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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1644/2001
of 7 August 2001**

amending Regulation (EC) No 2398/97 imposing a definitive anti-dumping duty on imports of cotton-type bed linen originating in Egypt, India and Pakistan and suspending its application with regard to imports originating in India

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to Council Regulation (EC) No 1515/2001 of 23 July 2001 on the measures that may be taken by the Community following a report adopted by the WTO Dispute Settlement Body concerning anti-dumping and anti-subsidy measures ⁽¹⁾,

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 ⁽²⁾ ('the basic Regulation'),

Having regard to the proposal made by the Commission after consultation of the Advisory Committee,

Whereas:

A. EXISTING MEASURES

- (1) The Council, by Regulation (EC) No 2398/97 ⁽³⁾, imposed a definitive anti-dumping duty on imports of cotton-type bed linen originating in Egypt, India and Pakistan ('definitive Regulation'). The definitive Regulation was preceded by Commission Regulation (EC) No 1069/97 of 12 June 1997 imposing a provisional anti-dumping duty on imports of cotton-type bed linen originating in Egypt, India and Pakistan ⁽⁴⁾ ('provisional Regulation').

B. REPORTS ADOPTED BY THE DISPUTE SETTLEMENT BODY OF THE WTO

- (2) On 12 March 2001, the Dispute Settlement Body of the World Trade Organisation ('WTO') adopted an Appellate Body report and a panel report as modified by the

Appellate Body report on the case 'European Communities — anti-dumping duties on imports of cotton-type bed linen from India' (Reports).

C. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

- (3) The product concerned is certain bed linen of cotton fibres, pure or mixed with man-made fibres or flax (flax not being the dominant fibre), bleached, dyed or printed originating in India, Pakistan and Egypt, falling within CN codes ex 6302 21 00 (TARIC codes 6302 21 00*81, 6302 21 00*89), ex 6302 22 90 (TARIC code 6302 22 90*19), ex 6302 31 10 (TARIC code 6302 31 10*90), ex 6302 31 90 (TARIC code 6302 31 90*90), ex 6302 32 90 (TARIC code 6302 32 90*19). The Reports do not affect the findings set out in the definitive Regulation concerning the product under consideration and the like product.

D. REVISED FINDINGS BASED ON THE REPORTS

1. Preliminary remark

- (4) The Commission reassessed findings by taking account of the recommendations set out in the Reports on the basis of information which was collected in the original investigation which took place in 1996/97. The reassessment shows that injurious dumping still exists although at lower levels.

It is recalled that the investigation of dumping covered the period from 1 July 1995 to 30 June 1996 ('IP'). The investigation relating to the parameters relevant in the context of the injury assessment covered the period from 1 January 1992 up to the end of the IP (30 June 1996). This period will be referred to as 'the period considered'.

⁽¹⁾ OJ L 201, 26.7.2001, p. 10.

⁽²⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2238/2000 (OJ L 257, 11.10.2000, p. 2).

⁽³⁾ OJ L 332, 4.12.1997 p. 1. Regulation as last amended by Regulation (EC) No 554/2000 (OJ L 68, 16.3.2000, p. 1).

⁽⁴⁾ OJ L 156, 13.6.1997, p. 11.

2. Dumping

2.1. Introduction

- (5) This part sets out the reassessed findings based on the recommendations of the Reports concerning:
- (a) determination of sales, general & administrative expenses ('SG&A') and profit when applying Article 2(6)(a) of the basic Regulation for the purpose of constructed normal values and
 - (b) the practice of 'zeroing' when establishing the weighted average margin of dumping.
- (6) All other calculation methods applied are those used in the original investigation. For further details, reference is made to the abovementioned provisional Regulation and definitive Regulation.

2.2. Sampling

- (7) It is recalled that in view of the large number of exporters in the countries concerned, it was decided during the original investigation to apply sampling in accordance with Article 17 of the basic Regulation.

2.3. India

- (8) Since only one out of the five companies in the main sample for India had representative global domestic sales and the profitable domestic types represented less than 80 % but more than 10 % of total domestic sales, the amounts for SG&A and profit used to construct normal value were those actually made in the ordinary course of trade by this company, in accordance with the first sentence of Article 2(6) of the basic Regulation.
- (9) For the other four companies, in order to comply with the recommendations of the Reports and in accordance with Article 2(6)(a) of the basic Regulation, the amounts for SG&A and profits used to construct normal value were the weighted average of the actual amounts incurred and realised by the company with representative global domestic sales mentioned above and a reserve company which had also representative global domestic sales. It should be noted that sales not made in the ordinary course of trade have not been eliminated when determining the profit margin attributable to the other four companies.
- (10) No changes have been necessary as far as the original findings concerning the export price and adjustments pursuant to Article 2(10) of the basic Regulation are concerned.
- (11) The weighted average constructed normal value by type was compared with weighted average export price by type, as determined above. In compliance with the recommendations of the Report, no 'zeroing' was

applied in calculating the overall dumping margin for each company.

- (12) The revised dumping margins expressed as a percentage of the cif import price at the Community frontier for India are the following:

Anglo French Textiles	9,8 %
Bombay Dyeing & Manufacturing Co. Ltd and Nowrosjee Wadia & Sons Ltd	5,5 %
Madhu Industries Ltd and Madhu International	3,0 %
Omkar Exports	0,0 %
Prakash Cotton Mills Ltd	0,0 %

- (13) Cooperating companies not selected in the sample for India were attributed the average dumping margin of the companies in the sample, weighted on the basis of their export turnover to the Community. In accordance with Article 9(6) of the basic Regulation, when calculating this average dumping margin any zero and *de minimis* margins established have been disregarded. Expressed as a percentage of the cif import price at the Community frontier, this revised dumping margin for India is 5,7 %.

- (14) For non cooperating companies in India a revised dumping margin was determined on the basis of the facts available in accordance with Article 18 of the basic Regulation. The level of cooperation during the original investigation was high. Therefore, it is considered appropriate to set the dumping margin for non cooperating companies in India at the level of the highest dumping margin established for a company in the sample. Indeed, it would constitute a bonus for non cooperation to assume that the dumping margin attributable to exporters/producers which did not cooperate is lower than the highest found for a cooperating exporter/producer. This revised residual dumping margin for India, expressed as a percentage of the cif import price at the Community frontier, is 9,8 %.

2.4. Egypt and Pakistan

- (15) The findings on dumping with regard to imports originating in Egypt and Pakistan have not been revised. The relevant dumping margins are set out in recitals 29 to 31 of the definitive Regulation.

3. Community industry and sampling

- (16) The findings concerning the definition of the Community industry and standing remain unaffected by the conclusions set out in the Reports (see recital 34 of the definitive Regulation). The same is true with regard to sampling of the Community industry (see recitals 58 to 61 of the provisional Regulation).

4. Injury

4.1. Preliminary remark

- (17) The Reports conclude that the Community acted inconsistently with the WTO Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade ('ADA')

(i) by considering information for producers not part of the Community industry as defined by the Council in analysing the state of the industry;

(ii) by failing to evaluate all relevant factors having a bearing on the state of the Community industry, and specifically all the factors set forth in Article 3.4 ADA. In this respect, it is recalled that the determinations concerning productivity, stocks, utilisation of capacity, ability to raise capital or investments, cash flow, wages and the magnitude of dumping margins were not fully described in the provisional and definitive Regulation.

The Panel also expressed the opinion that imports attributable to a producer/exporter found not to be dumping could not be considered as falling within the notion of 'dumped imports' for purposes of injury analysis. However, since India had not contested the injury finding on this ground and there were no Indian producers who had been found not to be dumping, the Panel reached no conclusions in this regard. The claim that India had made — that non-dumped transactions should be excluded from the injury analysis — was rejected by the Panel as unfounded.

- (18) The injury findings established in the original investigation were reexamined in the light of the Panel's conclusions. It was also examined whether the exclusion of Indian exporters found not to have dumped would have led to any change in the injury findings. The results of this re-examination are set out below.

- (19) The approach described in recital 62 of the provisional Regulation was revised by eliminating data relating to producers which were not part of the Community industry. In the present Regulation, the data were analysed as follows:

(i) at the level of the Community industry, for trends concerning production, sales by volume, market share, employment and growth. The relevant data were obtained from the verified questionnaire responses in the case of the 17 sampled producers, and from the information collected with regard to the further 18 producers forming part of the Community industry;

(ii) at the level of the sampled Community producers, for the trends concerning prices and profitability, cash flow, ability to raise capital and investments, stocks, utilisation of capacity, wages and productivity, on the basis of the aforementioned questionnaire responses.

In addition, the magnitude of the margin of dumping was examined.

4.2. Consumption in the Community

- (20) The findings set out in recital 63 of the provisional Regulation remain unaffected by the recommendations in the Reports. It is recalled that Community consumption of the product concerned (as measured by production plus imports minus exports) decreased from around 200 000 tonnes in 1992 to around 186 000 tonnes in the IP, a decrease of approximately 7 %.

4.3. Cumulation, volume, market share and prices of the imports from the three countries concerned

- (21) In the original investigation it was found that dumped imports from the three countries concerned increased from 33 825 tonnes in 1992 to 46 656 tonnes during the IP, i.e. an increase by 38 % during the period considered. During the same period, the market share of dumped imports increased from 16,9 % to 25,1 % (see recital 67 of the provisional Regulation).

- (22) If the imports from exporters found not to have dumped are excluded, the increase in volume of dumped imports would remain significant, as shown in the table below, namely an increase of 30 %. The market share of the remaining imports increased by 40 % during the period considered. It still represented more than 21 % of the Community market during the IP.

Dumped imports	1992	1993	1994	1995	IP
Volume — tonnes	30 593	33 484	29 500	39 036	39 825
Index	100	109	96	128	130
Market share	15,3 %	17,2 %	15,2 %	20,6 %	21,4 %
Index	100	112	99	135	140

- (23) Furthermore, it is recalled that during the period considered, the prices of imports from India and Egypt had actually fallen by up to 18 % (see recital 80 of the provisional Regulation). This decrease is not significantly changed if the imports from the Indian exporters found not to have dumped are excluded.
- (24) During the IP, the level of undercutting of the dumped imports originating in India ranged from 13,8 % to 40,7 %, expressed as percentages of the adjusted average prices of the Community industry, and this is also unaffected if imports from the exporters found not to have dumped are excluded. It is recalled that, with respect to Pakistan the level of undercutting ranged from 27,9 % to 34,4 % and with respect to Egypt from 23,8 % to 53,7 %.

4.4. Situation of the Community industry

4.4.1. General remarks

- (25) It should be recalled that during the original investigation, not all injury factors listed in Article 3.4 of the ADA (Article 3(5) of the basic Regulation) were found to have a bearing on the state of the Community industry. This was the case for stocks and capacity of production.
- (26) In addition, it was also found that some factors were in fact closely linked to a number of injury factors set out in detail in the regulations. This was the case in particular for productivity with production and employment, and cash flow and return on investments with profitability. Accordingly, only the developments of the main injury factors were fully addressed in the provisional and definitive Regulations.
- (27) The findings below only relate to the Community industry as defined in recital 34 of the definitive Regulation. Obviously, the indicators listed in subparagraph (ii) of recital 17 have been established at the level of sample.

4.4.2. Stocks and capacity of production

- (28) These indicators were found not to have a bearing on the state of the Community industry.
- (29) As to stocks, this is the case for two reasons. Firstly, production (e.g. of printed patterns) often takes place in response to or in anticipation of orders placed by particular clients, thus reducing the possibility to produce purely for stocks. Secondly, stock valuation often takes place at 31 December, which is towards the end of a peak period of activity for the bed linen sector. Large stock variations can take place between one year and another simply because of large orders leaving the warehouse on 30 December in one season and 2 January the next. While some increase in stocks was observed in some companies, neither the complainant nor any sampled Community producer adduced increase in stocks as evidence of injury. An increase in stocks in this sector can thus indicate increased actual or anticipated orders rather than unsold production.
- (30) As to production capacity, the Community industry is characterised by a large number of highly flexible small and medium-sized companies. Machinery can, relatively easily, be bought, sold or used for other products. Under these circumstances, reliable capacity of production figures were extremely difficult to establish throughout the period considered in the present case. However, the investigation showed that many producers were able to maintain a high rate of capacity utilisation and even had to subcontract surplus production, to allow them to run at high utilisation even in depressed periods.

4.4.3. Production, employment and productivity

- (31) The findings of recitals 81 and 91 of the provisional Regulation concerning production and employment of the Community industry are confirmed. The Community industry was able to increase its total production of bed linen from 39 370 tonnes in 1992 to 42 781 tonnes during the IP, namely an increase by 8,7 %. In the meantime, employment declined by 5,3 %. This trend was also replicated at the level of the sampled producers.

- (32) The combination of these two factors explains the improvement in productivity of the sampled Community producers during the period considered.

Community industry	1992	1993	1994	1995	IP
Productivity index	100	99	110	111	111

4.4.4. Wages

- (33)

Community industry	1992	1993	1994	1995	IP
Wages (Index)	100	102	98	107	107

Despite the fall in personnel employed the overall amount of wages paid to the employees directly working in the bed linen sector increased by 7 % during the period considered. Average wages per employee increased by 6 % from 1993 up to the end of the IP but should be compared with the 5,5 % increase in consumer price in the Community during the same period (see recital 86 of the provisional Regulation).

4.4.5. Sales volume, market share and price development

- (34) The figures on sales volume, value, market share and price developments as set out in recitals 82 to 88 of the provisional Regulation refer, unless otherwise indicated, to the sampled Community producers. They are herewith confirmed.
- (35) During the period considered, sales by the Community industry slightly increased from 36 205 tonnes to 36 553 tonnes, an increase of 1 %. In that period, their market share also increased slightly, from 18,1 % to 19,7 % because of more sales of higher value niche products.

Community industry	1992	1993	1994	1995	IP
Sales volume — tonnes	36 205	34 505	37 726	37 555	36 553
Index	100	95	104	104	101

4.4.6. Profitability, cash flow and return on investments

- (36) The findings made in recital 89 of the provisional Regulation concerning profitability are confirmed. Profitability of the Community industry decreased from 3,6 % to 1,6 % of turnover during the period considered, namely a fall by over 50 %. In other words Community industry's profits shrunk from ECU 10 million in 1992 to ECU 4,6 million during the IP, namely a reduction by around ECU 5,4 million during the period considered.
- (37) The cash flow generated by the Community industry developed as follows:

Community industry	1992	1993	1994	1995	IP
Cash flow (1 000 ECU)	25 566	16 663	20 446	17 475	18 432
Index	100	65	80	68	72

- (38) Between 1992 and the IP cash flow remained positive but declined by 28 % or by around ECU 7 million. Thus, cash flow and profitability of the Community industry followed a similar decreasing trend during the period considered.
- (39) As to return on investment, the investigation showed that the maintenance of the production tools was the main purpose of the Community industry's investments during the period considered:

Community industry	1992	1993	1994	1995	IP
Profit/investments	16 %	7 %	14 %	8 %	7 %
Index	100	45	87	50	45

- (40) The overall trend followed by the return on investments is similar to that of profitability.

4.4.7. Ability to raise capital

- (41) During the period considered, the capital raised via bank credits by the Community industry increased by 3 %.

Community industry	1992	1993	1994	1995	IP
Credits raised (1 000 ECU)	141 400	118 700	117 000	133 800	145 100
Index	100	84	83	95	103

- (42) During the investigation there was no claim from the Community industry nor any indication that the Community industry encountered problems to raise the capital needed for its activity. Given that no major investments were made by the Community industry it can reasonably be assumed that most of the credits were used to finance the daily activity in the bed linen sector. This additional need in credits during the IP is likely to be justified by the decrease in cash flow.

4.4.8. Growth and factors affecting domestic prices

- (43) It is noted that the growth of the Community industry was particularly negative between 1994 and the IP in term of sales volume (– 1 173 tonnes). The growth in market share was very limited in the same period (+ 0,2 %) and was even negative between 1995 and the IP. At the same time, the growth of market share of low-priced dumped imports remained always positive and was significant. Between 1994 and the IP, dumped imports increased by 35 % (+ 10 315 tonnes) and the growth in market share was as high as 6,2 percentage points.
- (44) When evaluating factors affecting domestic prices the analysis focussed primarily on the contraction of demand and raw cotton prices.

The investigation clearly showed that the gap left by Community factory closures and the fall in imports from certain other third countries during the period considered was filled by imports from the countries concerned, of which most of them were found to be dumped. Given that the prices of the dumped imports were the lowest of all the operators selling bed linen on the Community market it is concluded that the contraction of demand in itself did not have an overriding impact on prices, notably those of the Community industry.

- (45) The price of raw cotton, which can represent up to 15 % of the total cost of bed linen, increased significantly during the period considered. Normally, in fair market conditions, producers should have been able to pass on this cost increase to customers. The investigation has shown that the Community industry was not able to do so in this case.

- (46) It is also noted that there was significant price undercutting as described in recital 24.

4.4.9. Magnitude of the dumping margin

- (47) As concerns the impact on the Community industry of the magnitude of the actual margin of dumping, given the volume and the prices of the imports from the countries concerned, this impact cannot be considered to be negligible.

4.5. Conclusion on injury

- (48) The investigation clearly established that imports from the countries concerned significantly increased during the period considered. In terms of volume, the increase was as high as 38 % or 12 800 tonnes and their market share increased by 8,2 percentage points.
- (49) The investigation also established that prices of the imports concerned decreased considerably and that there was significant price undercutting by all three countries. Prices declined by up to 18 % and undercutting margins ranging from 11,9 % to 53,7 % were found to exist.
- (50) While the Community industry, as defined above, managed to increase production and to slightly increase its sales volume and market share by concentrating on more sales of higher value niche products, it nevertheless suffered declining and inadequate profitability, which is basically the result of prices which had not been able to reflect the increases in the costs of raw cotton or to keep pace with inflation in prices of consumer goods. The injury indicators related to profitability such as cash flow and return on investments also showed declining trends. The same holds true for employment.
- (51) On this basis, and in particular because of the declining and inadequate profitability and price suppression suffered by the Community industry, the finding of the definitive Regulation that the Community industry had suffered material injury is confirmed.

5. Causation

5.1. Introduction

- (52) Based on the above findings on dumping and injury, the causal link analysis set out in the provisional and the definitive Regulation was likewise re-examined.
- (53) In compliance with the Panel's and the Appellate Body's recommendations, a causal link had to be demonstrated between the dumped imports and the situation of the Community industry, i.e. the abovementioned 35 producers. Thus, the references found for existing producers which were not part of the Community industry or producers which previously closed down their bed linen operations (see recitals 105, 109 and 110 of the provisional Regulation) were not considered relevant for the causal link analysis.

5.2. Effect of the dumped imports

- (54) It is recalled that dumped imports from the three countries concerned increased by 12 800 tonnes in absolute terms and by 38 % in percentage terms (9 200 tonnes or 30 % if the imports from exporters found not to have dumped are excluded). The market share held by the dumped imports increased during the period considered from 16,9 % to 25,1 %, namely by 8,2 percentage points (15,3 % to 21,4 %, namely 6,1 percentage points if the imports from the Indian exporters found not to have dumped are excluded). During the IP, their weighted average undercutting margin was at around 29 %.

- (55) Sales by the Community industry increased by 348 tonnes and its market share increased from 18,1 % to 19,7 %, namely by 1,6 percentage point. The Community industry's weighted average sales price remained by and large stable.
- (56) It is also recalled (recital 97 of the provisional Regulation) that the market for bed linen is characterised by product substitutability and transparency. Large Community purchasers of bed linen, which can ensure a high level of production capacity and therefore some economy of scale, are very sensitive to prices. On this basis, it can be concluded that the low prices offered by the exporting producers concerned, coupled with their substantial and increasing market share, have exercised continuous downward pressure on prices on the Community market.
- (57) Indeed, despite the fact that the Community industry managed to shift production and sales to higher value products in order to maintain production and sales' levels, average sales prices did not increase.
- (58) As stated in recital 99 of the provisional Regulation, price suppression and consequent decreasing profitability were the main indicators to conclude that the Community industry suffered material injury. In view of the coincidence in time between the deterioration of the state of the Community industry and the significant increase of the low-priced dumped imports, it is confirmed that there was a direct link between these imports and the material injury found. Thus, the conclusions set out in recitals 96 to 99 of the provisional Regulation can be confirmed.

5.3. Effects of other factors

- (59) The effect of other factors on the situation of the Community industry was likewise examined.

5.3.1. Increase in raw cotton prices

- (60) The findings set out in recitals 102 and 103 of the provisional Regulation can be confirmed.

5.3.2. Development of Community consumption

- (61) It is recalled that certain exporters suggested that any injury being suffered by the Community industry should be ascribed to the steady decrease in total consumption of the product concerned, by 7 % between 1992 and the IP.

The investigation showed that sales by the Community industry increased slightly by 348 tonnes, imports from other third countries undercutting the prices of the Community industry increased by over 5 000 tonnes, and dumped imports from the three countries concerned increased by around 12 800 tonnes. The impact of the decrease in consumption was felt notably by Community producers not forming part of the Community industry.

- (62) In addition, it should be recalled that the Community industry managed to increase its sales of niche products by adapting and expanding its existing range of products to certain segments of the market. Thus, it is clear that the Community industry was hardly affected, if at all, by the developments in Community consumption.

5.3.3. Imports from other third countries

- (63) The findings in recitals 100 and 101 of the provisional Regulation remain unaffected.

5.3.4. Competition from non-complainant producers in the Community

- (64) The findings in recitals 107 and 108 of the provisional Regulation remain unaffected.

5.4. Conclusion on causation

- (65) The above analysis shows that there is a clear and direct link between the increase in volume and the price effect of dumped imports, and the material injury suffered by the Community industry.
- (66) The investigation has shown that the countries concerned increased their exports by 38 % or by 12 800 tonnes. This corresponds to an increase in market share of 8,2 percentage points. It is clear that the presence of increasing volumes of low-priced imports had a considerable impact on the market overall.
- (67) Although the Community industry managed to slightly increase its sales volume because of higher sales of niche products, it is clear that the imports from the countries concerned prevented that industry of taking any significant share of the market left by other third country and Community operators during the period considered.
- (68) The direct link between the effect of the dumped imports and the injury suffered by the Community industry is further demonstrated by the existence of high undercutting margins which can explain the gain in market share of the countries concerned. It is also evidenced by the impact which the fall in import price had on the Community industry. Prices were suppressed and profitability fell from 3,6 % in 1992 to 1,6 % during the IP.
- (69) The analysis of the effects of other factors than dumped imports on the state of the Community industry has likewise confirmed the above direct causal link.
- (70) Consequently, the conclusion reached in recital 43 of the definitive Regulation that the dumped imports from Egypt, India and Pakistan have caused the material injury suffered by the Community industry is confirmed.

6. Community interest

- (71) The contents and conclusions reached in recitals 44 to 46 of the definitive Regulation remain unaffected by the Reports.

E. GROUNDS FOR THE SUSPENSION OF THE MEASURES

- (72) As shown above, a full examination of the facts established in the original investigation taking account of the recommendations set out in the Reports demonstrates that imports from Egypt, India and Pakistan were still injuriously dumped. Notwithstanding this, the Council does not consider it appropriate to continue to collect duties for exports from India for the reasons given below.
- (73) It is recalled that the findings are based on information which was collected in 1996/97.
- (74) A wider examination of the impact of the recommendations set out in the Reports would have necessitated consideration being given to the application of the various other alternatives (e.g. other methods of calculating SG&A and profit provided for in Article 2(6)(b)(c) of the basic Regulation) excluding those found inconsistent in the Reports. However, this has not proved possible in this case since the necessary information was not collected in the original investigation. Indeed, prior to the Reports it was not considered relevant either to collect such information or to program it into the verification process. The determination of the profit margin when constructing normal value for exporters without sufficient sales in the ordinary course of trade is based on a methodology which the Appellate Body report advocated. However, the Council considers that the methodology as specified by the Appellate Body is not appropriate in this particular case, not least because it implies a discriminatory treatment between exporters, whose own profit margin is used, and exporters which fall under Article 2(6)(a) of the basic Regulation (i.e. for which the weighted average SG&A and profit margins of other exporters are used). It is also in contradiction with the principle to base in general the normal value on data relating to sales made in the ordinary course of trade.

- (75) In these exceptional circumstances it was considered that the best course of action is to amend the definitive Regulation on the basis of the dumping margins established in recitals 12 to 14 which are in all cases lower than the injury margins and to suspend the collection of duties at the rates established above while providing all interested parties concerned with an opportunity to submit information/observations and, if appropriate, a review request.
- (76) The Indian authorities, the Indian exporters and their association, all interested parties in the Community, in particular the Community industry, importers, users' and traders' associations, received disclosure of the reassessed findings and were given an opportunity to comment and to be heard. The oral and written comments submitted by these parties were considered but have not altered the conclusions reached in this Regulation.
- (77) Any requests for a review and any observation/submission of information must be made in writing and be sent to the following address:
- European Commission
Directorate General for Trade
Directorates B and C
TERV — 0/13
Rue de la Loi/Wetstraat 200
B-1049 Brussels
Fax (32-2) 295 65 05
Telex COMEU B 21877.
- (78) If no review is initiated within six months from the entry into force of this Regulation on the basis of a review request by any interested parties, the anti-dumping measure should automatically expire with regard to imports originating in India. If such review is initiated within the aforementioned six months period, suspension should continue during the review investigation,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 2398/97, is hereby amended as follows:

1. In paragraph 2 the rate of duty for India shall be 9,8 % (TARIC additional code 8900).
2. In paragraph 3 the rate of duty for India shall be 5,7 % (TARIC additional code 8042).
3. In paragraph 4 the rates of duty for the Indian companies listed shall be as follows:

Country	Manufacturer	Rate of duty	TARIC additional code
India	Anglo French Textiles	9,8 %	8044
	The Bombay Dyeing & Manufacturing Co. Ltd	5,5 %	8045
	Nowrosjee Wadia & Sons Ltd	5,5 %	8045
	Madhu Industries Ltd	3,0 %	8046
	Madhu International	3,0 %	8046
	Omkar Exports	0,0 %	8047
	Prakash Cotton Mills Ltd	0,0 %	8048

Article 2

1. The application of the anti-dumping duties specified in Article 1 is hereby suspended with regard to imports originating in India.

2. The anti-dumping duties specified in Article 1 shall expire six months after the entry into force of this Regulation with regard to India unless a review has been initiated before that date. During such a review, if any, the application of the anti-dumping duty shall remain suspended pursuant to paragraph 1.

Article 3

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

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

Done at Brussels, 7 August 2001.

For the Council

The President

L. MICHEL

COMMISSION REGULATION (EC) No 1645/2001
of 13 August 2001
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 14 August 2001.

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

Done at Brussels, 13 August 2001.

For the Commission

Pascal LAMY

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 13 August 2001 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
0709 90 70	052	78,9
	999	78,9
0805 30 10	388	68,8
	524	76,8
	528	70,2
	999	71,9
0806 10 10	052	77,7
	400	175,5
	600	97,2
	624	191,6
0808 10 20, 0808 10 50, 0808 10 90	999	135,5
	388	82,9
	400	75,5
	508	78,4
	512	89,9
	524	51,2
	528	63,4
	720	87,4
	800	202,7
	804	95,7
0808 20 50	999	91,9
	052	115,3
	388	73,1
	512	63,3
0809 30 10, 0809 30 90	528	68,9
	999	80,1
	052	124,5
0809 40 05	999	124,5
	052	63,7
	064	60,1
	066	76,2
	624	189,4
	999	97,4

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2032/2000 (OJ L 243, 28.9.2000, p. 14). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1646/2001**of 13 August 2001****laying down detailed implementing rules for the grant of adjustment aid to the preferential raw sugar refining industry and adjusting both the adjustment aid and additional basic aid for the sugar refining industry**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Article 38(6) thereof,

Whereas:

- (1) Article 38(1) and (3) of Regulation (EC) No 1260/2001 provides that during the 2001/02 to 2005/06 marketing years adjustment aid is to be granted as an intervention measure to the Community's preferential raw cane sugar refining industry, together with an additional basic aid for raw cane sugar produced in the French overseas departments. These provisions also specify that the adjustment aid may be granted only up to the quantities stipulated in the provisions referred to in Article 35 of Regulation (EC) No 1260/2001.
- (2) Sugar which may qualify for the refining aid must be preferential sugar within the meaning of Article 35 of Regulation (EC) No 1260/2001. To ascertain its origin and to monitor imports thereof into the Community, reference should accordingly be made to the provisions and documents laid down by Commission Regulation (EEC) No 2782/76 of 17 November 1976 laying down detailed implementing rules for the importation of preferential sugar ⁽²⁾, as last amended by Regulation (EC) No 2665/98 ⁽³⁾.
- (3) For the grant of aid provision should be made for satisfactory measures to monitor refined sugar and to that end the concept of refining, the formula for the yield of the raw sugar in question and the obligation to have analyses conducted in a laboratory approved by the competent authorities of the Member State where refining is carried out should be defined.
- (4) The management measures for raw cane sugar produced in the French overseas departments and qualifying for the additional basic aid should be the same as those laid down by Commission Regulation (EC) No 1554/2001 of 30 July 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards marketing sugar produced in the French overseas

departments and for equalising the price conditions with preferential raw sugar ⁽⁴⁾.

- (5) Article 38(4) of Regulation (EC) No 1260/2001 lays down that the adjustment aid and additional aid may be adjusted to take account of economic trends in the sugar sector, particularly manufacturing and refining margins. To take account of the need to maintain the manufacturing margin and refining margin in balance, which led to the introduction of these aids and their adjustments during the previous scheme, the aid amounts for 2001/02 should therefore be maintained at the aid levels for the 2000/01 marketing year.
- (6) The Management Committee for Sugar has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. The aid provided for in Article 38(1) of Regulation (EC) No 1260/2001, hereinafter referred to as 'the aid', shall be granted on application by the undertaking that has refined the preferential raw sugar in question, to the competent authorities of the Member State in which refining took place.

2. The aid application must be accompanied by proof that the refined sugar was obtained from preferential raw sugar imported into the Community under Regulation (EEC) No 2782/76.

This proof shall be provided by presenting the original of the document referred to, as the case may be, in Article 6(1) or Article 7(1) and (2) of Regulation (EEC) No 2782/76 or a copy of those documents, certified as a true copy by the competent authorities of the importing Member State. Those authorities shall enter in section 8 of the copy the endorsements listed, as appropriate, in Article 6(2) or Article 7(3).

3. For the grant of the aid

- (a) 'refining' means the conversion in the applicant's undertaking, as defined in the third subparagraph of Article 7(4) of Regulation (EC) No 1260/2001, of raw sugar as defined in Article 1(2)(b) of that Regulation into white sugar as defined in Article 1(2)(a) of that Regulation;
- (b) the raw sugar in question shall be placed under customs control or under another administrative control offering the same guarantees.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 318, 18.11.1976, p. 13.

⁽³⁾ OJ L 336, 11.12.1998, p. 20.

⁽⁴⁾ OJ L 205, 31.7.2001, p. 18.

4. To establish the aid, the yield of the raw sugar in question is calculated by reducing twice the degree of polarisation of that sugar by 100.

5. Analyses shall be conducted upon arrival by a laboratory approved by the competent authorities of the Member State in which refining must take place.

However, if the sugar has already been subjected to analyses to ascertain the yield before the entry into force of this Regulation, those analyses shall be considered as complying with the requirements of the first subparagraph.

Article 2

1. The additional basic aid provided for in Article 38(3) of Regulation (EC) No 1260/2001 shall be granted on application by the undertaking that has refined the sugar produced in the French overseas departments.

2. Regulation (EC) No 1554/2001 shall apply *mutatis mutandis* to the additional basic aid.

Article 3

The adjustment aid and the additional basic aid referred to respectively in Article 38(1) and (3) of Regulation (EC) No 1260/2001 shall be increased, as a result of the adjustment referred to in Article 38(4), to EUR 2,92 per 100 kg of sugar, expressed as white sugar, for the 2001/02 marketing year.

Article 4

The Member State concerned shall inform the Commission, for each quarter and in the calendar month following the quarter in question, of the quantities, expressed as white sugar, for which aid has been granted and the amounts in national currency corresponding to those quantities.

Article 5

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

It shall apply from 1 July 2001.

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

Done at Brussels, 13 August 2001.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1647/2001**of 13 August 2001****opening the procedure for the allocation of export licences for cheeses to be exported in 2002 to the United States of America under certain quotas resulting from the GATT Agreements**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

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 30 thereof,

Whereas:

- (1) Article 20 of Commission Regulation (EC) No 174/1999 of 26 January 1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 1370/2001 ⁽⁴⁾, provides that export licences for cheese exported to the United States of America as part of the additional quota under the Agreements concluded during the Uruguay Round of multilateral trade negotiations (hereinafter known as 'the Agreements') may be allocated according to a special procedure by which preferred importers in the United States may be designated.
- (2) That procedure should be opened for exports during 2002 and the additional rules relating to it should be determined.
- (3) For the administration of imports the competent authorities in the USA make a distinction between the additional quota granted to the European Community under the Uruguay Round and the quotas resulting from the Tokyo Round. Export licences should be allocated bearing in mind, where necessary, the distribution of certain groups of products according to the nature of the quota.
- (4) In order to provide stability and security for operators lodging demands under this special regime, it is appropriate to fix the day on which applications are deemed to have been lodged for the purposes of Article 1(1) of Regulation (EC) No 174/1999.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

Export licences for products falling within CN code 0406 to be exported in 2002 to the United States of America under the additional quota resulting from the Agreements concluded during the Uruguay Round (hereinafter known as 'the UR quota') and the tariff quotas originally resulting from the Tokyo Round and granted to Austria, Finland and Sweden by the United States of America in Uruguay Round list XX (hereinafter known as 'the TR quota') as referred to in Annex I shall be issued in accordance with the provisions of Article 20 of Regulation (EC) No 174/1999.

Article 2

1. Applications for provisional licences shall be lodged with the competent authorities from 3 to 13 September 2001 at the latest. They shall not be admissible unless they contain all the details referred to in Article 20(2) of Regulation (EC) No 174/1999 and the documents mentioned therein.

2. Where, for the same group of products referred to in Annex I, column 2, the available quantity is divided between the UR quota and the TR quota, licence applications may cover only one of those quotas and must indicate the quota concerned, specifying the identification of the group and of the quota indicated in Annex I, column 3.

3. Licence applications must cover no more than 40 % of the quantity available for the group of products indicated in Annex I, column 4, and for the quota concerned.

4. Applications shall not be admissible unless applicants declare in writing that they have not lodged other applications for the same group of products and the same quota and undertake not to do so. If an applicant lodges different applications for the same group of products and the same quota in one or more Member States, all his applications shall be deemed inadmissible.

5. The details referred to in paragraphs 1 and 2 shall be presented in accordance with the model shown in Annex II.

6. For the purposes of Article 1(1) of Regulation (EC) No 174/1999, all applications lodged within the time limit shall be deemed to have been lodged on 3 September 2001.

⁽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 183, 6.7.2001, p. 18.

Article 3

Member States shall notify the Commission within five working days of the end of the period for lodging applications of the applications lodged for each of the groups of products and, where applicable, the quotas indicated in Annex I. All notifications, including 'nil' notifications, shall be made by telex or fax, on the model form shown in Annex III. Notification shall comprise for each group and, where applicable, for each quota:

- a list of applicants,
- the quantities applied for by each applicant broken down by code of the export refund nomenclature for milk products and by their description in accordance with the Harmonised Tariff Schedule of the United States of America (2001),
- the quantities of those products exported by the applicant during the previous three years,
- the name and address of the importer designated by the applicant and whether the importer is a branch of the applicant.

Article 4

The Commission shall, pursuant to Article 20(3) to (5) of Regulation (EC) No 174/1999, determine the allocation of licences without delay and shall notify the Member States thereof by 31 October 2001 at the latest.

Article 5

The information referred to in Article 3 of this Regulation and in Article 20(2) of Regulation (EC) No 174/1999 shall be verified before the full licences are issued and by 31 December 2001 at the latest.

Where it is found that incorrect information has been supplied by an operator to whom a provisional licence has been issued, the licence shall be cancelled and the security forfeited.

Article 6

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

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

Done at Brussels, 13 August 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Cheese to be exported to the United States of America in 2002 under certain quotas resulting from the GATT Agreements

Article 20 of Regulation (EC) No 174/1999 and Regulation (EC) No 1647/2001

Identification of group in accordance with Additional Notes in Chapter 4 of the Harmonised Tariff Schedule of the United States of America			Quantity available for 2002	Maximum quantity per application
Note No	Group	Identification of group and quota	Tonnes	Tonnes
(1)	(2)	(3)	(4)	(5)
16	Not specifically provided for (NSPF)	16 — Tokyo	908,877	363,550
		16 — Uruguay	2 346,000	938,400
17	Blue Mould	17	300,000	120,000
18	Cheddar	18	1 000,000	400,000
19	American type	19	100,000	40,000
20	Edam/Gouda	20	1 000,000	400,000
21	Italian type	21	700,000	280,000
22	Swiss or Emmenthaler cheese other than with eye formation	22 — Tokyo	393,006	157,202
		22 — Uruguay	380,000	152,000
25	Swiss or Emmenthaler cheese with eye formation	25 — Tokyo	4 003,172	1 601,268
		25 — Uruguay	1 220,000	488,000

ANNEX II

Presentation of details required pursuant to Article 20(2) of Regulation (EC) No 174/1999

Identification of the United States of America quota group applied for

Identification of group and quota referred to in column 3 of Annex I to Regulation (EC) No 1647/2001

Name of group indicated in column 2 of Annex I to Regulation (EC) No 1647/2001:

Origin of quota: Uruguay Round/Tokyo Round ⁽¹⁾

Name/address of applicant	Refund Nomenclature product code	Quantity applied for	Export to the United States of America				Harmonised Tariff Schedule of the USA code	Name/address of designated importer	Importer is branch of applicant Yes No
			1998	1999	2000	Average 1998 to 2000			
	Total								

⁽¹⁾ Delete where applicable.

ANNEX III

Notification by Member State in accordance with Article 3 of Regulation (EC) No 1647/2001

Identification of the United States of America quota group applied for

Identification of group and quota referred to in column 3 of Annex I to Regulation (EC) No 1647/2001

Name of group indicated in column 2 of Annex I to Regulation (EC) No 1647/2001:

Origin of quota: Uruguay Round/Tokyo Round ⁽¹⁾

No	Name/address of applicant	Refund Nomenclature product code	Quantity applied for	Export to the United States of America				Harmonised Tariff Schedule of the USA code	Name/address of designated importer	Importer is subsidiary of applicant	
				1998	1999	2000	Average 1998 to 2000			Yes	No
1											
		Total									
2											
		Total									
3											
		Total									
4											
		Total									

⁽¹⁾ Delete where applicable.

COMMISSION REGULATION (EC) No 1648/2001
of 13 August 2001
amending Regulation (EC) No 690/2001 on special market support measures in the beef sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1512/2001 ⁽²⁾, and in particular Article 38(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 690/2001 of 3 April 2001 on special market support measures in the beef sector ⁽³⁾ lays down in its Article 1 the eligibility criteria to be met for carcasses in order to be accepted under the purchase scheme. The last indent of Article 1(2) provides in particular for the carcasses to be appropriately labelled. As labelling, however, serves no purpose where the meat is intended for destruction after take-over, derogation from this requirement should be provided in such circumstances.
- (2) Article 3(1) and (2) of Regulation (EC) No 690/2001 provides for an amount of EUR 14 per 100 kg to be taken into account when fixing the maximum buying-in price. The experience from the application of the Regulation indicates that that amount is insufficient to cover the net slaughter costs as intended, in particular due to a low value of by-products. The amount should therefore be increased to EUR 18 per 100 kg.
- (3) Article 5(3) of Regulation (EC) No 690/2001 lays down that the price to be paid to the successful tenderer shall be adjusted where carcasses taken over differ from the classification class O. The application of that provision has led to artificially high prices for meat from Category

B animals offered under the scheme. An appropriate amendment should therefore be provided.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 690/2001 is amended as follows:

1. In Article 1 the following paragraph 3 is added:

‘3. Member States may waive the requirement laid down in the last indent of paragraph 2 where the carcasses or half-carcasses concerned are destroyed after take-over.’

2. The amount of ‘EUR 14’ referred to in Article 3(1) and (2) shall be replaced by the amount of ‘EUR 18’.

3. Article 5(3) is replaced by the following text:

‘3. With the exception of carcasses from animals of Category B, where carcasses of classification classes other than O are taken over, the price to be paid to the successful tenderer for the carcasses concerned shall be adjusted by applying the coefficients fixed in Annex IV.’

Article 2

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

It shall apply to quantities awarded under the tender on 27 August 2001 and following tenders.

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

Done at Brussels, 13 August 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 201, 26.7.2001, p. 1.

⁽³⁾ OJ L 95, 5.4.2001, p. 8.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 April 2001

allocating import quotas for substances controlled under Regulation (EC) No 2037/2000 of the European Parliament and of the Council on substances that deplete the ozone layer for the period 1 January to 31 December 2001

(notified under document number C(2000) 4418)

(Only the Spanish, German, Greek, English, French, Italian, Dutch, Portuguese and Swedish texts are authentic)

(Text with EEA relevance)

(2001/628/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer ⁽¹⁾, and in particular to Article 7 thereof,

Whereas:

- (1) Article 7 of Regulation (EC) No 2037/2000 requires that the release for free circulation in the Community of controlled substances imported from third countries shall be subject to quantitative limits. Those limits shall be determined and quotas allocated to undertakings for the period 1 January to 31 December 1999 and for each 12-month period thereafter in accordance with the procedure referred to in Article 18(2). Such quotas shall only be set for methyl bromide and hydrochlorofluorocarbons (HCFCs), and for controlled substances used for essential or critical uses, in quarantine and pre-shipment applications, as feedstock, as process agents or for destruction.
- (2) The quantitative limits for the placing on the market in the Community of controlled substances are set out in Article 4 and Annex III to Regulation (EC) No 2037/2000.

- (3) Any modification of these quantitative limits may not lead to Community consumption of controlled substances exceeding the quantitative limits established according to the Montreal Protocol on substances that deplete the ozone layer.

- (4) Article 4(2) of Regulation (EC) No 2037/2000 defines the total calculated level of methyl bromide which producers and importers may place on the market or use for their own account for a given 12-month period, from 1 January to 31 December 2001.

- (5) Article 4(3) of Regulation (EC) No 2037/2000 defines the total calculated level of CFCS which producers and importers may place on the market or use for their own account for a given 12-month period, from 1 January to 31 December 2001.

- (6) The Commission has published a notice to importers in the European Community of controlled substances that deplete the ozone layer ⁽²⁾ and has thereby received applications for import quotas.

- (7) For non quarantine and pre-shipment uses of methyl bromide, the import quotas are allocated to the primary importers, considered by the Commission to be the importers who deal directly by way of invoicing with the producers outside the Community. A reserve of 5 % of each importers quota of methyl bromide is retained for allocation during 2001 in accordance with the Article 18(2) procedure.

⁽¹⁾ OJ L 244, 29.9.2000, p. 1; as last amended by Regulation (EC) No 2038/2000 (OJ L 244, 29.9.2000, p. 25) and Regulation (EC) No 2039/2000 (OJ L 244 of 29.9.2000, p. 26).

⁽²⁾ OJ C 224, 5.8.2000, p. 3.

- (8) For CFCS the allocation of individual quotas to producers and importers is based on the principles of continuity, equality and proportionality. In establishing quotas, the Commission has been guided by the need to reduce further the production, import and use of ozone-depleting substances and interfering in the market as little as possible.
- (9) It is appropriate to retain part of the total calculated level of HCF that can be placed on the market for allocation to importers in the Community who are not engaged in the production of CFCS. In 1998, 1999 and 2000, the level of imports was 4 % of the total calculated level of CFCS available to be placed on the market. It is appropriate in 2001 to retain 4 % of the total quantity of CFCS available to place on the market for allocation to importers who are not engaged in the production of CFCS. This corresponds to a quantity of 267 ODP tonnes to be allocated based on the relative market quota share in 1999 of those importers who received a quota in that year and also take account of the actual amounts requested.
- (10) Imports for critical uses, feedstock, process agents and destruction are not quota limited under Regulation (EC) No 2037/2000. Quotas for essential uses are authorised by a separate Commission Decision.
- (11) Import licenses shall be issued by the Commission in accordance with Article 6 of the aforesaid Regulation, after verification of compliance by the importer with Articles 6, 7, 8 and 13.
- (12) The release for free circulation in the Community or inward processing of controlled substances imported from any State not Party is prohibited in accordance with Article 8 of Regulation (EC) No 2037/2000.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18(2) of the same Regulation,

HAS ADOPTED THIS DECISION:

Article 1

1. The quantity of controlled substances of group I (chlorofluorocarbons 11, 12, 113, 114 and 115) and group II (other fully halogenated chlorofluorocarbons) subject to Regulation (EC) No 2037/2000 which may be released for free circulation in the European Community in 2001 from sources outside the Community shall be 5 041 176 ODP weighted kilograms.
2. The quantity of controlled substances of group III (halons) subject to Regulation (EC) No 2037/2000 which may be released for free circulation in the European Community in

2001 from sources outside the Community shall be 0 ODP weighted kilograms.

3. The quantity of controlled substances of group IV (carbon tetrachloride) subject to Regulation (EC) No 2037/2000 which may be released for free circulation in the European Community in 2001 from sources outside the Community shall be 4 230 198 ODP weighted kilograms.

4. The quantity of controlled substances of group V (1,1,1-trichloroethane) subject to Regulation (EC) No 2037/2000 which may be released for free circulation in the European Community in 2001 from sources outside the Community shall be 2 000 610 ODP weighted kilograms.

5. The quantity of controlled substances of group VI (methyl bromide) subject to Regulation (EC) No 2037/2000 which may be released for free circulation in the European Community in 2001 from sources outside the Community shall be 4 744 966 ODP weighted kilograms.

6. The quantity of controlled substances of group VII (hydrobromofluorocarbons) subject to Regulation (EC) No 2037/2000 which may be released for free circulation in the European Community in 2001 from sources outside the Community shall be 0 ODP weighted kilograms.

7. The quantity of controlled substances of group VIII (hydrochlorofluorocarbons) subject to Regulation (EC) No 2037/2000 which may be released for free circulation in the European Community in 2001 from sources outside the Community shall be 4 033 726 ODP weighted kilograms.

Article 2

1. The allocation of import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons during the period 1 January to 31 December 2001 shall be for the purposes indicated and to the companies indicated in Annex I hereto.

2. The allocation of import quotas for carbon tetrachloride during the period 1 January to 31 December 2001 shall be for the purposes indicated and to the companies indicated in Annex II hereto.

3. The allocation of import quotas for 1,1,1-trichloroethane during the period 1 January to 31 December 2001 shall be for the purposes indicated and to the companies indicated in Annex III hereto.

4. The allocation of import quotas for methyl bromide during the period 1 January to 31 December 2001 shall be for the purposes indicated and to the companies indicated in Annex IV hereto.

5. The allocation of import quotas for hydrochlorofluorocarbons during the period 1 January to 31 December 2001 shall be to the undertakings indicated in Annex V hereto.

6. The import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115, other fully halogenated chlorofluorocarbons, carbon tetrachloride, 1,1,1-trichloroethane, methyl bromide and hydrochlorofluorocarbons during the period 1 January to 31 December 2001 shall be as set out in Annex VI ⁽¹⁾ hereto.

⁽¹⁾ Annex VI is not published because it contains confidential commercial information.

Article 3

This Decision is addressed to the following undertakings:

DuPont de Nemours (Nederland) BV
Baanhoekweg 22
3313 LA Dordrecht
Nederland

Atofina SA
Cours Michelet — La Défense 10
F-92091 Paris La Défense

Honeywell Fluorine Products Europe BV
Kempenweg 90
Postbus 263
6000 AG Weert
Nederland

Ineos Fluor Ltd
PO Box 13, The Heath
Runcorn Cheshire WA7 4QF
United Kingdom

Rhodia Ltd
PO Box 46 — St Andrews Road
Avonmouth
Bristol BS11 9YF
United Kingdom

Solvay Fluor and Derivate GmbH
Hans-Bröckler-Allee 20
D-30173 Hannover

Ausimont SpA
Viale Lombardia 20
I-20021 Bollate (MI)

Phosphoric Fertilizers Industry SA
Thessaloniki Plant
P.O. Box 10183
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Arch Chemicals NV
Keetberglaan 1/A
Havennummer 1061
B-2070 Zwijndrecht

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Oliemolenstraat 2
9203 ZN Drachten
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Central Road
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Sigma Aldrich Company Ltd
The Old Brickyard
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Zeneca Agrochemicals
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Albemarle Europe SPRL
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F-97219 Fort-de-France (Martinique)

Galco SA
Avenue Carton de Wiart 79
B-1090 Bruxelles

Celotex Limited
Warwick House
27/31 St Mary's Road
Ealing
London W5 5PR
United Kingdom

Gasco NV
Assenedestraat 4
B-9940 Rieme — Ertvelde

Galex SA
B.P. 128
F-13321 Marseille Cedex 16

Guido Tazzetti & Co.
Strada Settimo 266
I-10156 Torino

GU Thermo Technology Ltd
Greencool Refrigerants
Unit 12
Park Gate Business Centre
Chandlers Way
Park Gate
Southampton SO31 1FQ
United Kingdom

HRP Refrigerants Ltd
Gellihirion Industrial Estate
Pontypridd CF37 5SX
United Kingdom

H&H International Ltd
Richmong Bridge House
419 Richmond Road
Richmond TW1 2EX
United Kingdom

Nagase Europe Ltd
Crown House
143 Regent Street
London W1R 4NS
United Kingdom

Universal Chemistry & Technology SpA
Viale A. Filippetti 20
I-20122 Milano

Refrigerant Products Ltd
N9 Central Park Estate
Westinghouse Road
Trafford Park
Manchester M17 1PG
United Kingdom

Promosol
Bld Henri Cahn
B.P. 27
F-94363 Bry-sur-Marne Cedex

SJB Chemical Products BV
Wellerondom 11
3231 XV Brielle
Nederland

Resina Chemie BV
Korte Groningerweg 1A
9607 PS Foxhol
Nederland

Synthesia Española SA
Conde Borrel, 62
E-08015 Barcelona

Polar Cool S.L.
C/Valdemorillo, & Pol. Ind. Ventorro del Cano
E-28925 Alcoron

Neoquímica
Largo da Estação, Apartado 97
Vala do Carregado
P-2584-908 Carregado

Done at Brussels, 30 April 2001.

For the Commission
Margot WALLSTRÖM
Member of the Commission

ANNEX I

GROUPS I and II

Import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons allocated to importers in accordance with Regulation (EC) No 2037/2000 for feedstock uses and for destruction during the period 1 January to 31 December 2001.

Company:

Atofina (F)
Honeywell (NL)
Ineos Fluor Ltd (UK)
Solvay (D)
Zeneca (UK)

ANNEX II

GROUP IV

Import quotas for carbon tetrachloride allocated to importers in accordance with Regulation (EC) No 2037/2000 for use as feedstock for the period 1 January to 31 December 2001.

Company:

Dunlop-Enerka (NL)
Honeywell (NL)
Harlow Chem. (UK)
Ineos Fluor Ltd (UK)
Phosperic Fert. Ind. (GR)

ANNEX III

GROUP V

Import quotas for 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EC) No 2037/2000 for use as feedstock for the period 1 January to 31 December 2001.

Company:

Arch Chemicals (B)

Atofina (F)

Sigma Aldrich (UK)

ANNEX IV

GROUP VI

Import quotas for methyl bromide allocated to importers in accordance with Regulation (EC) No 2037/2000 for non quarantine and pre-shipment uses, for quarantine and pre-shipment applications and for use as feedstock for the period 1 January to 31 December 2001.

Company:

Agroquimicos de Levante (E)

Albemarle (B)

Alfa Agricult. Supplies (GR)

Atofina (F)

Bromine & Chem. (UK)

Biochem Iberica (P)

Eurobrom (NL)

Great Lakes (UK)

Mebrom (B)

Neoquímica (PT)

ANNEX V

GROUP VIII

Import quotas for hydrochlorofluorocarbons allocated to producers and importers in accordance with Regulation (EC) No 2037/2000 for use as feedstock, process agents, for reclamation, for destruction and other uses for the period 1 January to 31 December 2001.

PRODUCER:

Atofina (F)
Ausimont (I)
DuPont de Nemours (NL)
Honeywell (NL)
Ineos Fluor Ltd (UK)
Rhodia (UK)
Solvay (D)

IMPORTER:

AB Ninolab (S)
Alcobre (E)
Asahi Glass (NL)
Caraibes Froids SARL (F)
Celotex (UK)
Galco (B)
Galex (F)
Gasco (B)
Greencool (UK)
Guido Tazzetti (I)
H & H International (UK)
HRP Refrigerants (UK)
Nagase & Co. (UK)
Polar Cool (E)
Promosol (F)
Refrigeration Prod. (UK)
Resina Chemie BV (NL)
SJB Chemical (NL)
Synthesia (E)
Universal Chemistry & Technology (I)

**DECISION No 2/2001 OF THE EC/DENMARK-FAROE ISLANDS JOINT COMMITTEE
of 11 July 2001**

amending Table II of the Annex to Protocol 1 to the Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part

(2001/629/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part ⁽¹⁾ (hereinafter referred to as 'the Agreement'), and in particular Article 34(1) thereof,

Whereas:

- (1) Under the Annex to Protocol 1 to the Agreement, the Community granted tariff concessions for shrimps, prawns and Norway lobsters, prepared or preserved, from the Faroe Islands, subject to an annual tariff quota of 2 000 tonnes.
- (2) The authorities of the Faroe Islands requested that the tariff concessions granted by the Community for those products be increased.
- (3) It is reasonable to authorise such an increase.
- (4) Table II of the Annex to Protocol 1 to the Agreement should be amended to this end,

HAS DECIDED AS FOLLOWS:

Article 1

Table II of the Annex to Protocol 1 to the Agreement shall be amended as follows as regards CN codes 1605 to ex 1605 40 00:

'1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved:		TQ No 4 3 000
1605 20	– Shrimps and prawns:		
1605 20 10	– – In airtight containers	0	
	– – Other:		
1605 20 91	– – – In immediate packings of a net content exceeding 2 kg	0	
1605 90 99	– – – Other:	0	
ex 1605 40 00	– Norway lobsters (<i>Nephrops norvegicus</i>)	0'	

Article 2

This Decision shall enter into force on the first day of the second month following the date of its adoption.

Done at Brussels, 11 July 2001.

For the Joint Committee
The President
Richard VAN RAAN

⁽¹⁾ OJ L 53, 22.2.1997, p. 2.

CORRIGENDA**Corrigendum to Commission Decision 2000/367/EC of 3 May 2000 implementing Council Directive 89/106/EEC as regards the classification of the resistance to fire performance of construction products, construction works and parts thereof**

(Official Journal of the European Communities L 133 of 6 June 2000)

On page 29 in Table 3 of the Annex, in the second line:

for: 'EN 13381-1',

read: 'ENV 13381-1',

and in the sixth line:

for: 'EN 13381-2 to 7',

read: 'ENV 13381-2 to 7'.
