.5. Profitability, cash flow and return on investments

- (93) Profitability of the Community industry in terms of return on net sales in the Community market before any extraordinary items and taxes went from around break even in 1996, to [between – 5 % to – 7 %] in 1997, to [between – 7 % to – 9 %] in 1998 and to [between – 8 % to 10 %] in the IP (*).
- (94) Between 1996 and 1997 the profitability of the Community industry deteriorated going from around break even to a negative result. This coincided with a decrease in the sales volume of the Community industry (– 2 %) and a sharp decrease in the sales prices (– 7 %), whereas the costs of the Community industry remained stable. Between 1997 and 1998 the Community industry tried to regain volume of sales and market share by lowering its prices (– 7 %) but, since its costs only decreased by 6 %, this decrease in the prices resulted in higher losses. Between 1998 and the IP the losses increased since the sales prices decreased by 3 %, whereas the costs only decreased by 1 %.
- (95) One interested party argued that the Community industry has not suffered material injury since the total colorformer sector was profitable throughout the period and even after the IP.
- (96) It should be noted that the product scope in the present proceeding is black colorformers and not colorformers in general. The investigation has showed that the Community industry has suffered significant losses on the sales of black colorformer in the Community in the IP. Therefore, the fact that the Community industry is profitable on other products, i.e. colour colorformers is not an indication that it is not suffering injury in the context of the present proceeding.
- (97) As regards cash flow, this indicator could only be established for Ciba Specialty Chemicals Inc., the Swiss parent company of Ciba Specialty Chemicals plc, and that only as from 1997 onwards, the year in which the parent company was founded. However, it should be noted that black colorformers only represent around 0,4 % of the total turnover of the parent company. In view of the above, it is considered that this factor would not provide guidance as to the specific situation of the Community industry of black colorformers.
- (98) As regards return on investments, this indicator was only available at the level of Ciba Specialty Chemicals plc, whereas black colorformers constitute only around 3,5 % of total turnover of Ciba Specialty Chemicals plc. In view of the above, it is considered that this factor would therefore not provide guidance as to the specific situation of the Community industry of black colorformers.

4.6. Investments and ability to raise capital

- (99) Investments made throughout the period considered dropped from 100 in 1996 to 71 in the IP. They represented around 9 % of the Community industry's turnover throughout the period considered.

(*) Actual data is given in a range for reasons of confidentiality.

- (100) As regards the ability to raise capital, this indicator was only available for Ciba Specialty Chemicals plc. However, as stated above, since black colorformers only constitute around 3,5 % of the total turnover of Ciba Specialty Chemicals plc, it is considered that this factor would therefore not provide guidance as to the specific situation of the Community industry of black colorformers.

4.7. Employment and Productivity

- (101) The Community industry's employment related to the production of black colorformers rose by 15 %, from 48 persons employed in 1996 to 55 employed in the IP. It should be noted that since employees work both in the production of black colorformer and colour colorformers, employment has been allocated on the basis of the proportion that the production volume of black colorformers represents on the total production volume of all colorformers.
- (102) Productivity of the Community industry, measured as output per person employed, decreased by 14 % over the period considered. The figures on productivity largely reflect the allocations made to determine the employment.

5. Conclusion on injury

- (103) Between 1996 and the IP, the volume of imports of black colorformers originating in Japan increased substantially (41 %) at prices which continuously decreased over the same period (– 19 %) and which significantly depressed the Community industry's prices by undercutting the prices quoted by the Community industry in price negotiations.
- (104) Over the same period the situation of the Community industry deteriorated in terms of production (– 1 %), sales (– 5 %) and market share (– 8,5 % percentage points). Despite an important decrease in its overall costs (– 7 %), the sharp price depression (– 16 %) led to severe losses. During the period considered, despite an increase in Community consumption, i.e. by 17 %, the Community industry's market share decreased sharply, from 45,0 % to 36,5 %.
- (105) In particular, between 1996 and 1997 the Community industry's market share decreased from 45,0 % to 41,6 %. It tried to remedy this situation by reducing its sales prices in 1998 in order to maintain market share, i.e. the Community industry decreased its prices by 6 % and it increased its market share (from 41,6 % in 1997 to 43,1 % in 1998) but at the expense of profitability, which decreased from [between – 5 % and – 7 %] to [between – 7 % and – 9 %] (*). Between 1998 and the IP the Community industry could only decrease its prices by (– 3 %) with the result that the Community industry lost sales volume (– 18 %) and market share which dropped to 36,5 %. Since the prices of the Community industry decreased more than its costs, the Community industry suffered increased losses.
- (106) In view of the above, it is concluded that in the IP the Community industry suffered material injury within the meaning of Article 3(1) of the basic Regulation in the form of decreased production and sales, loss of market share and decreasing prices leading to severe losses.

F. CAUSATION

1. Preliminary remarks

- (107) In accordance with Article 3 of the basic Regulation, it was examined whether the volume and prices of the dumped imports concerned were responsible for an impact on the Community industry to a degree which enables it to be classified as material within the meaning of Article 3(6) of the basic Regulation. In carrying out this investigation, care was taken to ensure that known factors other than the dumped imports which at the same time are injuring the Community industry were not attributed to the dumped imports concerned.

(*) Actual data is given in a range for reasons of confidentiality.

2. Effects of the dumped imports

- (108) During the period considered, dumped imports of the product under consideration increased significantly in terms of volume and market share. This coincided with the deterioration of the situation of the Community industry which lost sales volume and market share. In this respect, the market share lost by the Community industry has been basically gained by the imports of the product under consideration.
- (109) It should be noted that in the market for black colorformers, competition is in the form of prices. This is due to the fact that there are few market players and that the different product types are highly interchangeable.
- (110) In this respect the investigation showed that, the Community industry was forced to decrease its sales prices in order to maintain its market share. This is evidenced by the findings that the prices of the product under consideration were undercutting the Community industry's prices. Between 1996 and 1997 the Community industry's prices decreased by 7 % while prices of the product under consideration decreased by 10 %. This coincided with a loss of market share by the Community industry and an increase in market share of 5,7 percentage points by the product under consideration. In an effort to regain market share, the Community industry decreased its prices by a further 6 % between 1997 and 1998 with the resulting increase in market share and a slight loss of market share by the product under consideration. However, in view of the losses incurred, between 1998 and the IP the Community industry reduced its prices only by a further 3 % whereas Japanese exporters decreased their prices by 5 %. Thus, the Community industry lost market share while the product under consideration gained significant market share. The combined effect of depressed prices and a decrease in sales volumes and thus a decrease in the production volume negatively affected the profitability of the Community industry.

3. Impact of other factors

3.1. Other imports

- (111) Imports from other third countries amounted to slightly over 20 % of Community consumption in the IP.
- (112) Besides Japan, exports of black colorformers to the Community basically take place from the United States of America. There is one indigenous American producer of black colorformers and two other producers which are related to Japanese exporting producers.
- (113) Imports of black colorformers originating in the United States of America, based on the information provided by cooperating users and estimates by the Community industry, went from an index 100 in 1996 to 93 in 1997. In 1998 imports from the United States of America increased to 105 and further increased to 124 in the IP. The market share of these imports went from 19,0 % in 1996, to 16,7 % in 1997, to 16,9 % in 1998 and to 20,1 % in the IP.
- (114) As far as prices are concerned, it should be noted that there is no information available on the 1996 price level, but from 1997 onwards the price level has decreased substantially from 100 in 1997 to 82 in 1998 and to 76 in the IP.
- (115) It should be noted that the price level of import of black colorformers originating in the United States of America are, with the exception of 1997, below those of the imports originating in Japan.
- (116) In view of the low price level of the imports originating in the United States of America, it has been found that the imports of black colorformers originating in the United States of America may have contributed to the injury suffered by the Community industry in the IP. However, despite the low level of the prices of American imports, the market share of the imports originating in the United States of America has remained stable and can therefore not be the cause of the loss of market share by the Community industry.

3.2. Evolution of the cost of production of the Community industry

- (117) It has been examined whether the deterioration of the situation of the Community industry, namely in terms of profitability, was materially caused by an increase in its cost of production.
- (118) As already explained above, the cost of production of the Community industry decreased (– 7 %) over the period considered, mostly due to a decrease in the cost of raw materials.

- (119) It is therefore concluded that the deterioration of the situation of the Community industry over the period considered cannot be due to any increase in its cost of production.

4. Conclusion on causation

- (120) The above findings clearly indicate the existence of a causal link between the dumped imports and the material injury found. This is proven, in particular, by the loss of market share of the Community industry, which was almost entirely gained by Japanese imports, combined with the deterioration of the prices and the profitability of the Community industry. This coincided with the increase in the volume of imports originating in Japan at prices which undercut and significantly depressed the Community industry's prices.
- (121) Any other factors, in particular imports originating in the United States of America, may have contributed to the injurious situation of the Community industry, but they are not such as to break the link between the dumped imports from Japan and the injury suffered by the Community industry, in particular in view of the market share gained by Japanese low-priced imports.
- (122) It is therefore concluded that the dumped imports originating in Japan have caused material injury to the Community industry within the meaning of Article 3(6) of the basic Regulation.

G. COMMUNITY INTEREST

1. Preliminary remarks

- (123) According to Article 21 of the basic Regulation and on the basis of all the evidence submitted, it was examined whether, despite the injurious effect of the dumped imports, compelling reasons existed against the imposition of anti-dumping measures in this case. This determination was based on an appreciation of all the various interests taken as a whole.
- (124) In order to determine whether or not the imposition of measures was against the Community interest, information was requested from all interested parties, including the domestic industry, importers/traders and users.

2. Interest of the Community industry

2.1. Viability of the Community industry

- (125) The investigation has shown that the Community industry's global profitability for all colorformers produced in the same production facilities where black colorformers are produced was positive during the period considered. The negative situation of the Community industry's black colorformer business is therefore attributable to the unfair trading practices by Japanese exporting producers which have had an injurious effect on the Community industry.
- (126) In line with the development observed during the period considered, the Community market for black colorformers is expected to continue to grow in the next years. Although the production of carbonless paper will probably decline, this decline will be largely compensated by the increase in thermal paper production. In this respect, the investments made by the Community industry throughout the period and its constant efforts in R & D (increase of 44 % over the period considered) shows that the Community industry is not ready to abandon this market and that if fair market conditions are restored, the Community industry could benefit from the expected growth in this market.
- (127) Finally, it should be noted that the Community industry has considerably increased efficiency. Significant efforts have been made by the Community industry in the form of reductions in batch time and increased yields per batch, which have contributed to a reduction of costs.

2.2. Likely effects of the imposition of measures

- (128) As to the likely effects of the imposition of an anti-dumping measure on the Community industry, these can generally result in an increase in the volumes sold on the Community market by the Community industry and/or they can result in an increase in the level of the prices this industry can obtain.
- (129) As far as an increase in the prices in the Community market is concerned, it is likely that the imposition of an anti-dumping measures on the product under consideration will have the effect of increasing its prices and consequently the price level in the Community.
- (130) Since the most severe injurious factor has been the price depression resulting in financial losses, it is expected that the Community industry will be likely to benefit from the measures in the form of an increase in its prices.
- (131) The imposition of measures is also likely to result in a moderate increase in the sales volume. In this respect, the increase in its volume of sales in the Community and thus its production, will allow the Community industry to decrease its unit costs, thus improving profitability.
- (132) It is therefore concluded that the imposition of anti-dumping measures will allow the Community industry to increase both its prices and its volume of sales, thus improving its financial situation.

2.3. Likely effects of the non-imposition of measures on the Community industry

- (133) Should measures not be imposed, it is likely that the negative trends as regards prices, profitability and market share will continue, if not aggravated further.
- (134) In the absence of an improvement in the price level in the Community, it is not expected that the Community industry would regain profitability through rationalisation, given the efforts already undertaken in increasing efficiency. Furthermore the current level of financial losses does not allow this industry to remain operational. It is therefore expected that, should the price level remain stable or continue to decrease, the Community industry could ultimately be forced to withdraw from this market, with the consequent loss of investments, know-how and employment and with the result that the number of suppliers in the Community market would be substantially reduced, with negative effects for competition in the Community. Should the Community industry withdraw from this market, it is unlikely that it will reenter it. Firstly, the Community industry would have lost credibility with its customers, with whom it closely cooperates in R & D. Secondly, between two to three years are required before a production plant is commissioned and an additional year is required before the required stability per batch is attained. Finally, skilled labour as well as R & D acquired through the years would be lost.

2.4. Conclusion

- (135) In view of the above, it is concluded that the imposition of an anti-dumping measure would benefit the Community industry in terms of an increase in its prices and a certain increase in the sales and production volume and therefore an improved financial situation. In turn, the non-imposition of measures could result in the medium term in the Community industry's withdrawal from this market.

3. Interest of importers/traders

- (136) Three out of the four importers/traders concerned, representing around 60 % of the total import volume of the product under consideration, did not respond to the Commission's questionnaire but submitted general information.
- (137) One of them argued that the imposition of an anti-dumping duty would result in the possible elimination of the product under consideration from the Community market without, however, substantiating this claim nor any effects on this company's operations.
- (138) It should be noted that, although the Community industry has significant spare capacity, this capacity is not sufficient to supply the entirety of the demand in the Community market. Therefore imports are necessary to fulfil the demand. In view of the above, it is not expected that the imposition of measures will result in the total exclusion of the product under consideration from the Community market, but rather that those imports will be made at fair prices.

- (139) On the basis of the information provided by the sole cooperating importer/trader, it has been found that importers/traders generally trade also in products other than black colorformer, the latter being of a proportion [between 8 % and 12 %] (*). Since the main effect of the anti-dumping measures is expected to be principally a price increase and only a certain increase in the sales volume by the Community industry, it is unlikely that importers/traders will be negatively affected in the form of a significant reduction in the volume of sales.
- (140) In conclusion, the imposition of an anti-dumping measure on imports of black colorformers originating in Japan is unlikely to significantly affect the economic situation of importers/traders.

4. Interest of users

4.1. Preliminary remarks on the structure of the user industry

- (141) Black colorformers are used as coating in the production of carbonless paper and thermal paper. The black colorformers are mixed with other chemicals in a 'recipe' and this is then applied on the base paper.
- (142) According to the information available there are 15 users in the Community which are producers of either carbonless paper and/or thermal paper, out of which eight cooperated in the proceeding. Two of these users produce both types of paper, three are active only in carbonless paper and three are active only in thermal paper. In terms of company size, the coating paper industry is not homogeneous and is composed of large companies and medium-size companies. Furthermore, there are companies that are active only in the coated paper business as well as companies that produce other types of paper (non-coated). Finally, it should be noted that most companies produce the base paper themselves, while one cooperating user purchases the base paper which it then coats.
- (143) Around 40 % of total Community consumption of black colorformers is used as coating for the production of carbonless paper. Community production of this type of paper amounted to around 1 000 000 tonnes in 1998.
- (144) Five cooperating users are active in this sector. The most important producer represents over 30 % of Community production. The second and third biggest company together have a share of about 25 % of Community production and there are two more companies which represent around 10 % of Community production each.
- (145) Import penetration of carbonless paper is very low (between 1 % and 2 %). This sector is reported to be declining due to the introduction of new technologies such as electronic mail and ink-jet and laser printers, which minimise the use of multi-copy forms, which is the most important application of carbonless paper.
- (146) Around 60 % of total Community consumption of black colorformers is used as coating for the production of thermal paper. Community production of this type of paper amounted to around 200 000 in the IP.
- (147) There are five cooperating users who are active in this sector. The most important holds [between 35 % and 45 %] (*). The second and third biggest companies are about one third of the size of the biggest and the rest of the market is divided between about five companies.
- (148) Import penetration is very low, less than 7 %. This sector has been reported to be growing by 4 % to 5 % per annum due to the use of thermal paper in ticketing and labelling applications.

4.2. Data gathered from cooperating parties

- (149) The cooperating companies represent a turnover of around EUR 2 000 million out of which coated papers accounted for half. Total employment of the cooperating users was around 10 000 in the IP.

(*) Actual data is given in a range for reasons of confidentiality.

- (150) As regards profitability, the weighted average profitability for thermal paper producers in the IP amounted to [between 5 % and 7 %] (*), whereas the weighted average profitability for carbonless paper producers in the IP amounted to [between 0,5 % and 2 %] in the IP.
- (151) In the IP, cooperating users reported purchases from importers/traders representing 77 % of the total volume of imports of the product under consideration. They have also purchased around 72 % of black colorformers produced by the Community industry.
- (152) The investigation has shown that black colorformers represent on average 1,1 % of the total cost of production of carbonless paper producers. For thermal paper producers, black colorformers represent on average 7,9 % of the total cost of production. For the total user industry the weighted average amounts to 4,2 %.

4.3. Impact in terms of costs of the anti-dumping measures

- (153) Given the above, the imposition of an anti-dumping duty at the level considered would result in a hypothetical maximum increase in the cost of production of carbonless paper producers of 0,21 %. For thermal paper producers the maximum hypothetical increase in the cost of production would amount to 1,49 %.
- (154) However, this is a hypothetical maximum impact of the measure if the whole impact were to be passed on to the user. It does not take into account that users have a substantial buying power, that alternative sources of supply exist (United States of America) which are not subject to the measures and that although a certain price increase is expected, it is unlikely that this will be of the same amount as the duty proposed, since the Community industry will also benefit from a moderate increase in its volume of sales.

4.4. User arguments on the imposition of anti-dumping measures

a) Impossibility of tolerating increases in the cost of black colorformers

- (155) Given the fierce competition amongst paper producers and the actual low level of prices for their final product, some users claimed that the prices of black colorformers could not be increased.
- (156) The investigation showed that black colorformers are but a small part of the total cost of production of paper producers, the most important factor affecting cost of paper producers being paper pulp prices which represents 50 % or more of the production costs for coated paper and whose prices are very volatile. The monthly evolution of paper pulp prices between 1996 and the end of the IP shows that paper pulp prices can fluctuate up to 28 % on a monthly basis.
- (157) Given the fact that pulp can represent 50 % or more of the production costs for coated paper, any fluctuation in the price of pulp has a profound impact on the overall cost of production for both carbonless paper and thermal paper.
- (158) In this respect, information provided by cooperating users shows that the fluctuation in the prices of the main raw material are reflected on the prices of the coated paper. The information available showed that price fluctuations of even 12 % could be passed on to customers to a large extent.
- (159) It is therefore concluded that moderate price increases which could result from the imposition of the anti-dumping measures proposed are not likely to endanger the economic activities of users concerned.

b) Limitation of the sources of supply

- (160) One user has claimed that the imposition of anti-dumping duties would limit sources of supply available to Community users thus eliminating or reducing competition in the Community.

(*) Actual data is given in a range for reasons of confidentiality.

- (161) The investigation has shown that the most likely effect of the imposition of anti-dumping measures would be a moderate rise in the price level of black colorformers in the Community, rather than the total exclusion of the Japanese imports from the Community market, notably in view of the fact that the Community industry would not be able to supply the entirety of the Community market. Furthermore, the USA is an alternative source of supply to the Community industry and to Japan.
- (162) It is therefore concluded that the imposition of anti-dumping measures is not likely to result in the reduction of the sources of supply available to Community users. On the contrary, the non-imposition of anti-dumping measures could lead in the medium term to the disappearance of the sole Community producer of black colorformers, namely in view of the significant losses incurred as a result of the dumping of the product under consideration, which would reduce sources of supply in the Community.

c) Loss of competitiveness for exports outside the Community

- (163) One user has claimed that imposition of anti-dumping duties would jeopardise its exports outside the Community given the increase in its costs compared to its competitors located outside the Community.
- (164) Firstly, it has been found that due to the fierce competition on the Community market of black colorformers, the price in the Community is substantially lower than that of the other main paper-producing markets, i.e. the United States of America and Japan. As a result carbonless and thermal paper producers outside the Community source black colorformers at prices which can be even 20 % higher than those paid by Community users. Secondly, it should be noted that anti-dumping duties are either not due when the product under consideration is imported under the inward-processing regime or are reimbursed when it is re-exported as such or incorporated into another product.
- (165) In view of the above, it is not expected that the imposition of an anti-dumping duty will result in a loss of competitiveness of Community users on export markets.

5. Consequences for competition in the Community market

- (166) According to Article 21(1) of the basic Regulation, the need to eliminate the trade-distorting effects of injurious dumping and restore effective competition in the Community has been given special consideration.
- (167) As regards the structure of the world market for black colorformers, it has been found that there are the three main producing countries worldwide: the European Community, where Ciba is the sole producer; Japan, where four known producers manufacture black colorformers; and the United States of America, where three known producers manufacture the product concerned (two of them are subsidiaries of the main two Japanese exporting producers and one is an independent producer).
- (168) In the Community, Ciba produces both black and colour colorformers. Its market share amounted to 36,5 % in the IP, whereas that of the imports of the product under consideration amounted to 43,4 % and that of imports originating in the United States of America amounted to 20,1 %. It should be noted that an estimated 15 % of the imports originating in the United States of America are produced by the American subsidiaries of the main two Japanese exporting producers. The Community, which is the world's largest market for black colorformers (38 % of the total estimated world consumption of black colorformers) is largely open to import penetration (around 64 % of total consumption).
- (169) In Japan, two producers, who are the main exporters to the Community market, hold over 70 % of production capacity. In Japan, the market for black colorformers is largely closed to Community exports since carbonless copy paper is not produced with black colorformers but with colour colorformers and ODB-2 cannot be exported by the Community industry due to patent restrictions. As a result there are no imports of black colorformers in Japan.

- (170) In the United States of America, the subsidiaries of the two main Japanese producers have the largest production capacity (over 50 %). The American market is characterised by its high level of customs duty applicable to imports of black colorformers (11,6 %). Furthermore, in the United States of America through the acquisition of a local producer, the subsidiary of a Japanese exporter is bound by a long-term supply contract with the biggest American user which represents between 40 % and 50 % of the market for black colorformers in the United States of America. As a result import penetration in the United States of America amounts to only 17 %.
- (171) In conclusion, the Community is the market with the highest import penetration and where prices are the lowest in the world. According to the information supplied by interested parties prices in the United States of America and Japan were reported to be over 20 % higher than in the Community in the IP.
- (172) Regarding the competition situation in the Community market, the investigation has shown that during the period considered the Community industry lost significant market share and suffered increasing losses as a result of the dumped imports of the product under consideration. This loss of market share was basically gained by the product under consideration through unfair trade practices. This is all the more serious in view of the share of the Community market held by Japanese exporting producers whether through their exports originating in Japan or those originating in the United States of America.
- (173) The adoption of anti-dumping measures is likely to ensure that the Community industry remains in this market, thus contributing to fostering competition. On the other hand, it is not expected that the imposition of anti-dumping measures forecloses the Community market to imports of the product under consideration, in view of the limited capacity of the Community industry and the purchasing power of users.
- (174) It is not unlikely that, without anti-dumping measures, the Community industry would withdraw from this market thus reducing competition in the Community. As mentioned above at recital 134, should this withdrawal take place, it is unlikely that the Community industry would re-enter this market, in view of the high entry costs in this market.
- (175) It is therefore concluded that the imposition of anti-dumping measures is likely to restore effective competition by establishing a level playing field and ensuring equal competitive opportunities for all economic operators.

6. Conclusion on Community interest

- (176) As regards the Community industry, it was found that the imposition of an anti-dumping duty would have a beneficial effect on its situation in the form of an expected increase in its prices and restored profitability. The non-imposition of measures is likely to lead to the closure of the Community industry's activities in the medium term considering its negative profitability.
- (177) As regards importers/traders, the imposition of duties is unlikely to have a significant negative effect on them given the limited impact of black colorformers on their overall trading activities.
- (178) As regards users, the imposition of an anti-dumping duty on the product under consideration would only marginally affect their situation in view of the low impact of black colorformers on their overall costs, the possibility of passing on fluctuations in the raw materials to the prices of the paper products and the existence of an alternative source of supply, i.e. the United States of America. The imposition of anti-dumping measures is also considered to foster enhanced competition in the Community market for black colorformers by restoring fair trade.
- (179) In view of the above, the Commission has concluded that, in these circumstances no compelling reasons exist on grounds of Community interest not to adopt anti-dumping measures in the present case.

H. ANTI-DUMPING MEASURES

- (180) For the purpose of establishing the level of the definitive duty, account was taken of the level of dumping found and the amount of duty necessary to eliminate the injury suffered by the Community industry.

1. Injury elimination level

- (181) It was considered that the amount of duty necessary to remove the effects of injurious dumping should allow the Community industry to cover its cost of production and obtain a reasonable profit on sales. In this respect it was found that a profit margin of 7 % on turnover could be considered to be an appropriate basis, due regard being given to a rate of return which the Community industry could reasonably expect in the absence of injurious dumping. This rate was established by reference to the profit margin publicly available for a number of European companies in the specialty chemical sector, as defined in a report by an independent party.
- (182) Yamamoto argued that the information submitted by the Mitsui group was sufficient to allow an individual determination with respect to the injury margin. The information provided by the Mitsui group included general information on their companies, their purchase prices and resales on the Community market. Yamamoto argued that this was sufficient to establish an individual export price and an individual injury margin in its respect as all its sales to the Community were handled by the Mitsui group. Pursuant to Article 18(4) of the basic Regulation, Yamamoto and the abovementioned companies were duly informed that the information submitted was insufficient and given an opportunity to provide further explanations. Yamamoto and the Mitsui group provided corrections to deficiencies noted in the replies of the Mitsui group and declarations stating the relation between Yamamoto and Mitsui & Co. Ltd ('Mitsui (Japan)'), as well as the role of Mitsui (Japan) as sole exporter of Yamamoto's products. However, Yamamoto refused to reply to the main body of the questionnaires requesting information on the corporate structure of the exporting producer, its production, its export sales to the Community, its domestic sales and costs of production.
- (183) It is considered that the non-cooperation of the producer made it impossible to carry out any individual determination in its respect. Thus, if it was possible to verify that the companies of the Mitsui group had reported completely and accurately their sales of black colorformers on the Community market, the absence of information notably on production, corporate structure and sales made it impossible to determine whether the sales reported by the Mitsui group represented all the sales of Yamamoto to the Community. Black colorformers produced by Yamamoto in Japan could be exported to the Community via other channels whether directly through related parties. Other producers and/or traders could be related to Yamamoto and exporting Japanese black colorformers to the Community, which would require the determination of a single export price and individual injury margin for the group. The lack of data relevant to make an individual determination applies therefore not only to the dumping margin but equally to the injury margin.
- (184) In view of the above, Yamamoto is considered as a non-cooperating exporting producer for the purpose of the present anti-dumping proceeding and therefore, no individual injury-margin determination has been carried out for this company.
- (185) Accordingly, injury elimination levels were determined on the basis of ODB-1 and ODB-2 respectively by comparing the cost of production plus a reasonable profit margin for each of these types of black colorformer produced by the Community industry with the selling price of the same types of the product under consideration at user level. The injury margin, i.e. this difference expressed as a percentage of the cif value of the imports concerned, was 18,9 % on average.

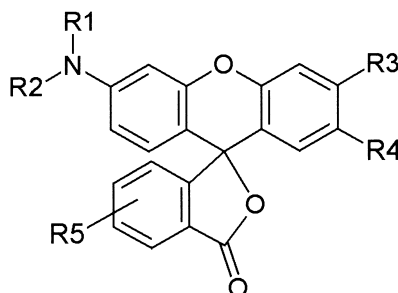
2. Form and level of the definitive anti-dumping measures

- (186) Since the injury margin was found to be lower than the dumping margin, the definitive duty to be imposed should correspond to the injury margin established, in conformity with Article 9(4) of the basic Regulation.
- (187) Based on the determination of dumping and the injury resulting therefrom, a definitive *ad valorem* duty of 18,9 % should be imposed on imports of black colorformers originating in Japan,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of black colorformers falling within CN code ex 2932 29 80 (TARIC code: see Annex) and originating in Japan.
2. For the purpose of the present proceeding, a black colorformer is a chemical colorformer which, when used to coat paper for the production of carbonless copy paper or thermal paper generates by its own properties a black image on the paper without having to be mixed with other colorformers and has the following fluoran structure:



R1 and R2 may be identical or different and must be chosen from substituted or unsubstituted alkyl or aryl groups. They may also form part of a ring system. R3 must be chosen from hydrogen, substituted or unsubstituted alkyl, aryl, alkoxy groups or halogens. R3 is typically a methyl or chloro group. R4 must be chosen from substituted or unsubstituted monoarylamino groups. If R3 is hydrogen then R4 must be a substituted monoarylamino group. R1, R2 and R4 may not be hydrogen. R5 is hydrogen or halogen, typically hydrogen. A list of identified black colorformers is provided in the Annex.

3. For the product referred to in paragraph 1, the rate of anti-dumping duty applicable to the net free-at-Community-frontier price, before duty, is 18,9 %.
4. Unless otherwise specified, the provisions in force concerning customs duties apply.

Article 2

This Regulation enters 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 Luxembourg, 9 October 2000.

For the Council
The President
H. VÉDRINE

ANNEX

Commercial description	Chemical abstract registry number (CAS No)	Chemical description	TARIC codes
Black 15	36431-22-8	3-(Diethylamino)-6-methyl-7-(2,4-dimethylphenylamino) fluoran	2932 29 80 35
Black 100	68134-61-2	3-(Diethylamino)-7-(3-trifluoromethylphenylamino) fluoran	2932 29 80 60
Black 303	92814-52-3	3-(N-ethyl-N-isopentylamino)-7-(2-chlorophenylamino) fluoran	2932 29 80 60
Black 305	129437-78-5	3-(Dipentylamino)-6-methyl-7-anilino fluoran	2932 29 80 60
Black 500	93071-94-4	3-[N-ethyl N-(3-ethoxypropyl)amino]-6-methyl-7-anilino fluoran	2932 29 80 60
CF-51	102232-11-1	3-(N-tetrahydrofurfuryl-N-ethylamino)-6-methyl-7-anilino fluoran	2932 29 80 60
ETAC	59129-79-2	3-(N-ethyl-N-p-tolylamino)-6-methyl-7-anilino fluoran	2932 29 80 40
Fuji Black	85443-45-4	3-(Diethylamino)-6-chloro-7-anilino fluoran	2932 29 80 60
ODB	29512-49-0	3-(Diethylamino)-6-methyl-7-anilino fluoran	2932 29 80 60
ODB-2	89331-94-2	3-(Dibutylamino)-6-methyl-7-anilino fluoran	2932 29 80 60
ODB-7	151019-95-3	3-(Diethylamino)-6-methyl-7-(3-methylphenylamino) fluoran	2932 29 80 60
PSD 150	55250-84-5	3-(N-methyl-N-cyclohexylamino)-6-methyl-7-anilino fluoran	2932 29 80 50
PSD 300A	92409-09-1	3-(N-methyl-N-propylamino)-6-methyl-7-anilino fluoran	2932 29 80 30
PSD 184	95235-29-3	3-(N-ethyl-N-isobutylamino)-6-methyl-7-anilino fluoran	2932 29 80 45
S 205	70516-41-5	3-(N-ethyl-N-isopentylamino)-6-methyl-7-anilino fluoran	2932 29 80 10
TH 107	82137-81-3	3-(Dibutylamino)-7-(2-chlorophenylamino) fluoran	2932 29 80 25
Other black colorformers			2932 29 80 60

COMMISSION REGULATION (EC) No 2264/2000
of 12 October 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 13 October 2000.

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

Done at Brussels, 12 October 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 12 October 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	107,2
	064	68,9
	999	88,1
0707 00 05	052	94,1
	628	132,0
	999	113,1
0709 90 70	052	74,6
	999	74,6
0805 30 10	052	66,3
	388	60,5
	524	64,0
	528	67,9
0806 10 10	999	64,7
	052	100,2
	064	80,2
	400	230,0
	632	65,7
0808 10 20, 0808 10 50, 0808 10 90	999	119,0
	039	84,3
	388	55,5
	400	57,4
	800	151,2
	804	64,2
0808 20 50	999	82,5
	052	82,7
	064	62,7
	999	72,7

⁽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 2265/2000
of 12 October 2000
on the issuing of import licences for bananas under the tariff quotas and for traditional ACP
bananas for the fourth quarter of 2000 (second period)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾,

Having regard to Commission Regulation (EC) No 2362/98 of 28 October 1998 laying down detailed rules for the implementation of Council Regulation (EEC) No 404/93 regarding imports of bananas into the Community ⁽³⁾, as last amended by Regulation (EC) No 1632/2000 ⁽⁴⁾, and in particular Articles 17 and 18(2) thereof,

Whereas:

- (1) Article 2 of, and the Annex to, Commission Regulation (EC) No 1971/2000 ⁽⁵⁾ fix the quantities available for the fourth quarter of 2000 under the second period for the submission of applications provided for in Article 18 of Regulation (EC) No 2362/98.

- (2) Pursuant to Article 18(2) of Regulation (EC) No 2362/98, on the basis of applications submitted during the second period, the quantities for which licences may be issued for the origins concerned should be determined forthwith.

- (3) This Regulation should apply immediately to permit licences to be issued as quickly as possible,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences shall be issued under the arrangements for the importation of bananas, tariff quotas arrangements and arrangements for traditional ACP bananas for the fourth quarter of 2000 (second period) in respect of new applications as referred to in Article 18 of Regulation (EC) No 2362/98 for the quantity indicated in the licence application.

Article 2

This Regulation shall enter into force of 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, 12 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 293, 31.10.1998, p. 32.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 27.

⁽⁵⁾ OJ L 235, 19.9.2000, p. 10.

**COMMISSION REGULATION (EC) No 2266/2000
of 12 October 2000**

amending Regulation (EEC) No 3600/92 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, as last amended by Commission Directive 2000/50/EC ⁽²⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽³⁾, as last amended by Commission Regulation (EC) No 1972/1999 ⁽⁴⁾, established rules for the re-evaluation of 90 active substances already on the market two years after notification of Directive 91/414/EEC whose re-evaluation was considered a first priority. This is organised by the Commission in a collaborative and co-ordinated programme established in the Regulation, within which Member States undertake specific tasks contributing to the scientific and technical assessments which are the basis for regulatory decisions taken at Community level.
- (2) Commission Regulation (EC) No 451/2000 of 28 February 2000 laying down the detailed rules for the implementation of the second and third stages of the work programme referred to in Article 8(2) of Council Directive 91/414/EEC ⁽⁵⁾ has laid down the detailed rules for the implementation of the second and third stages of the work programme.
- (3) Experience has shown that a decision on possible inclusion of an active substance into Annex I to the Directive can only be taken if a notifier has demonstrated that for the limited range of uses supported and for one or more preparations the requirements of the Directive in relation to the criteria referred to in Article 5 thereof can be met. Therefore all information for each point of Annex II and Annex III of the Directive has to be submitted for the supported uses.
- (4) So far for most of the active substances examined insufficient information has been submitted. Therefore, to enable the Commission to complete the programme of work for these 90 active substances as soon as possible a deadline should be established within which notifiers

must complete their files, having regard to the data requirements which were laid down in detail between July 1993 and October 1996.

- (5) In order to speed up the evaluation and decision making, a decision on possible inclusion in Annex I should be taken on the basis of the data submitted and no further postponement of decisions should be provided. Therefore without prejudice to Article 7 of the Directive, submission of new studies should only be accepted if the rapporteur Member State, with the agreement of the Commission, requests the notifiers to submit further data necessary to clarify the dossier.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3600/92 is amended as follows:

1. In Article 6(2)(b), the following is added at the end:

‘it has to be demonstrated by the notifier that, on the basis of the information submitted for one or more preparations for a limited range of representative uses, the requirements of the Directive in relation to the criteria referred to in Article 5 thereof can be met;’

2. In Article 7(4), the following is added at the end in the first indent:

‘this time limit will be 25 May 2002 unless an earlier time limit is established by the Commission for a particular active substance except for the results of long-term studies, identified as being necessary by the rapporteur Member State and the Commission during the examination of the dossier and which are not expected to be fully completed by the deadline established, provided that the information submitted contains evidence that such studies have been commissioned and that their results will be submitted at the latest on 25 May 2003. In exceptional cases, where it has not been possible for the rapporteur Member State and the Commission to identify such studies by 25 May 2001, an alternative date may be established for the completion of such studies, provided the notifier supplies the rapporteur Member State with evidence that such studies have been commissioned within three months of the request to undertake the studies, and with a protocol and progress report of the study by 25 May 2002.’

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 198, 4.8.2000, p. 39.

⁽³⁾ OJ L 366, 15.12.1992, p. 10.

⁽⁴⁾ OJ L 244, 16.9.1999, p. 41.

⁽⁵⁾ OJ L 55, 29.2.2000, p. 25.

3. In Article 7(4), the following is added at the end:

'Without prejudice to Article 7 of the Directive, submission of new studies will not be accepted. The rapporteur Member State, with the agreement of the Commission, may request the notifiers to submit further data necessary to clarify the dossier.'

For active substances for which the results or information referred to in the first indent have not been submitted within the established time limit the rapporteur Member State shall immediately inform the Commission. The Commission shall decide, as provided for in Article 8(2), last subparagraph, of the Directive, not to include in Annex I to the Directive such active substances mentioning the reasons for the non-inclusion. Member States shall withdraw by 25 July 2003 authorisations of plant protection products containing these active substances.'

4. Article 8(1)(c) shall be replaced by the following:

'communicate to the Commission as quickly as possible, and within six months at the latest following receipt of all the required information, its evaluation of the dossier as an addendum to the evaluation report already submitted to the Commission. The report shall be presented in the format recommended by the Commission in the framework of the Standing Committee on Plant Health and shall include a recommendation:

- either to include the active substance in Annex I to the Directive stating the conditions for inclusion,
- or not to include the active substance in Annex I to the Directive, mentioning the reasons for the non-inclusion.'

5. Article 8(3) shall be replaced by the following:

'After receiving the summary and the report referred to in paragraph 1, the Commission shall refer it to the Committee for examination.'

Before referring the dossier and report to the Committee, the Commission shall circulate the rapporteur's report to the Member States for information and may organise a consultation of experts from one or several Member States. The Commission may consult some or all of the notifiers of active substances on the report or parts of the report on the relevant active substance. The rapporteur Member State shall provide the necessary technical and scientific assistance during these consultations.

Without prejudice to Article 7 of the Directive, submission of new studies will not be accepted. The rapporteur Member State, after consultation with the Commission, may request the notifiers to submit further data necessary to clarify the dossier.

After the examination referred to in Article 7(3), the Commission shall, without prejudice to any proposal it may submit with a view to amending the Annex to Directive 79/117/EEC, present to the Committee:

- (a) a draft directive to include the active substance in Annex I to the Directive, setting out where appropriate the conditions, including the time limit, for such inclusion; or
- (b) a draft decision addressed to the Member States to withdraw the authorisations of plant protection products containing the active substance, pursuant to the fourth subparagraph of Article 8(2) of the Directive, whereby that active substance is not included in Annex I to the Directive, mentioning the reasons for the non-inclusion.'

6. Article 8(4) is deleted.

Article 2

This Regulation shall enter into force on 1 November 2000.

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

Done at Brussels, 12 October 2000.

For the Commission

David BYRNE

Member of the Commission

COMMISSION REGULATION (EC) No 2267/2000**of 12 October 2000****fixing the production levies and the coefficient for calculating the additional levy in the sugar sector for the 1999/2000 marketing year**

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⁾, as last amended by Commission Regulation (EC) No 1527/2000 ⁽²⁾, and in particular Article 33(8) and 34(5) thereof,

Whereas:

(1) Article 7(1) of Commission Regulation (EEC) No 1443/82 of 8 June 1982 laying down detailed rules for the application of the quota system in the sugar sector ⁽³⁾, as last amended by Regulation (EC) No 392/94 ⁽⁴⁾, provides that the basic production levy and the B levy together with, if required, the coefficient referred to in Article 34(2) of Regulation (EC) No 2038/1999 for sugar, isoglucose and inulin syrup are to be fixed before 15 October in respect of the preceding marketing year.

(2) Commission Regulation (EC) No 1944/1999 ⁽⁵⁾ increased, for the 1999/2000 marketing year, the maximum amount referred to in the first indent of Article 33(4) of Regulation (EC) No 2038/1999 to 37,5 % of the intervention price for white sugar.

(3) The estimated total loss recorded in accordance with Article 33(1) and (2) of Regulation (EC) No 2038/1999 necessitates the retention, in respect of the amounts of the production levies applicable for the 1999/2000 marketing year, of the maximum amounts referred to in Article 33 of the said Regulation adjusted, where applicable, by Regulation (EC) No 1944/1999.

(4) Article 34(1) of Regulation (EC) No 2038/1999 provides that an additional levy is to be charged to manufacturers when the total loss recorded pursuant to Article 33(1) and (2) of the said Regulation is not fully covered by the receipts from the production levies. The total uncovered loss for the 1999/2000 marketing year amounts to 146 221 038 EUR. The coefficient referred to in Article 34(2) of the said Regulation should consequently be

fixed at 0,18506 which represents for the Community as a whole the ratio between the total loss recorded for the 1999/2000 marketing year pursuant to Article 33(1) and (2) of the said Regulation and the receipt from the basic production levy and the B levy for that marketing year, the ratio being reduced by 1.

(5) 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 production levies in the sugar sector for the 1999/2000 marketing year are hereby fixed as follows:

- (a) EUR 1,2638 per 100 kilograms of white sugar as the basic production levy on A sugar and B sugar;
- (b) EUR 23,6963 per 100 kilograms of white sugar as the B levy on B sugar;
- (c) EUR 0,5330 per 100 kilograms of dry matter as the basic production levy on A isoglucose and B isoglucose;
- (d) EUR 9,9425 per 100 kilograms of dry matter as the B levy on B isoglucose;
- (e) EUR 1,2638 per 100 kilograms of dry matter equivalent sugar/isoglucose of the basic production levy on A inulin and B inulin syrup;
- (f) EUR 23,6963 per 100 kilograms of dry matter equivalent sugar/isoglucose as the B levy on B inulin syrup.

Article 2

The coefficient provided for in Article 34(2) of Regulation (EC) No 2038/1999 is hereby fixed for the 1999/2000 marketing year at 0,18506.

Article 3

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

⁽¹⁾ OJ L 252, 25.9.1999, p. 1.

⁽²⁾ OJ L 175, 14.7.2000, p. 59.

⁽³⁾ OJ L 158, 9.6.1982, p. 17.

⁽⁴⁾ OJ L 53, 24.2.1994, p. 7.

⁽⁵⁾ OJ L 241, 11.9.1999, p. 13.

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

Done at Brussels, 12 October 2000.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 2268/2000
of 12 October 2000
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

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

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

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

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

when prices in international trade are being determined particular account should be taken of:

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

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

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

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 2114/2000 ⁽⁴⁾; the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 2038/1999 of 13 September 1999 on the common organisation of the markets in the sugar sector ⁽⁵⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 252, 6.10.2000, p. 6.

⁽⁵⁾ OJ L 252, 25.9.1999, p. 1.

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

- (10) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 13 October 2000.

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

Done at Brussels, 12 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71.

⁽²⁾ OJ L 28, 1.2.1988, p. 1.

ANNEX

to the Commission Regulation of 12 October 2000 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 10 10 9000	970	EUR/100 kg	2,327	0402 21 91 9900	A02	EUR/100 kg	90,50
0401 10 90 9000	970	EUR/100 kg	2,327	0402 21 99 9100	A02	EUR/100 kg	68,40
0401 20 11 9100	970	EUR/100 kg	2,327	0402 21 99 9200	A02	EUR/100 kg	69,00
0401 20 11 9500	970	EUR/100 kg	3,597	0402 21 99 9300	A02	EUR/100 kg	69,70
0401 20 19 9100	970	EUR/100 kg	2,327	0402 21 99 9400	A02	EUR/100 kg	74,50
0401 20 19 9500	970	EUR/100 kg	3,597	0402 21 99 9500	A02	EUR/100 kg	76,20
0401 20 91 9100	970	EUR/100 kg	4,551	0402 21 99 9600	A02	EUR/100 kg	82,70
0401 20 91 9500	A00	EUR/100 kg	—	0402 21 99 9700	A02	EUR/100 kg	86,30
0401 20 99 9100	970	EUR/100 kg	4,551	0402 21 99 9900	A02	EUR/100 kg	90,50
0401 20 99 9500	A00	EUR/100 kg	—	0402 29 15 9200	A02	EUR/kg	0,1500
0401 30 11 9100	A00	EUR/100 kg	—	0402 29 15 9300	A02	EUR/kg	0,5990
0401 30 11 9400	970	EUR/100 kg	10,50	0402 29 15 9500	A02	EUR/kg	0,6320
0401 30 11 9700	970	EUR/100 kg	15,77	0402 29 15 9900	A02	EUR/kg	0,6800
0401 30 19 9100	A00	EUR/100 kg	—	0402 29 19 9200	A02	EUR/kg	0,1500
0401 30 19 9400	A00	EUR/100 kg	—	0402 29 19 9300	A02	EUR/kg	0,5990
0401 30 19 9700	970	EUR/100 kg	15,77	0402 29 19 9500	A02	EUR/kg	0,6320
0401 30 31 9100	A02	EUR/100 kg	38,32	0402 29 19 9900	A02	EUR/kg	0,6800
0401 30 31 9400	A02	EUR/100 kg	59,85	0402 29 91 9100	A02	EUR/kg	0,6840
0401 30 31 9700	A02	EUR/100 kg	66,00	0402 29 91 9500	A02	EUR/kg	0,7450
0401 30 39 9100	A02	EUR/100 kg	38,32	0402 29 99 9100	A02	EUR/kg	0,6840
0401 30 39 9400	A02	EUR/100 kg	59,85	0402 29 99 9500	A02	EUR/kg	0,7450
0401 30 39 9700	A02	EUR/100 kg	66,00	0402 91 11 9110	A00	EUR/100 kg	—
0401 30 91 9100	A02	EUR/100 kg	75,22	0402 91 11 9120	A00	EUR/100 kg	—
0401 30 91 9400	A02	EUR/100 kg	110,55	0402 91 11 9310	A00	EUR/100 kg	—
0401 30 91 9700	A02	EUR/100 kg	129,01	0402 91 11 9350	A00	EUR/100 kg	—
0401 30 99 9100	A02	EUR/100 kg	75,22	0402 91 11 9370	A02	EUR/100 kg	10,90
0401 30 99 9400	A02	EUR/100 kg	110,55	0402 91 19 9110	A00	EUR/100 kg	—
0401 30 99 9700	A02	EUR/100 kg	129,01	0402 91 19 9120	A00	EUR/100 kg	—
0402 10 11 9000	A02	EUR/100 kg	15,00	0402 91 19 9310	A00	EUR/100 kg	—
0402 10 19 9000	A02	EUR/100 kg	15,00	0402 91 19 9350	A00	EUR/100 kg	—
0402 10 91 9000	A02	EUR/kg	0,1500	0402 91 19 9370	A02	EUR/100 kg	10,90
0402 10 99 9000	A02	EUR/kg	0,1500	0402 91 31 9100	A00	EUR/100 kg	—
0402 21 11 9200	A02	EUR/100 kg	15,00	0402 91 31 9300	A02	EUR/100 kg	12,90
0402 21 11 9300	A02	EUR/100 kg	59,90	0402 91 39 9100	A00	EUR/100 kg	—
0402 21 11 9500	A02	EUR/100 kg	63,20	0402 91 39 9300	A02	EUR/100 kg	12,90
0402 21 11 9900	A02	EUR/100 kg	68,00	0402 91 51 9000	A00	EUR/100 kg	—
0402 21 17 9000	A02	EUR/100 kg	15,00	0402 91 59 9000	A00	EUR/100 kg	—
0402 21 19 9300	A02	EUR/100 kg	59,90	0402 91 91 9000	A02	EUR/100 kg	41,60
0402 21 19 9500	A02	EUR/100 kg	63,20	0402 91 99 9000	A02	EUR/100 kg	41,60
0402 21 19 9900	A02	EUR/100 kg	68,00	0402 99 11 9110	A00	EUR/kg	—
0402 21 91 9100	A02	EUR/100 kg	68,40	0402 99 11 9130	A00	EUR/kg	—
0402 21 91 9200	A02	EUR/100 kg	69,00	0402 99 11 9150	A00	EUR/kg	—
0402 21 91 9300	A02	EUR/100 kg	69,70	0402 99 11 9310	A00	EUR/kg	—
0402 21 91 9400	A02	EUR/100 kg	74,50	0402 99 11 9330	A00	EUR/kg	—
0402 21 91 9500	A02	EUR/100 kg	76,20	0402 99 11 9350	A02	EUR/kg	0,2790
0402 21 91 9600	A02	EUR/100 kg	82,70	0402 99 19 9110	A00	EUR/kg	—
0402 21 91 9700	A02	EUR/100 kg	86,30	0402 99 19 9130	A00	EUR/kg	—
				0402 99 19 9150	A00	EUR/kg	—
				0402 99 19 9310	A00	EUR/kg	—
				0402 99 19 9330	A00	EUR/kg	—
				0402 99 19 9350	A02	EUR/kg	0,2790
				0402 99 31 9110	A00	EUR/kg	—
				0402 99 31 9150	A02	EUR/kg	0,2900
				0402 99 31 9300	A02	EUR/kg	0,2490
				0402 99 31 9500	A02	EUR/kg	0,4290
				0402 99 39 9110	A00	EUR/kg	—
				0402 99 39 9150	A02	EUR/kg	0,2900
				0402 99 39 9300	A02	EUR/kg	0,2490

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0402 99 39 9500	A02	EUR/kg	0,4290	0404 90 29 9160	A02	EUR/100 kg	86,30
0402 99 91 9000	A02	EUR/kg	0,4890	0404 90 29 9180	A02	EUR/100 kg	90,50
0402 99 99 9000	A02	EUR/kg	0,4890	0404 90 81 9100	A02	EUR/kg	0,1500
0403 10 11 9400	A00	EUR/100 kg	—	0404 90 81 9910	A00	EUR/kg	—
0403 10 11 9800	A00	EUR/100 kg	—	0404 90 81 9950	A02	EUR/kg	0,1750
0403 10 13 9800	A00	EUR/100 kg	—	0404 90 83 9110	A02	EUR/kg	0,1500
0403 10 19 9800	A00	EUR/100 kg	—	0404 90 83 9130	A02	EUR/kg	0,5990
0403 10 31 9400	A00	EUR/kg	—	0404 90 83 9150	A02	EUR/kg	0,6320
0403 10 31 9800	A00	EUR/kg	—	0404 90 83 9170	A02	EUR/kg	0,6800
0403 10 33 9800	A00	EUR/kg	—	0404 90 83 9911	A00	EUR/kg	—
0403 10 39 9800	A00	EUR/kg	—	0404 90 83 9913	A00	EUR/kg	—
0403 90 11 9000	A02	EUR/100 kg	14,80	0404 90 83 9915	A00	EUR/kg	—
0403 90 13 9200	A02	EUR/100 kg	14,80	0404 90 83 9917	A00	EUR/kg	—
0403 90 13 9300	A02	EUR/100 kg	59,40	0404 90 83 9919	A00	EUR/kg	—
0403 90 13 9500	A02	EUR/100 kg	62,50	0404 90 83 9931	A00	EUR/kg	—
0403 90 13 9900	A02	EUR/100 kg	67,30	0404 90 83 9933	A00	EUR/kg	—
0403 90 19 9000	A02	EUR/100 kg	67,80	0404 90 83 9935	A02	EUR/kg	0,2790
0403 90 31 9000	A02	EUR/kg	0,1480	0404 90 83 9937	A02	EUR/kg	0,2900
0403 90 33 9200	A02	EUR/kg	0,1480	0404 90 89 9130	A02	EUR/kg	0,6840
0403 90 33 9300	A02	EUR/kg	0,5940	0404 90 89 9150	A02	EUR/kg	0,7450
0403 90 33 9500	A02	EUR/kg	0,6250	0404 90 89 9930	A02	EUR/kg	0,4601
0403 90 33 9900	A02	EUR/kg	0,6730	0404 90 89 9950	A02	EUR/kg	0,6600
0403 90 39 9000	A02	EUR/kg	0,6780	0404 90 89 9990	A02	EUR/kg	0,7522
0403 90 51 9100	970	EUR/100 kg	2,327	0405 10 11 9500	A02	EUR/100 kg	165,85
0403 90 51 9300	A00	EUR/100 kg	—	0405 10 11 9700	A02	EUR/100 kg	170,00
0403 90 53 9000	A00	EUR/100 kg	—	0405 10 19 9500	A02	EUR/100 kg	165,85
0403 90 59 9110	A00	EUR/100 kg	—	0405 10 19 9700	A02	EUR/100 kg	170,00
0403 90 59 9140	A00	EUR/100 kg	—	0405 10 30 9100	A02	EUR/100 kg	165,85
0403 90 59 9170	970	EUR/100 kg	15,77	0405 10 30 9300	A02	EUR/100 kg	170,00
0403 90 59 9310	A02	EUR/100 kg	38,32	0405 10 30 9500	A02	EUR/100 kg	165,85
0403 90 59 9340	A02	EUR/100 kg	59,20	0405 10 30 9700	A02	EUR/100 kg	170,00
0403 90 59 9370	A02	EUR/100 kg	59,20	0405 10 50 9100	A02	EUR/100 kg	165,85
0403 90 59 9510	A02	EUR/100 kg	59,20	0405 10 50 9300	A02	EUR/100 kg	170,00
0403 90 59 9540	A02	EUR/100 kg	59,20	0405 10 50 9500	A02	EUR/100 kg	165,85
0403 90 59 9570	A02	EUR/100 kg	59,20	0405 10 50 9700	A02	EUR/100 kg	170,00
0403 90 61 9100	A00	EUR/kg	—	0405 10 90 9000	A02	EUR/100 kg	176,22
0403 90 61 9300	A00	EUR/kg	—	0405 20 90 9500	A02	EUR/100 kg	155,49
0403 90 63 9000	A00	EUR/kg	—	0405 20 90 9700	A02	EUR/100 kg	161,71
0403 90 69 9000	A00	EUR/kg	—	0405 90 10 9000	A02	EUR/100 kg	216,00
0404 90 21 9100	A02	EUR/100 kg	15,00	0405 90 90 9000	A02	EUR/100 kg	170,00
0404 90 21 9910	A00	EUR/100 kg	—	0406 10 20 9100	A00	EUR/100 kg	—
0404 90 21 9950	A02	EUR/100 kg	7,40	0406 10 20 9230	L02	EUR/100 kg	—
0404 90 23 9120	A02	EUR/100 kg	15,00		L03	EUR/100 kg	—
0404 90 23 9130	A02	EUR/100 kg	59,90		A24	EUR/100 kg	37,68
0404 90 23 9140	A02	EUR/100 kg	63,20		L04	EUR/100 kg	37,68
0404 90 23 9150	A02	EUR/100 kg	68,00		400	EUR/100 kg	—
0404 90 23 9911	A00	EUR/100 kg	—		A01	EUR/100 kg	37,68
0404 90 23 9913	A00	EUR/100 kg	—	0406 10 20 9290	L02	EUR/100 kg	—
0404 90 23 9915	A00	EUR/100 kg	—		L03	EUR/100 kg	—
0404 90 23 9917	A00	EUR/100 kg	—		A24	EUR/100 kg	35,05
0404 90 23 9919	A00	EUR/100 kg	—		L04	EUR/100 kg	35,05
0404 90 23 9931	A02	EUR/100 kg	7,40		400	EUR/100 kg	—
0404 90 23 9933	A02	EUR/100 kg	9,00		A01	EUR/100 kg	35,05
0404 90 23 9935	A02	EUR/100 kg	10,90	0406 10 20 9300	L02	EUR/100 kg	—
0404 90 23 9937	A02	EUR/100 kg	12,90		L03	EUR/100 kg	—
0404 90 23 9939	A02	EUR/100 kg	13,50		A24	EUR/100 kg	15,39
0404 90 29 9110	A02	EUR/100 kg	68,40		L04	EUR/100 kg	15,39
0404 90 29 9115	A02	EUR/100 kg	69,00		400	EUR/100 kg	—
0404 90 29 9120	A02	EUR/100 kg	69,70		A01	EUR/100 kg	15,39
0404 90 29 9130	A02	EUR/100 kg	74,50				
0404 90 29 9135	A02	EUR/100 kg	76,20				
0404 90 29 9150	A02	EUR/100 kg	82,70				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 10 20 9610	L02	EUR/100 kg	—	0406 20 90 9990	A00	EUR/100 kg	—
	L03	EUR/100 kg	—	0406 30 31 9710	L02	EUR/100 kg	—
	A24	EUR/100 kg	51,11		L03	EUR/100 kg	—
	L04	EUR/100 kg	51,11		A24	EUR/100 kg	14,50
	400	EUR/100 kg	—		L04	EUR/100 kg	7,74
0406 10 20 9620	A01	EUR/100 kg	51,11	0406 30 31 9730	400	EUR/100 kg	—
	L02	EUR/100 kg	—		A01	EUR/100 kg	14,50
	L03	EUR/100 kg	—		L02	EUR/100 kg	—
	A24	EUR/100 kg	51,83		L03	EUR/100 kg	—
	L04	EUR/100 kg	51,83		A24	EUR/100 kg	21,28
0406 10 20 9630	400	EUR/100 kg	—	0406 30 31 9910	L04	EUR/100 kg	11,34
	A01	EUR/100 kg	51,83		400	EUR/100 kg	—
	L02	EUR/100 kg	—		A01	EUR/100 kg	21,28
	L03	EUR/100 kg	—		L02	EUR/100 kg	—
	A24	EUR/100 kg	57,86		L03	EUR/100 kg	—
0406 10 20 9640	L04	EUR/100 kg	57,86	0406 30 31 9930	A24	EUR/100 kg	14,50
	400	EUR/100 kg	—		L04	EUR/100 kg	7,74
	A01	EUR/100 kg	57,86		400	EUR/100 kg	—
	L02	EUR/100 kg	—		A01	EUR/100 kg	14,50
	L03	EUR/100 kg	—		L02	EUR/100 kg	—
0406 10 20 9650	A24	EUR/100 kg	85,03	0406 30 31 9950	L03	EUR/100 kg	—
	L04	EUR/100 kg	85,03		A24	EUR/100 kg	21,28
	400	EUR/100 kg	—		L04	EUR/100 kg	11,34
	A01	EUR/100 kg	85,03		400	EUR/100 kg	—
	L02	EUR/100 kg	—		A01	EUR/100 kg	21,28
0406 10 20 9660	L03	EUR/100 kg	—	0406 30 31 9950	L02	EUR/100 kg	—
	A24	EUR/100 kg	70,86		L03	EUR/100 kg	—
	L04	EUR/100 kg	70,86		A24	EUR/100 kg	30,95
	400	EUR/100 kg	—		L04	EUR/100 kg	16,51
	A01	EUR/100 kg	70,86		400	EUR/100 kg	—
0406 10 20 9830	A00	EUR/100 kg	—	0406 30 39 9500	A01	EUR/100 kg	30,95
0406 10 20 9850	L02	EUR/100 kg	—		L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	26,28		A24	EUR/100 kg	21,28
	L04	EUR/100 kg	26,28		L04	EUR/100 kg	11,34
0406 10 20 9870	400	EUR/100 kg	—	0406 30 39 9700	400	EUR/100 kg	—
	A01	EUR/100 kg	26,28		A01	EUR/100 kg	21,28
	L02	EUR/100 kg	—		L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	31,87		A24	EUR/100 kg	30,95
0406 10 20 9900	L04	EUR/100 kg	31,87	0406 30 39 9930	L04	EUR/100 kg	16,51
0406 20 90 9100	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 20 90 9913	A01	EUR/100 kg	31,87		A01	EUR/100 kg	30,95
	L02	EUR/100 kg	—		L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	58,77		A24	EUR/100 kg	30,95
	L04	EUR/100 kg	58,77	0406 30 39 9950	L04	EUR/100 kg	16,51
0406 20 90 9915	400	EUR/100 kg	23,80		400	EUR/100 kg	—
	A01	EUR/100 kg	58,77		A01	EUR/100 kg	30,95
	L02	EUR/100 kg	—		L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	77,56	0406 30 90 9000	A24	EUR/100 kg	35,00
0406 20 90 9917	L04	EUR/100 kg	77,56		L04	EUR/100 kg	18,67
	400	EUR/100 kg	31,70		400	EUR/100 kg	—
	A01	EUR/100 kg	77,56		A01	EUR/100 kg	35,00
	L02	EUR/100 kg	—		L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
0406 20 90 9919	A24	EUR/100 kg	82,41	0406 40 50 9000	A24	EUR/100 kg	36,72
	L04	EUR/100 kg	82,41		L04	EUR/100 kg	19,58
	400	EUR/100 kg	33,70		400	EUR/100 kg	—
	A01	EUR/100 kg	82,41		A01	EUR/100 kg	36,72
	L02	EUR/100 kg	—		L02	EUR/100 kg	—
0406 20 90 9919	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	92,10		A24	EUR/100 kg	90,00
	L04	EUR/100 kg	92,10		L04	EUR/100 kg	90,00
	400	EUR/100 kg	37,60		400	EUR/100 kg	—
	A01	EUR/100 kg	92,10		A01	EUR/100 kg	90,00

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 40 90 9000	L02	EUR/100 kg	—	0406 90 33 9951	L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	92,42		A24	EUR/100 kg	78,66
	L04	EUR/100 kg	92,42		L04	EUR/100 kg	68,98
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 90 13 9000	A01	EUR/100 kg	92,42	0406 90 35 9190	A01	EUR/100 kg	78,66
	L02	EUR/100 kg	—		L02	EUR/100 kg	33,29
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	116,37		A24	EUR/100 kg	121,56
	L04	EUR/100 kg	101,62		L04	EUR/100 kg	105,71
0406 90 15 9100	400	EUR/100 kg	45,30	0406 90 35 9990	400	EUR/100 kg	46,20
	A01	EUR/100 kg	116,37		A01	EUR/100 kg	121,56
	L02	EUR/100 kg	—		L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	120,25		A24	EUR/100 kg	121,56
0406 90 17 9100	L04	EUR/100 kg	105,01	0406 90 37 9000	L04	EUR/100 kg	105,71
	400	EUR/100 kg	46,70		400	EUR/100 kg	30,20
	A01	EUR/100 kg	120,25		A01	EUR/100 kg	121,56
	L02	EUR/100 kg	—		L02	EUR/100 kg	—
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
0406 90 21 9900	A24	EUR/100 kg	120,25	0406 90 61 9000	A24	EUR/100 kg	116,37
	L04	EUR/100 kg	105,01		L04	EUR/100 kg	101,62
	400	EUR/100 kg	46,70		400	EUR/100 kg	45,30
	A01	EUR/100 kg	120,25		A01	EUR/100 kg	116,37
	L02	EUR/100 kg	—		L02	EUR/100 kg	47,01
0406 90 23 9900	L03	EUR/100 kg	—	0406 90 63 9100	L03	EUR/100 kg	—
	A24	EUR/100 kg	117,54		A24	EUR/100 kg	129,64
	L04	EUR/100 kg	102,90		L04	EUR/100 kg	112,00
	400	EUR/100 kg	33,50		400	EUR/100 kg	43,00
	A01	EUR/100 kg	117,54		A01	EUR/100 kg	129,64
0406 90 25 9900	L02	EUR/100 kg	—	0406 90 63 9900	L02	EUR/100 kg	42,83
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	103,92		A24	EUR/100 kg	128,55
	L04	EUR/100 kg	90,36		L04	EUR/100 kg	111,41
	400	EUR/100 kg	—		400	EUR/100 kg	48,10
0406 90 27 9900	A01	EUR/100 kg	103,92	0406 90 69 9100	A01	EUR/100 kg	128,55
	L02	EUR/100 kg	—		L02	EUR/100 kg	34,22
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	A24	EUR/100 kg	102,80		A24	EUR/100 kg	124,18
	L04	EUR/100 kg	89,77		L04	EUR/100 kg	107,11
0406 90 31 9119	400	EUR/100 kg	—	0406 90 69 9910	400	EUR/100 kg	36,80
	A01	EUR/100 kg	102,80		A01	EUR/100 kg	124,18
	L02	EUR/100 kg	—		A00	EUR/100 kg	—
	L03	EUR/100 kg	—		L02	EUR/100 kg	—
	A24	EUR/100 kg	93,10		L03	EUR/100 kg	—
0406 90 33 9119	L04	EUR/100 kg	81,30	0406 90 73 9900	A24	EUR/100 kg	124,18
	400	EUR/100 kg	—		L04	EUR/100 kg	107,11
	A01	EUR/100 kg	93,10		400	EUR/100 kg	36,80
	L02	EUR/100 kg	—		A01	EUR/100 kg	124,18
	L03	EUR/100 kg	—		L02	EUR/100 kg	—
0406 90 33 9919	A24	EUR/100 kg	85,71	0406 90 75 9900	L03	EUR/100 kg	—
	L04	EUR/100 kg	74,72		A24	EUR/100 kg	106,91
	400	EUR/100 kg	19,20		L04	EUR/100 kg	93,28
	A01	EUR/100 kg	85,71		400	EUR/100 kg	39,60
	L02	EUR/100 kg	—		A01	EUR/100 kg	106,91
0406 90 33 9919	L03	EUR/100 kg	—	0406 90 76 9300	L02	EUR/100 kg	—
	A24	EUR/100 kg	85,71		L03	EUR/100 kg	—
	L04	EUR/100 kg	74,72		A24	EUR/100 kg	108,07
	400	EUR/100 kg	19,20		L04	EUR/100 kg	93,90
	A01	EUR/100 kg	85,71		400	EUR/100 kg	16,70
0406 90 33 9919	L02	EUR/100 kg	—		A01	EUR/100 kg	108,07
	L03	EUR/100 kg	—		L02	EUR/100 kg	—
	A24	EUR/100 kg	78,60		L03	EUR/100 kg	—
	L04	EUR/100 kg	68,29		A24	EUR/100 kg	96,98
	400	EUR/100 kg	—		L04	EUR/100 kg	84,68
	A01	EUR/100 kg	78,60		400	EUR/100 kg	—
					A01	EUR/100 kg	96,98

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 76 9400	L02	EUR/100 kg	—	0406 90 85 9999	A00	EUR/100 kg	—
	L03	EUR/100 kg	—	0406 90 86 9100	A00	EUR/100 kg	—
	A24	EUR/100 kg	108,62	0406 90 86 9200	L02	EUR/100 kg	—
	L04	EUR/100 kg	94,85		L03	EUR/100 kg	—
	400	EUR/100 kg	17,40		A24	EUR/100 kg	102,23
	A01	EUR/100 kg	108,62	L04	EUR/100 kg	86,17	
0406 90 76 9500	L02	EUR/100 kg	—	400	EUR/100 kg	20,80	
	L03	EUR/100 kg	—	A01	EUR/100 kg	102,23	
	A24	EUR/100 kg	102,45	0406 90 86 9300	L02	EUR/100 kg	—
	L04	EUR/100 kg	90,24		L03	EUR/100 kg	—
	400	EUR/100 kg	17,40		A24	EUR/100 kg	103,32
	A01	EUR/100 kg	102,45	L04	EUR/100 kg	87,41	
0406 90 78 9100	L02	EUR/100 kg	—	400	EUR/100 kg	22,80	
	L03	EUR/100 kg	—	A01	EUR/100 kg	103,32	
	A24	EUR/100 kg	102,26	0406 90 86 9400	L02	EUR/100 kg	—
	L04	EUR/100 kg	87,50		L03	EUR/100 kg	—
	400	EUR/100 kg	—		A24	EUR/100 kg	108,62
	A01	EUR/100 kg	102,26	L04	EUR/100 kg	92,87	
0406 90 78 9300	L02	EUR/100 kg	—	400	EUR/100 kg	25,80	
	L03	EUR/100 kg	—	A01	EUR/100 kg	108,62	
	A24	EUR/100 kg	105,98	0406 90 86 9900	L02	EUR/100 kg	—
	L04	EUR/100 kg	92,78		L03	EUR/100 kg	—
	400	EUR/100 kg	—		A24	EUR/100 kg	117,90
	A01	EUR/100 kg	105,98	L04	EUR/100 kg	102,43	
0406 90 78 9500	L02	EUR/100 kg	—	400	EUR/100 kg	30,20	
	L03	EUR/100 kg	—	A01	EUR/100 kg	117,90	
	A24	EUR/100 kg	104,35	0406 90 87 9100	A00	EUR/100 kg	—
	L04	EUR/100 kg	91,91		L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
	A01	EUR/100 kg	104,35	A24	EUR/100 kg	85,19	
0406 90 79 9900	L02	EUR/100 kg	—	L04	EUR/100 kg	71,81	
	L03	EUR/100 kg	—	400	EUR/100 kg	18,60	
	A24	EUR/100 kg	86,27	A01	EUR/100 kg	85,19	
	L04	EUR/100 kg	75,02	0406 90 87 9300	L02	EUR/100 kg	—
	400	EUR/100 kg	—		L03	EUR/100 kg	—
	A01	EUR/100 kg	86,27		A24	EUR/100 kg	94,89
0406 90 81 9900	L02	EUR/100 kg	—	L04	EUR/100 kg	80,27	
	L03	EUR/100 kg	—	400	EUR/100 kg	21,00	
	A24	EUR/100 kg	108,62	A01	EUR/100 kg	94,89	
	L04	EUR/100 kg	94,85	0406 90 87 9400	L02	EUR/100 kg	—
	400	EUR/100 kg	35,80		L03	EUR/100 kg	—
	A01	EUR/100 kg	108,62		A24	EUR/100 kg	96,33
0406 90 85 9910	L02	EUR/100 kg	33,32	L04	EUR/100 kg	82,36	
	L03	EUR/100 kg	—	400	EUR/100 kg	23,00	
	A24	EUR/100 kg	117,90	A01	EUR/100 kg	96,33	
	L04	EUR/100 kg	102,43	0406 90 87 9951	L02	EUR/100 kg	—
	400	EUR/100 kg	44,60		L03	EUR/100 kg	—
	A01	EUR/100 kg	117,90		A24	EUR/100 kg	106,68
0406 90 85 9991	L02	EUR/100 kg	—	L04	EUR/100 kg	93,15	
	L03	EUR/100 kg	—	400	EUR/100 kg	31,80	
	A24	EUR/100 kg	117,90	A01	EUR/100 kg	106,68	
	L04	EUR/100 kg	102,43	0406 90 87 9971	L02	EUR/100 kg	—
	400	EUR/100 kg	30,20		L03	EUR/100 kg	—
	A01	EUR/100 kg	117,90		A24	EUR/100 kg	106,68
0406 90 85 9995	L02	EUR/100 kg	—	L04	EUR/100 kg	93,15	
	L03	EUR/100 kg	—	400	EUR/100 kg	25,80	
	A24	EUR/100 kg	108,07	A01	EUR/100 kg	106,68	
	L04	EUR/100 kg	93,90	0406 90 87 9972	A24	EUR/100 kg	45,63
	400	EUR/100 kg	—		L03	EUR/100 kg	—
	A01	EUR/100 kg	108,07		L04	EUR/100 kg	39,68
				400	EUR/100 kg	—	
				A01	EUR/100 kg	45,63	

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 87 9973	L02	EUR/100 kg	—	2309 10 19 9100	A00	EUR/100 kg	—
	L03	EUR/100 kg	—	2309 10 19 9200	A00	EUR/100 kg	—
	A24	EUR/100 kg	104,74	2309 10 19 9300	A00	EUR/100 kg	—
	L04	EUR/100 kg	91,46	2309 10 19 9400	A00	EUR/100 kg	—
	400	EUR/100 kg	18,10	2309 10 19 9500	A00	EUR/100 kg	—
	A01	EUR/100 kg	104,74	2309 10 19 9600	A00	EUR/100 kg	—
0406 90 87 9974	L02	EUR/100 kg	—	2309 10 19 9700	A00	EUR/100 kg	—
	L03	EUR/100 kg	—	2309 10 19 9800	A00	EUR/100 kg	—
	A24	EUR/100 kg	113,19	2309 10 70 9010	A00	EUR/100 kg	—
	L04	EUR/100 kg	99,26	2309 10 70 9100	A02	EUR/100 kg	4,00
	400	EUR/100 kg	18,10	2309 10 70 9200	A02	EUR/100 kg	5,30
	A01	EUR/100 kg	113,19	2309 10 70 9300	A02	EUR/100 kg	6,70
0406 90 87 9975	L02	EUR/100 kg	—	2309 10 70 9500	A02	EUR/100 kg	8,00
	L03	EUR/100 kg	—	2309 10 70 9600	A02	EUR/100 kg	9,40
	A24	EUR/100 kg	114,45	2309 10 70 9700	A02	EUR/100 kg	10,70
	L04	EUR/100 kg	101,25	2309 10 70 9800	A02	EUR/100 kg	11,80
	400	EUR/100 kg	24,00	2309 90 35 9010	A00	EUR/100 kg	—
	A01	EUR/100 kg	114,45	2309 90 35 9100	A00	EUR/100 kg	—
0406 90 87 9979	L02	EUR/100 kg	—	2309 90 35 9200	A00	EUR/100 kg	—
	L03	EUR/100 kg	—	2309 90 35 9300	A00	EUR/100 kg	—
	A24	EUR/100 kg	103,92	2309 90 35 9400	A00	EUR/100 kg	—
	L04	EUR/100 kg	90,36	2309 90 35 9500	A00	EUR/100 kg	—
	400	EUR/100 kg	18,10	2309 90 35 9700	A00	EUR/100 kg	—
	A01	EUR/100 kg	103,92	2309 90 39 9010	A00	EUR/100 kg	—
0406 90 88 9100	A00	EUR/100 kg	—	2309 90 39 9100	A00	EUR/100 kg	—
0406 90 88 9300	L02	EUR/100 kg	—	2309 90 39 9200	A00	EUR/100 kg	—
	L03	EUR/100 kg	—	2309 90 39 9300	A00	EUR/100 kg	—
	A24	EUR/100 kg	83,50	2309 90 39 9400	A00	EUR/100 kg	—
	L04	EUR/100 kg	70,90	2309 90 39 9500	A00	EUR/100 kg	—
	400	EUR/100 kg	22,80	2309 90 39 9600	A00	EUR/100 kg	—
	A01	EUR/100 kg	83,50	2309 90 39 9700	A00	EUR/100 kg	—
2309 10 15 9010	A00	EUR/100 kg	—	2309 90 39 9800	A00	EUR/100 kg	—
2309 10 15 9100	A00	EUR/100 kg	—	2309 90 70 9010	A00	EUR/100 kg	—
2309 10 15 9200	A00	EUR/100 kg	—	2309 90 70 9100	A02	EUR/100 kg	4,00
2309 10 15 9300	A00	EUR/100 kg	—	2309 90 70 9200	A02	EUR/100 kg	5,30
2309 10 15 9400	A00	EUR/100 kg	—	2309 90 70 9300	A02	EUR/100 kg	6,70
2309 10 15 9500	A00	EUR/100 kg	—	2309 90 70 9500	A02	EUR/100 kg	8,00
2309 10 15 9700	A00	EUR/100 kg	—	2309 90 70 9600	A02	EUR/100 kg	9,40
2309 10 19 9010	A00	EUR/100 kg	—	2309 90 70 9700	A02	EUR/100 kg	10,70
				2309 90 70 9800	A02	EUR/100 kg	11,80

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

The numeric destination codes are set out in Commission Regulation (EC) No 2543/1999 (OJ L 307, 2.12.1999, p. 46).

The other destinations are defined as follows:

L02 Switzerland, Liechtenstein,

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

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

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

**COMMISSION REGULATION (EC) No 2269/2000
of 12 October 2000**

amending Regulation (EC) No 2993/94 fixing the aid for the supply of milk products to the Canary Islands under the arrangements provided for in Articles 2 to 4 of Council Regulation (EEC) No 1601/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 1257/1999 ⁽²⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 2790/94 ⁽³⁾, as last amended by Regulation (EC) No 1620/1999 ⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Canary Islands.
- (2) Commission Regulation (EC) No 2993/94 ⁽⁵⁾, as last amended by Regulation (EC) No 1952/2000 ⁽⁶⁾, fixed the amount of aid for milk products.

- (3) Commission Regulation (EC) No 2268/2000 of 12 October 2000 fixing the export refunds on milk and milk products ⁽⁷⁾, fixes the refunds on those products; whereas the Annex to Regulation (EC) No 2993/94 should be adapted to take account of those adjustments.

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 2993/94 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 13 October 2000.

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

Done at Brussels, 12 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 296, 17.11.1994, p. 23.

⁽⁴⁾ OJ L 192, 24.7.1999, p. 19.

⁽⁵⁾ OJ L 316, 9.12.1994, p. 11.

⁽⁶⁾ OJ L 233, 15.9.2000, p. 27.

⁽⁷⁾ See page 31 of this Official Journal.

ANNEX

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:			
0401 10	– Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000		2,327
0401 10 90	– – Other	0401 10 90 9000		2,327
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	– – Not exceeding 3 %:			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 9100		2,327
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 9500		3,597
0401 20 19	– – – Other:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 9100		2,327
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 9500		3,597
	– – Exceeding 3 %:			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 91 9100		4,551
	– Of a fat content, by weight, exceeding 4 %	0401 20 91 9500		5,302
0401 20 99	– – – Other:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 99 9100		4,551
	– Of a fat content, by weight, exceeding 4 %	0401 20 99 9500		5,302
0401 30	– Of a fat content, by weight, exceeding 6 %:			
	– – Not exceeding 21 %:			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 11 9100		6,803
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 9400		10,50
	– Exceeding 17 %	0401 30 11 9700		15,77
0401 30 19	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 19 9100		6,803
	– Exceeding 10 % but not exceeding 17 %	0401 30 19 9400		10,50
	– Exceeding 17 %	0401 30 19 9700		15,77
	– – Exceeding 21 % but not exceeding 45 %:			
0401 30 31	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 35 %	0401 30 31 9100		38,32
	– Exceeding 35 % but not exceeding 39 %	0401 30 31 9400		59,85
	– Exceeding 39 %	0401 30 31 9700		66,00

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401 30 39	--- Other: - Of a fat content, by weight: - Not exceeding 35 % - Exceeding 35 % but not exceeding 39 % - Exceeding 39 %	0401 30 39 9100 0401 30 39 9400 0401 30 39 9700		38,32 59,85 66,00
0401 30 91	-- Exceeding 45 %: --- In immediate packings of a net content not exceeding 2 litres: - Of a fat content, by weight: - Not exceeding 68 % - Exceeding 68 % but not exceeding 80 % - Exceeding 80 %	0401 30 91 9100 0401 30 91 9400 0401 30 91 9700		75,22 110,55 129,01
0401 30 99	--- Other: - Of a fat content, by weight: - Not exceeding 68 % - Exceeding 68 % but not exceeding 80 % - Exceeding 80 %	0401 30 99 9100 0401 30 99 9400 0401 30 99 9700		75,22 110,55 129,01
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter:			
0402 10	- In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % (7): -- Not containing added sugar or other sweetening matter:			
0402 10 11	--- In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 9000	(13)	15,00
0402 10 19	--- Other -- Other:	0402 10 19 9000	(13)	15,00
0402 10 91	--- In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 9000	(14)	0,1500
0402 10 99	--- Other - In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % (7):	0402 10 99 9000	(14)	0,1500
0402 21	-- Not containing added sugar or other sweetening matter: --- Of a fat content, by weight, not exceeding 27 %:			
0402 21 11	---- In immediate packings of a net content not exceeding 2,5 kg: - Of a fat content, by weight: - Not exceeding 11 % - Exceeding 11 % but not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 %	0402 21 11 9200 0402 21 11 9300 0402 21 11 9500 0402 21 11 9900	(13) (13) (13) (13)	15,00 59,90 63,20 68,00
0402 21 17	---- Other: ----- Of a fat content, by weight, not exceeding 11 %	0402 21 17 9000	(13)	15,00
0402 21 19	----- Of a fat content, by weight, exceeding 11 % but not exceeding 27 %: - Not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 % --- Of a fat content, by weight, exceeding 27 %:	0402 21 19 9300 0402 21 19 9500 0402 21 19 9900	(13) (13) (13)	59,90 63,20 68,00

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0402 21 91	----- In immediate packings of a net content not exceeding 2,5 kg: - Of a fat content, by weight: - Not 28 % - Exceeding 28 % but not exceeding 29 % - Exceeding 29 % but not exceeding 41 % - Exceeding 41 % but not exceeding 45 % - Exceeding 45 % but not exceeding 59 % - Exceeding 59 % but not exceeding 69 % - Exceeding 69 % but not exceeding 79 % - Exceeding 7 %	0402 21 91 9100 0402 21 91 9200 0402 21 91 9300 0402 21 91 9400 0402 21 91 9500 0402 21 91 9600 0402 21 91 9700 0402 21 91 9900	(¹³) (¹³) (¹³) (¹³) (¹³) (¹³) (¹³) (¹³)	68,40 69,00 69,70 74,50 76,20 82,70 86,30 90,50
0402 21 99	----- Other: - Of a fat content, by weight: - Not exceeding 28 % - Exceeding 28 % but not exceeding 29 % - Exceeding 29 % but not exceeding 41 % - Exceeding 41 % but not exceeding 45 % - Exceeding 45 % but not exceeding 59 % - Exceeding 59 % but not exceeding 69 % - Exceeding 69 % but not exceeding 79 % - Exceeding 79 %	0402 21 99 9100 0402 21 99 9200 0402 21 99 9300 0402 21 99 9400 0402 21 99 9500 0402 21 99 9600 0402 21 99 9700 0402 21 99 9900	(¹³) (¹³) (¹³) (¹³) (¹³) (¹³) (¹³) (¹³)	68,40 69,00 69,70 74,50 76,20 82,70 86,30 90,50
ex 0402 29	-- Other: --- Of a fat content, by weight, not exceeding 27 %: ----- Other:			
0402 29 15	----- In immediate packings of a net content not exceeding 2,5 kg: - Of a fat content, by weight: - Not exceeding 11 % - Exceeding 11 % but not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 %	0402 29 15 9200 0402 29 15 9300 0402 29 15 9500 0402 29 15 9900	(¹⁴) (¹⁴) (¹⁴) (¹⁴)	0,1500 0,5990 0,6320 0,6800
0402 29 19	----- Other: - Of a fat content, by weight: - Not exceeding 11 % - Exceeding 11 % but not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 %	0402 29 19 9200 0402 29 19 9300 0402 29 19 9500 0402 29 19 9900	(¹⁴) (¹⁴) (¹⁴) (¹⁴)	0,1500 0,5990 0,6320 0,6800
0402 29 91	--- Of a fat content, by weight, exceeding 27 %: ----- In immediate packings of a net content not exceeding 2,5 kg: - Of a fat content, by weight: - Not exceeding 41 % - Exceeding 41 %	0402 29 91 9100 0402 29 91 9500	(¹⁴) (¹⁴)	0,6840 0,7450
0402 29 99	----- Other: - Of a fat content, by weight: - Not exceeding 41 % - Exceeding 41 %	0402 29 99 9100 0402 29 99 9500	(¹⁴) (¹⁴)	0,6840 0,7450

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
	– Other:			
0402 91	– – Not containing added sugar or other sweetening matter:			
	– – – Of a fat content, by weight, not exceeding 8 %:			
0402 91 11	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 % and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 11 9110	(¹³)	2,327
	– Exceeding 3 %	0402 91 11 9120	(¹³)	4,551
	– Of 15 % or more and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 11 9310	(¹³)	13,30
	– Exceeding 3 % but not exceeding 7,4 %	0402 91 11 9350	(¹³)	16,29
	– Exceeding 7,4 %	0402 91 11 9370	(¹³)	19,81
0402 91 19	– – – – Other:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 % and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 19 9110	(¹³)	2,327
	– Exceeding 3 %	0402 91 19 9120	(¹³)	4,551
	– Of 15 % or more and of a fat content, by weight:			
	– Not exceeding 3 %	0402 91 19 9310	(¹³)	13,30
	– Exceeding 3 % but not exceeding 7,4 %	0402 91 19 9350	(¹³)	16,29
	– Exceeding 7,4 %	0402 91 19 9370	(¹³)	19,81
	– – – Of a fat content, by weight, exceeding 8 % but not exceeding 10 %:			
0402 91 31	– – – – In immediate packings of a net content not exceeding 2,5 kg:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 %	0402 91 31 9100	(¹³)	8,991
	– Of 15 % or more	0402 91 31 9300	(¹³)	23,42
0402 91 39	– – – – Other:			
	– Of a non-fat lactic dry matter content:			
	– Of less than 15 %	0402 91 39 9100	(¹³)	8,991
	– Of 15 % or more	0402 91 39 9300	(¹³)	23,42
	– – – Of a fat content, by weight, exceeding 10 % but not exceeding 45 %:			
0402 91 51	– – – – In immediate packings of a net content not exceeding 2,5 kg	0402 91 51 9000	(¹³)	10,50
0402 91 59	– – – – Other	0402 91 59 9000	(¹³)	10,50
	– – – Of a fat content, by weight, exceeding 45 %:			
0402 91 91	– – – – In immediate packings of a net content not exceeding 2,5 kg	0402 91 91 9000	(¹³)	75,22
0402 91 99	– – – – Other	0402 91 99 9000	(¹³)	75,22

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0402 99	-- Other:			
	--- Of a fat content, by weight, not exceeding 9,5 %:			
0402 99 11	---- In immediate packings of a net content not exceeding 2,5 kg:			
	- Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight:			
	- Not exceeding 3 %	0402 99 11 9110	(14)	0,0233
	- Exceeding 3 % but not exceeding 6,9 %	0402 99 11 9130	(14)	0,0456
	- Exceeding 6,9 %	0402 99 11 9150	(14)	0,1269
	- Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight:			
	- Not exceeding 3 %	0402 99 11 9310	(14)	0,2689
	- Exceeding 3 % but not exceeding 6,9 %	0402 99 11 9330	(14)	0,3228
	- Exceeding 6,9 %	0402 99 11 9350	(14)	0,4291
0402 99 19	---- Other:			
	- Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight:			
	- Not exceeding 3 %	0402 99 19 9110	(14)	0,0233
	- Exceeding 3 % but not exceeding 6,9 %	0402 99 19 9130	(14)	0,0456
	- Exceeding 6,9 %	0402 99 19 9150	(14)	0,1269
	- Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight:			
	- Not exceeding 3 %	0402 99 19 9310	(14)	0,2689
	- Exceeding 3 % but not exceeding 6,9 %	0402 99 19 9330	(14)	0,3228
	- Exceeding 6,9 %	0402 99 19 9350	(14)	0,4291
	--- Of a fat content, by weight, exceeding 9,5 % but not exceeding 45 %:			
0402 99 31	---- In immediate packings not exceeding 2,5 kg:			
	- Of a fat content, by weight, not exceeding 21 %:			
	- Of a non-fat lactic dry matter content, by weight, of less than 15 %	0402 99 31 9110	(14)	0,0975
	- Of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 31 9150	(14)	0,4467
	- Of a fat content, by weight, exceeding 21 % but not exceeding 39 %	0402 99 31 9300	(14)	0,3832
	- Of a fat content, by weight, exceeding 39 %	0402 99 31 9500	(14)	0,6600
0402 99 39	---- Other:			
	- Of a fat content, by weight, not exceeding 21 %:			
	- Of a non-fat lactic dry matter content, by weight, of less than 15 %	0402 99 39 9110	(14)	0,0975
	- Of a non-fat lactic dry matter content, by weight, of 15 % or more	0402 99 39 9150	(14)	0,4467
	- Of a fat content, by weight, exceeding 21 % but not exceeding 39 %	0402 99 39 9300	(14)	0,3832
	- Of a fat content, by weight, exceeding 39 %	0402 99 39 9500	(14)	0,6600

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
	--- Of a fat content, by weight, exceeding 45 %:			
0402 99 91	---- In immediate packings not exceeding 2,5 kg	0402 99 91 9000	(¹⁴)	0,7522
0402 99 99	---- Other	0402 99 99 9000	(¹⁴)	0,7522
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	- Butter:			
	-- Of a fat content, by weight, not exceeding 85 %:			
	--- Natural butter:			
0405 10 11	---- In immediate packings of a net content not exceeding 1 kg:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 11 9500		176,10
	----- Of 82 % or more	0405 10 11 9700		180,50
0405 10 19	---- Other:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 19 9500		176,10
	----- Of 82 % or more	0405 10 19 9700		180,50
0405 10 30	--- Recombined butter:			
	---- In immediate packings of a net content not exceeding 1 kg:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 30 9100		176,10
	----- Of 82 % or more	0405 10 30 9300		180,50
	---- Other:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 30 9500		176,10
	----- Of 82 % or more	0405 10 30 9700		180,50
0405 10 50	--- Whey butter:			
	---- In immediate packings of a net content not exceeding 1 kg:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 50 9100		176,10
	----- Of 82 % or more	0405 10 50 9300		180,50
	---- Other:			
	----- Of a fat content by weight:			
	----- Of 80 % or more but less than 82 %	0405 10 50 9500		176,10
	----- Of 82 % or more	0405 10 50 9700		180,50
0405 10 90	-- Other	0405 10 90 9000		187,10
ex 0405 20	- Dairy spreads:			
0405 20 90	-- Of a fat content by weight of more than 75 % but less than 80 %:			
	--- Of a fat content by weight:			
	---- Of more than 75 % but less than 78 %	0405 20 90 9500		165,09
	---- Of 78 % or more	0405 20 90 9700		171,69
0405 90	- Other:			
0405 90 10	-- Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 9000		228,00
0405 90 90	-- Other	0405 90 90 9000		180,50

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406	Cheese and curd ⁽⁵⁾ :					
ex 0406 30	– Processed cheese, not grated or powdered ⁽⁶⁾ :					
	– – Other:					
	– – – Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter:					
ex 0406 30 31	– – – – Not exceeding 48 %:					
	– – – – – Of a dry matter content, by weight:					
	– – – – – – Of 40 % or more but less than 43 %, and of a fat content, by weight, in the dry matter:					
	– – – – – – – Of less than 20 %	60		0406 30 31 9710	⁽⁵⁾	17,88
	– – – – – – – Of 20 % or more	60	20	0406 30 31 9730	⁽⁵⁾	26,24
	– – – – – – – Of 43 % or more and with a fat content, by weight, in the dry matter:					
	– – – – – – – – Of less than 20 %	57		0406 30 31 9910	⁽⁵⁾	17,88
	– – – – – – – – Of 20 % or more but less than 40 %	57	20	0406 30 31 9930	⁽⁵⁾	26,24
	– – – – – – – – Of 40 % or more	57	40	0406 30 31 9950	⁽⁵⁾	38,17
ex 0406 30 39	– – – – Exceeding 48 %:					
	– – – – – Of a dry matter, content, by weight:					
	– – – – – – Of 40 % or more but less than 43 %	60	48	0406 30 39 9500	⁽⁵⁾	26,24
	– – – – – – Of 43 % or more but less than 46 %	57	48	0406 30 39 9700	⁽⁵⁾	38,17
	– – – – – – – Of 46 % or more and with a fat content, by weight, in the dry matter:					
	– – – – – – – – Of less than 55 %	54	48	0406 30 39 9930	⁽⁵⁾	38,17
	– – – – – – – – Of 55 % or more	54	55	0406 30 39 9950	⁽⁵⁾	43,16
ex 0406 30 90	– – – – Of a list content exceeding 36 %	54	79	0406 30 90 9000	⁽⁵⁾	45,28
ex 0406 90 23	– – – – Edam	47	40	0406 90 23 9900	⁽⁵⁾	103,92
ex 0406 90 25	– – – – Tilsit	47	45	0406 90 25 9900	⁽⁵⁾	102,80
ex 0406 90 27	– – – – Butterkäse	52	45	0406 90 27 9900	⁽⁵⁾	93,10
ex 0406 90 76	– – – – – – Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsøe:					
	– – – – – – – Of a fat content, by weight, in the dry matter of 45 % or more but less than 55 %:					
	– – – – – – – – Of a dry matter content, by weight, of 50 % or more but less than 56 %	50	45	0406 90 76 9300	⁽⁵⁾	96,98
	– – – – – – – – Of a dry matter content, by weight, of 56 % or more	46	55	0406 90 76 9400	⁽⁵⁾	108,62
	– – – – – – – – Of a fat content, by weight, in the dry matter of 55 % or more	46	55	0406 90 76 9500	⁽⁵⁾	102,45

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 78	----- Gouda:					
	----- Of a fat content, by weight, in the dry matter of less than 48 %	50	20	0406 90 78 9100	(⁵)	102,26
	----- Of a fat content by weight, in the dry matter of 48 % or more but less 55 %	45	48	0406 90 78 9300	(⁵)	105,98
	----- Other	45	55	0406 90 78 9500	(⁵)	104,35
ex 0406 90 79	----- Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	56	40	0406 90 79 9900	(⁵)	86,27
ex 0406 90 81	----- Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	44	45	0406 90 81 9900	(⁵)	108,62
ex 0406 90 86	----- Exceeding 47 % but not exceeding 52 %:					
	----- cheeses produced from whey			0406 90 86 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	52		0406 90 86 9200	(⁵)	102,23
	----- Of 5 % or more but less than 19 %	51	5	0406 90 86 9300	(⁵)	103,32
	----- Of 19 % or more but less than 39 %	47	19	0406 90 86 9400	(⁵)	108,62
	----- Of 39 % or more	40	39	0406 90 86 9900	(⁵)	117,90
ex 0406 90 87	----- Exceeding 52 % but not exceeding 62 %:					
	----- cheeses produced from whey, except for Manouri			0406 90 87 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	60		0406 90 87 9200	(⁵)	85,19
	----- Of 5 % or more but less than 19 %	55	5	0406 90 87 9300	(⁵)	94,89
	----- Of 19 % or more but less than 40 %	53	19	0406 90 87 9400	(⁵)	96,33
	----- Of 40 % or more:					
	----- Idiazabal, Manchego and Roncal manufactured exclusively from sheep's milk	45	45	0406 90 87 9951	(⁵)	106,68
	----- Maasdam	45	45	0406 90 87 9971	(⁵)	106,68
	----- Manouri	43	53	0406 90 87 9972	(⁵)	45,63
	----- Hushallsost	46	45	0406 90 87 9973	(⁵)	104,74
	----- Murukoloinen	41	50	0406 90 87 9974	(⁵)	113,19
	----- Other	47	40	0406 90 87 9979	(⁵)	103,92

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 88	----- Exceeding 62 % but not exceeding 72 %: ----- cheeses produced from whey ----- Other: ----- Other: ----- Of a fat content, by weight, in the dry matter: ----- Of 10 % or more but less than 19 %			0406 90 88 9100		—
		60	10	0406 90 88 9300	(⁵)	83,50

(⁵) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

(⁶) Where the product contains non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504, the part corresponding to the added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 will not be taken into account for the purpose of calculating the aid.

When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 have been added and, if so, the maximum content by weight of added non-lactic matter and/or casein and/or caseinates and/or whey and/or products derived from whey and/or lactose and/or permeate and/or products falling within CN code 3504 per 100 kilograms of finished product.

(⁷) The aid on frozen condensed milk is the same as that on products falling within CN codes 0402 91 or 0402 99.

(¹³) Where the product contains non-lactic matter, the non-lactic matter is not to be taken into account for the purposes of calculating the aid.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter has been added and, where this is the case, the maximum content by weight of the non-lactic matter added per 100 kilograms of finished product.

(¹⁴) Where the product contains non-lactic matter other than sucrose, the non-lactic matter other than sucrose is not to be taken into account for the purposes of calculating the aid.

The aid on 100 kilograms of product covered by this subheading is equal to the sum of the following components:

(a) the amount per kilogram shown, multiplied by the weight of the lactic matter per 100 kilograms of product;

(b) a component calculated in accordance with Article 12(3) of Commission Regulation (EC) No 1466/95 (OJ L 144, 28.6.1995, p. 22).

When completing customs formalities, the applicant must state on the declaration provided for that purpose the maximum content by weight of sucrose and/or other non-lactic matter added per 100 kilograms of finished product.

**COMMISSION REGULATION (EC) No 2270/2000
of 12 October 2000**

**amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the
specific supply arrangements for Madeira relating to milk products regarding the amounts of aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 1253/1999⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1696/92⁽³⁾, as last amended by Regulation (EEC) No 2596/93⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira.
- (2) Annex II to Regulation (EEC) No 2219/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply

balance⁽⁵⁾, as last amended by Regulation (EC) No 1953/2000⁽⁶⁾, fixes the aid for milk products.

- (3) Commission Regulation (EC) No 2268/2000 of 12 October 2000 fixing the export refunds on milk and milk products⁽⁷⁾ fixes the refunds on those products. Annex II to Regulation (EEC) No 2219/92 should be adapted to take account of those adjustments.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EEC) No 2219/92 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 13 October 2000.

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

Done at Brussels, 12 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 1.

⁽²⁾ OJ L 160, 26.6.1999, p. 80.

⁽³⁾ OJ L 179, 1.7.1992, p. 6.

⁽⁴⁾ OJ L 238, 23.9.1993, p. 24.

⁽⁵⁾ OJ L 218, 1.8.1992, p. 75.

⁽⁶⁾ OJ L 233, 15.9.2000, p. 37.

⁽⁷⁾ See page 31 of this Official Journal.

ANNEX

ANNEX II

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter:			
0401 10	– Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 9000		2,327
0401 10 90	– – Other	0401 10 90 9000		2,327
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	– – Not exceeding 3 %:			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 9100		2,327
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 9500		3,597
0401 20 19	– – – Other:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 9100		2,327
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 9500		3,597
	– – Exceeding 3 %:			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 91 9100		4,551
	– Of a fat content, by weight, exceeding 4 %	0401 20 91 9500		5,302
0401 20 99	– – – Other:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 99 9100		4,551
	– Of a fat content, by weight, exceeding 4 %	0401 20 99 9500		5,302
0401 30	– Of a fat content, by weight, exceeding 6 %:			
	– – Not exceeding 21 %:			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 11 9100		6,803
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 9400		10,50
	– Exceeding 17 %	0401 30 11 9700		15,77
0401 30 19	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 19 9100		6,803
	– Exceeding 10 % but not exceeding 17 %	0401 30 19 9400		10,50
	– Exceeding 17 %	0401 30 19 9700		15,77
	– – Exceeding 21 % but not exceeding 45 %:			

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
0401 30 31	--- In immediate packings of a net content not exceeding 2 litres: - Of a fat content, by weight: - Not exceeding 35 % - Exceeding 35 % but not exceeding 39 % - Exceeding 39 %	0401 30 31 9100 0401 30 31 9400 0401 30 31 9700		38,32 59,85 66,00
0401 30 39	--- Other: - Of a fat content, by weight: - Not exceeding 35 % - Exceeding 35 % but not exceeding 39 % - Exceeding 39 % -- Exceeding 45 %:	0401 30 39 9100 0401 30 39 9400 0401 30 39 9700		38,32 59,85 66,00
0401 30 91	--- In immediate packings of a net content not exceeding 2 litres: - Of a fat content, by weight: - Not exceeding 68 % - Exceeding 68 % but not exceeding 80 % - Exceeding 80 %	0401 30 91 9100 0401 30 91 9400 0401 30 91 9700		75,22 110,55 129,01
0401 30 99	--- Other: - Of a fat content, by weight: - Not exceeding 68 % - Exceeding 68 % but not exceeding 80 % - Exceeding 80 %	0401 30 99 9100 0401 30 99 9400 0401 30 99 9700		75,22 110,55 129,01
ex 0402	Skimmed-milk powder of a fat content, by weight, not exceeding 1,5 %	0402 10 11 9000 0402 10 19 9000	(¹³)	15,00
ex 0402	Whole milk powder of a fat content, by weight, not exceeding 27 %	0402 21 11 9900 0402 21 19 9900	(¹³)	68,00
0402 21 11	---- In immediate packings of a net content not exceeding 2,5 kg: - Of a fat content, by weight: - Not exceeding 11 % - Exceeding 11 % but not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 %	0402 21 11 9200 0402 21 11 9300 0402 21 11 9500 0402 21 11 9900	(¹³) (¹³) (¹³) (¹³)	15,00 59,90 63,20 68,00
0402 21 19	---- Other: ----- Of a fat content, by weight, exceeding 11 % but not exceeding 27 %: - Not exceeding 17 % - Exceeding 17 % but not exceeding 25 % - Exceeding 25 %	0402 21 19 9300 0402 21 19 9500 0402 21 19 9900	(¹³) (¹³) (¹³)	59,90 63,20 68,00

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	– Butter:			
	– – Of a fat content, by weight, not exceeding 85 %:			
	– – – Natural butter:			
0405 10 11	– – – – In immediate packings of a net content not exceeding 1 kg:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 11 9500		176,10
	– – – – – – Of 82 % or more	0405 10 11 9700		180,50
0405 10 19	– – – – Other:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 19 9500		176,10
	– – – – – – Of 82 % or more	0405 10 19 9700		180,50
0405 10 30	– – – Recombined butter:			
	– – – – In immediate packings of a net content not exceeding 1 kg:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 30 9100		176,10
	– – – – – – Of 82 % or more	0405 10 30 9300		180,50
	– – – – Other:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 30 9500		176,10
	– – – – – – Of 82 % or more	0405 10 30 9700		180,50
0405 10 50	– – – Whey butter:			
	– – – – In immediate packings of a net content not exceeding 1 kg:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 50 9100		176,10
	– – – – – – Of 82 % or more	0405 10 50 9300		180,50
	– – – – Other:			
	– – – – – Of a fat content by weight:			
	– – – – – – Of 80 % or more but less than 82 %	0405 10 50 9500		176,10
	– – – – – – Of 82 % or more	0405 10 50 9700		180,50
0405 10 90	– – Other	0405 10 90 9000		187,10
ex 0405 20	– Dairy spreads:			
0405 20 90	– – Of a fat content by weight of more than 75 % but less than 80 %:			
	– – – Of a fat content by weight:			
	– – – – Of more than 75 % but less than 78 %	0405 20 90 9500		165,09
	– – – – Of 78 % or more	0405 20 90 9700		171,69
0405 90	– Other:			
0405 90 10	– – Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 9000		228,00
0405 90 90	– – Other	0405 90 90 9000		180,50

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406	Cheese and curd ⁽³⁾ :					
ex 0406 90 23	--- Edam	47	40	0406 90 23 9900	⁽³⁾	103,92
ex 0406 90 25	--- Tilsit	47	45	0406 90 25 9900	⁽³⁾	102,80
ex 0406 90 76	----- Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsoe:					
	----- Of a fat content, by weight, in the dry matter of 45 % or more but less than 55 %:					
	----- Of a dry matter content, by weight, of 50 % or more but less than 56 %	50	45	0406 90 76 9300	⁽³⁾	96,98
	----- Of a dry matter content, by weight, of 56 % or more	44	45	0406 90 76 9400	⁽³⁾	108,62
	----- Of a fat content, by weight, in the dry matter of 55 % or more	46	55	0406 90 76 9500	⁽³⁾	102,45
ex 0406 90 78	----- Gouda:					
	----- Of a fat content, by weight, in the dry matter of less than 48 %	50	20	0406 90 78 9100	⁽³⁾	102,26
	----- Of a fat content by weight, in the dry matter of 48 % or more but less than 55 %	45	48	0406 90 78 9300	⁽³⁾	105,98
	----- Other	45	55	0406 90 78 9500	⁽³⁾	104,35
ex 0406 90 79	----- Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	56	40	0406 90 79 9900	⁽³⁾	86,27
ex 0406 90 81	----- Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	44	44	0406 90 81 9900	⁽³⁾	108,62
ex 0406 90 86	----- Exceeding 47 % but not exceeding 52 %:					
	----- cheeses produced from whey			0406 90 86 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	52		0406 90 86 9200	⁽³⁾	102,23
	----- Of 5 % or more but less than 19 %	51	5	0406 90 86 9300	⁽³⁾	103,32
	----- Of 19 % or more but less than 39 %	47	19	0406 90 86 9400	⁽³⁾	108,62
	----- Of 39 % or more	40	39	0406 90 86 9900	⁽³⁾	117,90
ex 0406 90 87	----- Exceeding 52 % but not exceeding 62 %:					
	----- cheeses produced from whey, except for Manouri			0406 90 87 9100		—
	----- Other, of a fat content, by weight, in the dry matter:					
	----- Of less than 5 %	60		0406 90 87 9200	⁽³⁾	85,19
	----- Of 5 % or more but less than 19 %	55	5	0406 90 87 9300	⁽³⁾	94,89
	----- Of 19 % or more but less than 40 %	53	19	0406 90 87 9400	⁽³⁾	96,33

(in EUR/100 kg weight, if no other indication)

CN code	Description of goods	Additional requirements for using the product code		Product code	Notes	Amount of aid
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)			
ex 0406 90 87 (cont'd.)	----- Of 40 % or more:					
	----- Idiazabal, Manchego and Roncal manufactured exclusively from sheep's milk	45	45	0406 90 87 9951	(³)	106,68
	----- Maasdam	45	45	0406 90 87 9971	(³)	106,68
	----- Manouri	43	53	0406 90 87 9972	(³)	45,63
	----- Hushallsost	46	45	0406 90 87 9973	(³)	104,74
	----- Murukoloinen	41	50	0406 90 87 9974	(³)	113,19
	----- Other:	47	40	0406 90 87 9979	(³)	103,92
ex 0406 90 88	----- Exceeding 62 % but not exceeding 72 %:					
	----- cheese produced from whey			0406 90 88 9100		—
	----- Other:					
	----- Other:					
	----- Of a fat content, by weight, in the dry matter:					
	----- Of 10 % or more but less than 19 %	60	10	0406 90 88 9300	(³)	83,50

(³) In the case of cheese presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

(¹³) Where the product contains non-lactic matter, the non-lactic matter is not to be taken into account for the purposes of calculating the aid.

When completing customs formalities, the applicant must state on the declaration provided for that purpose whether or not non-lactic matter has been added and, where this is the case, the maximum content by weight of the non-lactic matter added per 100 kilograms of finished product.'

COMMISSION REGULATION (EC) No 2271/2000
of 12 October 2000
amending the rates of the refunds applicable to certain products from the milk sector exported in
the form of goods not covered by Annex I to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the markets in the milk and milk products sector ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

- (1) The rates of the refunds applicable from 1 October 2000 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 2069/2000 ⁽³⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 2069/2000 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 2069/2000 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 October 2000.

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

Done at Brussels, 12 October 2000.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 246, 30.9.2000, p. 25.

ANNEX

to the Commission Regulation of 12 October 2000 altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	15,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	34,88
	(b) On exportation of other goods	68,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	75,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	177,25
	(c) On exportation of other goods	170,00

**COMMISSION REGULATION (EC) No 2272/2000
of 12 October 2000
on the issue of system B export licences in the fruit and vegetables sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EC) No 2200/96 as regards export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 298/2000 ⁽²⁾, and in particular Article 5(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1877/2000 ⁽³⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid.
- (2) In the light of the information available to the Commission today, there is a risk that the indicative quantities laid down for the current export period for table grapes will shortly be exceeded. This overrun will prejudice the

proper working of the export refund scheme in the fruit and vegetables sector.

- (3) To avoid this situation, applications for system B licences for table grapes exported after 12 October 2000 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B export licences for table grapes submitted pursuant to Article 1 of Regulation (EC) No 1877/2000, export declarations for which are accepted after 12 October 2000 and before 16 November 2000, are hereby rejected.

Article 2

This Regulation shall enter into force on 13 October 2000.

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

Done at Brussels, 12 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15.11.1996, p. 12.

⁽²⁾ OJ L 34, 9.2.2000, p. 16.

⁽³⁾ OJ L 225, 5.9.2000, p. 10.

**COMMISSION REGULATION (EC) No 2273/2000
of 12 October 2000**

**fixing the maximum export refund on common wheat in connection with the invitation to tender
issued in Regulation (EC) No 1701/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾, and in particular Article 4 thereof,

Whereas:

- (1) An invitation to tender for the refund on exportation of common wheat to all third countries with the exclusion of certain ACP States was opened pursuant to Commission Regulation (EC) No 1701/2000⁽⁵⁾, as amended by Regulation (EC) No 2019/2000⁽⁶⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in

Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 6 to 12 October 2000, pursuant to the invitation to tender issued in Regulation (EC) No 1701/2000, the maximum refund on exportation of common wheat shall be EUR 0,00/t.

Article 2

This Regulation shall enter into force on 13 October 2000.

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

Done at Brussels, 12 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 195, 1.8.2000, p. 18.

⁽⁶⁾ OJ L 241, 26.9.2000, p. 37.

COMMISSION REGULATION (EC) No 2274/2000**of 12 October 2000****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 2014/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to certain ACP States was opened pursuant to Commission Regulation (EC) No 2014/2000 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 6 to 12 October 2000, pursuant to the invitation to tender issued in Regulation (EC) No 2014/2000, the maximum refund on exportation of common wheat shall be EUR 3,00/t.

Article 2

This Regulation shall enter into force on 13 October 2000.

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

Done at Brussels, 12 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 241, 26.9.2000, p. 23.

COMMISSION REGULATION (EC) No 2275/2000
of 12 October 2000
fixing the maximum export refund on rye in connection with the invitation to tender issued in
Regulation (EC) No 1740/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾, and in particular Article 7 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of rye to all countries was opened pursuant to Commission Regulation (EC) No 1740/2000⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 6 to 12 October 2000, pursuant to the invitation to tender issued in Regulation (EC) No 1740/2000, the maximum refund on exportation of rye shall be EUR 28,94/t.

Article 2

This Regulation shall enter into force on 13 October 2000.

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

Done at Brussels, 12 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 199, 5.8.2000, p. 3.

COMMISSION REGULATION (EC) No 2276/2000**of 12 October 2000****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 2097/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾,

Having regard to Commission Regulation (EC) No 2097/2000 of 3 October 2000 on a special intervention measure for cereals in Finland and Sweden ⁽⁵⁾ and in particular Article 8 thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 2097/2000.
- (2) Article 8 of Regulation (EC) No 2097/2000 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in

Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95. In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 6 to 12 October 2000, pursuant to the invitation to tender issued in Regulation (EC) No 2097/2000, the maximum refund on exportation of oats shall be EUR 34,99/t.

Article 2

This Regulation shall enter into force on 13 October 2000.

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

Done at Brussels, 12 October 2000.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 249, 4.10.2000, p. 15.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 28 June 2000

on the aid scheme provided in Region of Sicily Law No 23 of 28 March 1995 'Rules applicable to credit guarantee groups for small and medium-sized enterprises' — fishery sector

(notified under document number C(2000) 1962)

(Only the Italian text is authentic)

(Text with EEA relevance)

(2000/610/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 88(2) thereof,

Having called on interested parties to submit their comments pursuant to that Article,

Whereas:

I. Procedure

(1) By letter dated 28 April 1995, registered at the Commission on 7 June 1995, Italy notified Region of Sicily Law No 23 of 28 March 1995 on rules applicable to credit guarantee groups for small and medium-sized enterprises. By letters dated 12 January and 10 April 1996, registered at the Commission on 19 January and 22 April 1996, Italy sent the additional information asked for.

(2) On 12 June 1996, the Commission decided to initiate the procedure laid down in Article 93(2) (now Article 88(2)) of the EC Treaty in regard to the abovementioned Regional Law. This provided for a mechanism to support fishery enterprises by facilitating their access to credit and certain financial services (factoring, leasing, collective guarantee). Through the agency of consortia of cooperatives (*consorzi fidi*) operating one or more separate funds it would be possible to guarantee or reduce the cost of certain financial operations carried out by

their members. The Commission considered that the aid granted both at the time of creation and during the life of these consortia was incompatible with the common market. Firstly, the public contribution to the funds was to be free and unlimited in time. Not only was it not to be confined to start-up but successive injections of capital were planned in order to maintain the public contribution at at least 50 % of fund assets. Secondly, the Commission did not have enough information to assess the aid in its various forms of provision of guarantee, regional subsidisation of the costs of factoring and leasing contracts, guarantees for management loans and liability consolidation (see Commission letter SG(96) D/5784 of 26 June 1996 addressed to the Italian Government and published in *Official Journal of the European Communities* C 302 of 12 October 1996 (p. 6)).

(3) On 8 January 1998 and 21 December 1999, Italy provided the information asked for by the Commission. No comment from other Member States or interested parties was received.

II. Description

(4) The scheme introduced by the law was a support mechanism for fishery enterprises facilitating their access to credit and certain financial services (factoring, leasing, collective guarantee). Enterprises would be encouraged to group themselves through formation of a legal person

in the form of a cooperative or consortium of cooperatives that would operate one or more separate funds to guarantee or reduce the cost of certain financial operations effected by its members.

III. The Italian Government's comments

- (5) In its letter of 21 December 1999 Italy informed the Commission that no application for aid from the funds for fishery sector group risks had ever been received, i.e. the scheme had never actually been applied. Since the law in question provided for allocation of financial resources up to 1997, if the Region of Sicily wished to reintroduce the scheme, a new legislative measure specifically applicable to the cases indicated above would be required and would be the subject of a new notification to the Commission.

IV. Assessment

- (6) It is clear from the information provided by Italy (see Section III) that the scheme has never been made use of in the fishery sector and that under the Law notified to the Commission it could not now be made use of at any time owing to the impossibility under that Law of any provision of finance from 1998 onwards.

Thus any activation of the scheme would have to be covered by notification of a new measure specifically applicable to the fishery sector.

The examination procedure initiated by the Commission for the scheme has therefore become pointless and the procedure should therefore be closed under Article 7(2) of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 (now Article 88) of the EC Treaty (OJ L 83 of 27 March 1999, p. 1).

V. Conclusion

- (7) Given the foregoing, the Commission considers that the examination procedure can be closed,

HAS ADOPTED THIS DECISION:

Article 1

The examination procedure initiated in regard to the section relating to fisheries of Region of Sicily Law No 23 of 28 March 1995 is hereby closed.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 28 June 2000.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION
of 11 October 2000
amending Decision 94/278/EC drawing up a list of third countries from which Member States
authorise imports of certain products subject to Council Directive 92/118/EEC

(notified under document number C(2000) 2978)

(Text with EEA relevance)

(2000/611/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(1) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC ⁽¹⁾, as last amended by Decision 1999/724/EC ⁽²⁾, and in particular Article 10(2)(a) thereof,

Whereas:

- (1) Commission Decision 94/278/EC ⁽³⁾, as last amended by Decision 98/597/EC ⁽⁴⁾, establishes a list of third countries from which Member States authorise imports of certain products referred to by Directive 92/118/EEC.
- (2) Ecuadorian authorities requested to add Ecuador to the list of third countries from which Member States authorise imports of snails intended for human consumption. A Community on-the-spot inspection has not yet been carried out. However, the health guarantees provided by Ecuadorian authorities are considered adequate to justify the inclusion of Ecuador on that list.

This Decision may be reviewed in the light of the outcome of any future Community inspection.

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

HAS ADOPTED THIS DECISION:

Article 1

In Part XI of the Annex to Decision 94/278/EC, the following line is added in accordance with the alphabetical order of the ISO code:

‘(EC) Ecuador’

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 October 2000.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 62, 15.3.1993, p. 49.

⁽²⁾ OJ L 290, 12.11.1999, p. 32.

⁽³⁾ OJ L 120, 11.5.1994, p. 44.

⁽⁴⁾ OJ L 286, 23.10.1998, p. 59.

EUROPEAN CENTRAL BANK

RECOMMENDATION OF THE EUROPEAN CENTRAL BANK

of 5 October 2000

on the external auditors of the national central banks

(ECB/2000/10)

(2000/612/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank and in particular to Article 27.1 thereof,

Whereas:

- (1) The accounts of the European Central Bank (ECB) and of the national central banks (NCBs) shall be audited by independent external auditors recommended by the Governing Council of the ECB and approved by the Council of the European Union.
- (2) Pursuant to Council Decision 2000/427/EC of 19 June 2000 in accordance with Article 122(2) of the Treaty on the adoption by Greece of the single currency on 1 January 2001 ⁽¹⁾, Greece now fulfils the necessary conditions for the adoption of the single currency, and the derogation in favour of Greece laid down in recital 4 of Council Decision 98/317/EC ⁽²⁾ in accordance with Article 109j(4) of the Treaty shall be abrogated with effect from 1 January 2001.
- (3) The external auditors recommended in Recommendation ECB/1998/5 of 12 November 1998 on the external auditors of the national central banks ⁽³⁾ reflect the current appointments made by each participating NCB.
- (4) An external auditor must be recommended for the Bank of Greece for the annual accounts starting from the financial year 2001.

- (5) It is necessary to recommend an amendment to Council Decision 1999/70/EC of 25 January 1999 concerning the external auditors of the national central banks ⁽⁴⁾, as amended by Decision 2000/223/EC ⁽⁵⁾ to take into account Member States whose derogation has been abrogated thereafter,

HEREBY RECOMMENDS:

- Ernst & Young (Hellas) Certified Auditors SA and Mr Charalambos Stathakis, who is a registered certified public accountant, as the external auditors of the Bank of Greece for the annual accounts starting from the financial year 2001,
- that the Council of the European Union amend its Decision 1999/70/EC accordingly.

This recommendation shall be published in the *Official Journal of the European Communities*.

This recommendation is addressed to the Council of the European Union.

Done at Frankfurt am Main, 5 October 2000.

The President of the ECB
Willem F. DUISENBERG

⁽¹⁾ OJ L 167, 7.7.2000, p. 19.

⁽²⁾ OJ L 139, 11.5.1998, p. 30.

⁽³⁾ OJ C 411, 31.12.1998, p. 11.

⁽⁴⁾ OJ L 22, 29.1.1999, p. 69.

⁽⁵⁾ OJ L 71, 18.3.2000, p. 24.

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2244/2000 of 10 October 2000 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty

(Official Journal of the European Communities L 257 of 11 October 2000)

On page 11 in Article 2:

for: 'This Regulation shall enter into force on 1 October 2000.'

read: 'This Regulation shall enter into force on 11 October 2000.'
