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COUNCIL COMMON POSITION
of 29 July 1999
relating to the European Union's contribution to the promotion of the early entry into force of the
Comprehensive Nuclear Test-Ban Treaty (CTBT)

(1999/533/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

WHEREAS the United Nations General Assembly Resolutions 50/245 of 10 September 1996 called upon all States to sign and thereafter to become parties to the CTBT at the earliest opportunity;

RECALLING the provision in Article XIV.2 of the Treaty for a Conference to be convened, at the request of a majority of the States that have ratified, to examine the extent to which the requirement set out in paragraph 1 of this Article has been met and to consider and decide by consensus what measures consistent with international law may be undertaken to accelerate the ratification process in order to facilitate the early entry into force of this Treaty,

HAS ADOPTED THE FOLLOWING COMMON POSITION:

Article 1

The objective of this Common Position shall be to contribute to the early entry into force of the Comprehensive Nuclear Test-Ban Treaty (CTBT) as an important step to promoting nuclear non-proliferation and disarmament which contribute to international confidence, stability and peace.

Article 2

The European Union shall in particular contribute to a successful outcome of the first conference pursuant to Article XIV of the CTBT, which is expected to take place in Vienna in October 1999, aiming at accelerating the CTBT-ratification process in order to facilitate the early entry into force of the CTBT.

To this end the European Union shall support:

- (a) the convening of the Conference at political level;
- (b) the convening of subsequent conferences as stipulated in Article XIV of the CTBT until the entry into force of the CTBT;
- (c) the broadest participation of States who have ratified or signed the CTBT as well as States that have not yet signed;
- (d) the presence of NGO's at the Conference;
- (e) measures consistent with international law which may be undertaken to accelerate the ratification process in order to facilitate the early entry into force of the CTBT;
- (f) a final declaration of the Conference which would give the necessary political support for efforts to accelerate the ratification process and the early entry into force of the CTBT;
- (g) the identification of possible ways to assist countries in their national ratification and implementation process, including the exchange of information on the establishment of national authorities and implementation legislation.

Article 3

The European Union shall continue to support the efforts of the Preparatory Commission of the CTBT Organisation to establish the CTBT's verification regime in a timely and effective manner and in accordance with the CTBT.

Article 4

The European Union shall encourage all States, which have not yet done so, to sign and ratify the CTBT without delay, in particular those States on the list of 44, whose ratification is necessary for the entry into force of the CTBT.

Article 5

The Council will review the implementation of this Common Position with a view to considering the possibility of further activities to be pursued in order to facilitate the early entry into force of the CTBT.

Article 6

This Common Position shall enter into force on the date of its adoption.

Article 7

This Common Position shall be published in the Official Journal.

Done at Brussels, 29 July 1999.

For the Council

The President

S. HASSI

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1728/1999

of 29 July 1999

imposing a definitive anti-dumping duty on imports of synthetic fibres of polyesters originating in Taiwan and terminating the proceeding in respect of imports of synthetic fibres of polyesters originating in the Republic of Korea

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 and Article 11 thereof,

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

Whereas:

A. PROCEDURE

1. Previous investigations

(a) Taiwan

- (1) In December 1988 the Council, by Regulation (EEC) No 3946/88 ⁽²⁾, imposed definitive anti-dumping duties on imports of synthetic fibres of polyester (hereinafter referred to as 'PSF') originating, *inter alia*, in Taiwan.

Subsequently in September 1990, following a request lodged by the 'Association of Importers of Synthetic Polyester Fibres' as well as a request from exporters in some of the countries concerned, the Commission initiated a review of Regulation (EEC) No 3946/88, in accordance with Article 14 of Regulation (EEC) No 2423/88 ⁽³⁾. As a result of this review, in October 1992 the Council, by Regulation (EEC) No 3017/92 ⁽⁴⁾ modified the anti-dumping duties in force with respect, *inter alia*, to Taiwan.

(b) Republic of Korea

- (2) In January 1993 the Council, by Regulation (EEC) No 54/93 ⁽⁵⁾ imposed definitive anti-dumping duties on imports of PSF originating, *inter alia*, in the Republic of Korea (hereinafter referred to as 'Korea').

(c) Measures in force against other countries

- (3) The Council, by Regulation (EEC) No 3017/92, modified the anti-dumping measures against, *inter alia*, Romania, Turkey, the Republics of Serbia and Montenegro and the former Yugoslav Republic of Macedonia and repealed the measures on imports from Mexico and the United States of America. The anti-dumping measures for the remaining abovementioned countries lapsed on 23 October 1997. Finally, the Council, by Regulation (EC) No 1490/96 ⁽⁶⁾, imposed definitive anti-dumping measures on imports of PSF originating in Belarus. In conclusion, the anti-dumping measures presently in force concern imports originating in Taiwan, Korea and Belarus.

2. Request for review

- (4) Following the publication of two notices of impending expiry of the anti-dumping measures in force on imports of PSF originating, *inter alia*, in Taiwan ⁽⁷⁾ and, *inter alia*, in Korea ⁽⁸⁾, the Commission received, in July and August 1997 respectively, requests to review the measures concerning these two countries pursuant to Article 11(2) of Council Regulation (EC) No 384/96 (hereinafter referred to as the 'Basic Regulation') in respect of the two abovementioned countries.

The requests were lodged by the 'International Rayon and Synthetic Fibres Committee' (IRSFC) acting on behalf of Community producers whose collective output constitutes a major proportion of the total Community production of the product concerned.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 905/1998 (OJ L 128, 30.4.1998, p. 18).

⁽²⁾ OJ L 348, 17.12.1988, p. 49.

⁽³⁾ OJ L 209, 2.8.1988, p. 1.

⁽⁴⁾ OJ L 306, 22.10.1992, p. 1.

⁽⁵⁾ OJ L 9, 15.1.1993, p. 2.

⁽⁶⁾ OJ L 189, 30.7.1996, p. 13.

⁽⁷⁾ OJ C 125, 22.4.1997, p. 4.

⁽⁸⁾ OJ C 213, 15.7.1997, p. 4.

- (5) The requests were based on the grounds that the expiry of the measures would be likely to result in the continuation or recurrence of dumping and injury to the Community industry. Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of a review, the Commission initiated an investigation⁽¹⁾ pursuant to Article 11(2) of the Basic Regulation. Although the requests for expiry reviews were lodged in the framework of two distinct proceedings they concern imports of the same product. Therefore both reviews have been joined for reasons of good administration into one investigation.

3. Investigation

- (6) The Commission officially advised the Community producers supporting the review request, the exporting producers, importers and users known to be concerned as well as the representatives of the exporting countries, and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing.
- (7) The Commission sent questionnaires to the parties known to be concerned and received replies from eight Community producers, from four Taiwanese and five Korean exporting producers. The Commission also sent questionnaires to a large number of economic operators understood to be or to represent purchasers, users and importers of PSF in the Community. Only two user associations replied.
- (8) The Commission sought and verified all information it deemed necessary for the purposes of a determination of dumping, injury and Community interest. Verifications were carried out at the premises of the following companies:

(a) *Exporting producers:*

- TAIWAN
 - Nan Ya Plastics Corporation, Taipei,
 - Shingkong Synthetic Fibres Corporation, Taipei,
 - Tuntex Distinct Corporation, Taipei,
 - Far Eastern Textile Corporation, Taipei;
- KOREA
 - Saehan Industries Inc. (formerly Cheil Synthetics Textiles Inc.), Seoul,
 - Daehan Synthetic Fiber Corporation, Ltd, Seoul,
 - Kohap Ltd, Seoul,
 - Samyang Corporation, Seoul,
 - Sunkyoung Industries Ltd, Seoul;

(b) *Community producers:*

- Hoechst AG, Frankfurt/Main, Germany,
- Tergal, Gauchy, France,

- Montefibre Spa, Milano, Italy,
- Catalana de Polimers, Barcelona, Spain.

- (9) The investigation of dumping covered the period from 1 October 1996 to 30 September 1997 (hereinafter referred to as the 'investigation period' or 'IP'). The examination of the situation of the Community industry covered the period from 1994 up to the end of the investigation period.
- (10) The present review exceeded the period of one year within which it should normally have been concluded pursuant to Article 11(5) of the Basic Regulation, due to the complexity of the investigation, and in particular due to the difficulties in obtaining and assessing data concerning the currency devaluation in the Far East and its impact on the likelihood of continuation or recurrence of injurious dumping.
- (11) All parties concerned were informed of the essential facts and considerations on the basis of which it was intended to recommend the maintenance of the existing measures in respect of imports originating in Taiwan and to terminate the proceeding in respect of imports originating in Korea. They were also granted a period within which to make representations subsequent to these disclosures. The comments of the parties were considered and, where appropriate, the findings have been modified accordingly.

B. PRODUCT CONCERNED AND LIKE PRODUCT

1. Description of the product concerned

- (12) The product concerned by this investigation is the same as in the previous investigations, namely synthetic staple fibres of polyester, not carded, combed or otherwise processed for spinning; it is commonly referred to as polyester synthetic fibres (PSF) and currently classifiable within CN code 5503 20 00.

This product is a basic material used at various stages of the manufacturing process of textile goods, depending on the nature of textiles concerned. Around 60 % of the Community consumption of PSF is used for spinning, that is to say manufacturing filaments for the production of textiles, after mixing or not with other fibres such as cotton or wool. Approximately 25 % is used for filling, that is to say the stuffing or padding of certain textile goods (for example cushions, car seats, jackets) while the remaining 15 % is used as such for other non-woven applications, in particular the production of carpets. The product in question is sold with different quality specifications: the A-grade corresponds to the regular quality, while the substandard grades are denominated as B and C-grades. The investigation showed that only the A-grade quality was exported to the Community. The PSF producers classify the product in different types according to their own criteria, which are mainly based on its application, thickness and length of the fibre.

⁽¹⁾ OJ C 321, 22.10.1997, p. 12.

- (13) Taiwanese exporting producers requested that non-woven and special fibres, i.e. PSF having special features, such as conjugate hollow fibres, low-melt fibres and black fibres should be considered as a product different from the above defined product and excluded from the scope of the present investigation.

However, the investigation showed that, although there are several types of PSF having various features in order to meet specific needs, they have the same basic physical characteristics. In addition, the market of this product is in fact formed by overlapping series of PSF types with no clearly defined boundaries between them.

Accordingly, it was found that any one specific feature did not render the allegedly special PSF different and that, therefore, they all should be covered by the scope of the present proceeding.

All types of PSF were therefore considered as one single product for the purpose of this investigation.

2. Like product

- (14) The investigation showed that the various types of PSF manufactured and sold on the Taiwanese and Korean market, despite minor differences in length, thickness or quality, were alike to the PSF types exported from these countries to the Community, in the meaning of Article 1(4) of the Basic Regulation.
- (15) Taiwanese exporting producers alleged that their exports consisted mainly of non-woven or specialty fiber which are not widely produced by the Community industry and clearly differ in all aspects from the PSF produced by the Community industry, which allegedly consists mostly of regular spinning and hollow fibres. The investigation has shown that specialty fibres represent only a minor part of Taiwanese exports to the Community, while the vast majority of these exports consist of spinning and hollow fiber. Moreover, there is also significant Community production of specialty and non-woven fibres. In any event, as stated in recital 13 it has been established in this investigation that non-woven and specialty fibres form a single product together with the rest of the PSF types.

Consequently, the PSF types exported from Taiwan and Korea to the Community were alike to the PSF types produced by the Community producers and sold within the Community market in the meaning of Article 1(4) of the Basic Regulation.

C. DUMPING AND LIKELIHOOD OF RECURRENCE OF DUMPING

1. Preliminary remarks

- (16) In accordance with Article 11(2) of the Basic Regulation, the purpose of the present review was to determine whether or not the expiry of the measures would lead to a continuation or recurrence of dumping, in particular by examining whether dumping continued to take place after the adoption of anti-dumping measures.

(a) Taiwan

- (17) Out of the five Taiwanese exporting producers who replied to the questionnaire, one declared no exports to the Community for the investigation period and stated its availability to cooperate in the investigation. More-over two exporting producers, Tuntex Distinct Corporation and Shingkong Synthetic Fibres Corporation, had exports to the Community for less than 100 tonnes each during the investigation period. Given the low volume of the exports made by these two Taiwanese companies and hence the lack of representativeness of their corresponding export prices, it has not been considered appropriate to calculate, on this basis, the dumping margin for these two companies.

(b) Korea

- (18) All five Korean exporting producers who replied to the questionnaire had made significant exports of PSF to the Community in the investigation period.

2. Normal value

(a) Taiwan

- (19) For the reasons given in recital 17, normal values have been established only for two Taiwanese exporting producers, which accounted for virtually the totality of the Taiwanese exports of PSF to the Community during the investigation period. In both cases, normal value has been determined for each type of PSF produced by the companies in question and exported to the Community.

In the case of one exporting producer normal value per product type was entirely based on the prices paid in the ordinary course of trade by independent customers in the domestic market with regard to sales made in representative quantities, in accordance with Article 2(1) and 2(2) of the Basic Regulation.

For the other exporting producer it was found that there were no or insufficient domestic sales of the like product in respect of some types of PSF exported to the Community. In these cases, and since prices of the other cooperating exporting producer could not be used, normal value was constructed on the basis of the costs of manufacturing of these types of PSF plus a reasonable

amount for selling, general and administrative cost and for profit, in accordance to Article 2(3) of the Basic Regulation. In order to determine the reasonable amount for selling, general and administrative cost and for profit the actual data pertaining to production and sales, in the ordinary course of trade, of the like product by this exporting producer have been used, in accordance with Article 2(6) of the Basic Regulation. Normal value for the remaining exported product types was based on the prices paid in the ordinary course of trade by independent customers in the domestic market, in accordance with Article 2(1) and 2(2) of the Basic Regulation, since domestic sales both overall and for the types in question were made in representative quantities.

(b) *Korea*

- (20) Normal value was based on the prices paid in the ordinary course of trade by independent customers in the domestic market with regard to sales made in representative quantities, in accordance with Article 2(1)) and 2(2) of the Basic Regulation. For product types which were not sold in representative quantities or not in fine ordinary course of trade on the domestic market, the normal value has been constructed in accordance with Article 2(3) of the Basic Regulation since prices of other cooperating exporting producer could not be used. In this respect, selling, general and administrative costs and profits have been established in accordance to Article 2(6) of the Basic Regulation in the same way as for Taiwan.

3. Export price

- (21) For exporting producers from both countries export prices were established on the basis of the prices actually paid by independent buyers in the Community in accordance with Article 2(8) of the Basic Regulation.

4. Comparison

- (22) For the purpose of ensuring a fair comparison between normal value and export price, account was taken of differences in factors which were claimed and demonstrated to affect comparability in accordance with Article 2(10) of the Basic Regulation. In this respect, adjustments were made for inland and ocean freight, insurance, handling, loading and ancillary costs, credit costs, commissions and import charges.

Two Taiwanese exporting producers submitted and demonstrated that a quantity discount was granted to the domestic customers buying more than a certain volume of PSF per year. These exporting producers alleged that all Community customers benefited from the same discount, though not indicated in the invoice, by reason of their purchase quantities in excess to the quantity above which a discount was granted. Therefore, to ensure a fair comparison, an adjustment corresponding to the discount granted to the large domestic

customers has been claimed for the small domestic customers.

In this respect, it is noted that an adjustment for quantities pursuant to Article 2(10)(c) of the Basic Regulation can only be granted in respect of any price reductions actually given for the purchase of different quantities. Moreover, it was found that not all Community customers purchased a quantity of the product in question in excess to that which would have entitled to the quantity discount during the investigation period. On the contrary, the share of export sales to small customers in the Community was very close to that of domestic sales to small customers, which indicates that both the domestic and the export market, have a similar pattern in terms of customers. Consequently, only the allowance for the quantity discount which was actually granted by the exporting producers to their large domestic customers is justified in view of a fair comparison.

5. Dumping margin

- (23) The weighted average normal value per type of PSF was compared to the weighted average export price of the corresponding type, in accordance with Article 2(11) of the Basic Regulation, on an ex-work basis and at the same level of trade.

The comparison showed the existence of dumping for the two Taiwanese and for four of the Korean exporting producers investigated, the dumping margin being equal to the amount by which normal value, so established, exceeded the price for export to the Community.

- (24) The weighted average dumping margin, as a percentage of the CIF Community-frontier import price, is significant for the two Taiwanese exporting producers, Far Eastern Textile Corporation and Nan Ya Plastics Corporation, covering virtually the total of the Taiwanese exports to the Community. Given the pricing policy followed by the two exporting producers in question it can be concluded that dumping would continue or even increase if the measures would be removed. No dumping margin has been calculated for the other three co-operating Taiwanese exporting producers for the reasons given in recital 17. However, the Commission examined the likelihood of dumping to recur in case the measures were removed. On the basis of the information received from two of the Taiwanese companies representing the great majority of the total sales volume, it has been found that their exports to countries other than the Community are made at dumped prices. As these exports represent the major part of these companies' sales, it can be concluded that given their pricing policy for exports, dumped exports to the Community market are likely to resume should the measures lapse.

- (25) Taiwanese exporting producers submitted that any margin of dumping is offset by the devaluation of the Taiwanese currency (NT\$) against the USD which occurred after the investigation period. It was further alleged that the level of the NT\$ against the USD in the

first quarter 1998 is expected to remain stable for the coming years and that the decrease of the price in USD of PTA, the main raw material for the production of PSF which the companies concerned buy in USD, has more than compensated for the depreciation of the Taiwanese currency against the USD.

The issue was examined. Indeed the depreciation of the NT\$ against the USD, i.e. the currency in which the export prices to the Community are generally denominated, amounted to almost 17 % during the first quarter of 1998 in respect of the average found during the investigation period. However, a recovery of the NT\$ was observed in the rest of 1998 so that the depreciation recorded at the beginning of 1999 was limited to 14 %. Moreover, in the year 2000 a further reduction of the depreciation to less than 10 % (as compared to the level prevailing in the investigation period) is expected according to financial forecasts submitted by the exporting producers. According to the same forecasts this recovery trend of the NT\$ is poised to continue in the following years. Hence, given the fluctuating nature of the depreciation of the NT\$, the argument put forward by the Taiwanese exporting producers cannot be accepted. In any event, it has to be noted that by the very nature of exchange rate changes these can not be foreseen with any reliability and changes that have occurred in the past are not necessarily a guide to the future.

- (26) With regard to Korea, the following should be noted: the measures under review are based on dumping margins determined in the previous investigation and these margins, with the exception of the residual dumping margin, would be considered as *de minimis* under the current Basic Regulation. The level of the original margins was low and that situation has not changed. Indeed, in this investigation, the weighted average dumping margin established, expressed as a percentage of the cif Community frontier import price, was 1,8 %. Finally, no indication was found that the removal of the existing measures would lead to a change of this situation in the foreseeable future. It was therefore concluded that there was no likelihood of recurrence of dumping.

D. COMMUNITY INDUSTRY

- (27) Two of the nine Community producers supporting the review request did not cooperate during the investigation. The investigation showed that the share of the total Community production held by the seven co-operating Community producers supporting the review request, during the investigation period amounted to more than 65 % of total Community production of the product concerned. Therefore, these producers constitute

the Community industry within the meaning of Article 4(1) of the Basic Regulation. Hereinafter, these co-operating Community producers are referred to as the 'Community industry'.

E. ANALYSIS OF THE SITUATION IN THE COMMUNITY MARKET

1. Consumption in the Community

- (28) Community consumption was based on the combined volume of sales into the Community market of the Community industry, sales of the remaining non-cooperating Community producers and Eurostat information on volume of total imports. The volume of sales of the Community producers not co-operating in the proceeding was determined, on the basis of available information, at around 30 % of the total sales of all Community producers.

On the above basis, Community consumption of PSF followed overall a slight decreasing tendency over the period considered: it went from 540 000 tonnes in 1994 to 490 000 tonnes in 1995 and, after a temporary fall back to 460 000 tonnes in 1996, to 520 000 tonnes during the investigation period, which represents an overall decrease of 3 % over the period considered.

2. Imports in the Community from Taiwan and Korea

(a) Imports from Korea

- (29) It was concluded that the situation on the Community PSF market with respect to imports originating in Korea should not be analysed, due to the conclusion reached on dumping and likelihood of recurrence of dumping with regard to these imports.

(b) Volume, value and market share of imports from Taiwan

- (30) The volume of imports from Taiwan increased from around 8 000 tonnes in 1994 to around 27 000 tonnes during the investigation period, representing an increase of around 240 %. The value of imports from Taiwan increased from ECU 9,9 million in 1994 to ECU 29,3 million during the investigation period, representing an increase of 196 %.

In terms of market share, based on total Community consumption, the market penetration of the dumped imports from Taiwan rose from 1,5 % to 5,3 during the investigation period in volume terms — an increase of 253 %.

(c) Prices of imports from Taiwan

- (31) Prices of the imports from Taiwan decreased from 1994 to the investigation period by 14 %. It should be noted that these prices were found to be lower than those of the Community industry over the whole period considered.

(d) Price undercutting of imports from Taiwan

- (32) For the determination of price undercutting, data referring to the investigation period were analysed. Price undercutting was established on the basis of a comparison of the export price with prices charged by the Community industry at the same level of trade. The sales prices of the Community industry considered were those to independent customers, adjusted where necessary to an ex-works level, i.e. excluding transport costs. Adjustments were made to the exporting producers' selling prices (cif Community frontier) to take account of customs and anti-dumping duty paid. All prices were compared after excluding discounts and rebates.

- (33) The results of the comparison (on a weighted-average to weighted-average basis) showed for imports from Taiwan a weighted average price undercutting margin, expressed as a percentage of the Community industry's average selling prices, of 167 %.

This is to be compared with the undercutting found in the previous investigation which ranged from 22 % to 30 % for Taiwan.

The exporting producers' undercutting level, on an average basis, remained important, despite a certain upward effect on import prices of the antidumping measures in force.

3. Economic situation of the Community industry*(a) Preliminary remarks*

- (34) The examination of the situation of the Community industry covers the period from 1994 to the end of the investigation period. It should be noted that during this period anti-dumping measures as mentioned in recital 1 and following were in force with a resulting effect on the Community industry.

(b) Production, capacity and capacity utilisation

- (35) Production of the Community industry decreased during the period considered, going from around 374 000 tonnes in 1994 to around 343 000 tonnes in the investigation period. This decrease reflected the closure of

production facilities of a number of companies of the Community industry. This represents an overall decrease of 8 %. Production levels decreased at a higher rate than Community consumption; which decreased by 3 % during the period considered.

- (36) As regards capacity, it should be noted that the production facilities for PSF are also used in the production of other products not concerned by the present proceedings, e.g. tow and tops. As a consequence, the capacity normally attributed to the production of the product concerned by the Community industry was estimated. It was found that capacity decreased from 432 300 tonnes in 1994 to 401 500 tonnes during the investigation period, which represents a decrease of 7 %. This is broadly in line with the reduction of production as outlined in the preceding recital. The rate of capacity utilisation decreased slightly during the period considered going from 86,6 % in 1994 to 85,7 % in the investigation period.

(c) Sales volume of the Community industry

- (37) The volume of sales of the Community industry on the Community market decreased during the period considered, with the sales levels at 330 000 tonnes in 1994 and 295 000 tonnes in the investigation period. This represents an overall decrease of 11 %. This trend shows that the sales of the Community industry did not follow the trend in consumption, which decreased by 3 % during the period considered.

(d) Market share

- (38) The development of sales volume compared to that of Community consumption shows that the market share held by the Community industry decreased during the period considered. The market share of the Community industry decreased from 61 % in 1994 to 60 % in 1995, 59 % in 1996 and 56 % in the investigation period. The overall loss of market share was five percentage points between 1994 and the investigation period.

(e) Stocks

- (39) Stocks significantly increased by 33 % between 1994 and the investigation period.

(f) Average sales price and price evolution

- (40) The weighted average prices of the product concerned sold by the Community industry on the Community market fluctuated over the period considered, and overall they increased by 3 %.

It should be noted that prices of PSF have been influenced for all operators on the market by the evolution of prices of the basic raw materials like pure terephthalic acid (PTA), dimethylterephthalate (DMT) and glycol, representing about 60 to 70 % of the cost of production of the finished product. Indeed, essentially, due to a worldwide shortage of these raw materials, starting at the end of 1993 and continuing into 1994 and 1995 prices increased, reflected in a corresponding increase in the cost of production. Nevertheless, the trend experienced for the prices of these raw materials reversed from 1995 onwards.

(g) Profitability

- (41) In 1994, the Community industry incurred a weighted average loss of 3,5 %, expressed as a percentage of net sales. Subsequently, the financial situation improved, especially during 1995 (profit of 7,5 %). This resulted partially from the fact that all operators on the Community market were able to raise their prices after an increase in the raw material costs (see recital 40), and the Community industry could improve its financial situation due to a reduction in overhead costs. It should be noted however, that the Community industry showed a downward trend of its financial results, from 1995 onwards, going from a profit of 7,5 % to a profit of 5,6 % in the investigation period.

(h) Investment

- (42) Yearly investments made by the Community industry were important during the period under investigation, going from ECU 58 million in 1994, to ECU 44 million in 1995, with a peak in 1996 of ECU 81 million. During the investigation period investment amounted to ECU 14 million. It should be noted that this significant effort represents, for the most part, investments in replacement machinery as part of an overall-restructuring program.

(i) Employment

- (43) Due to a certain degree of reduction in production capacity and restructuring, employment went down from around 2 300 in 1994 to around 2 000 during the investigation period, i.e. by 9,2 %.

4. Conclusion on the situation of the Community industry

- (44) The above analysis has revealed that the economic indicators such as production, capacity utilisation, sales and stocks continued to show negative trends. Although this has to be seen in the context of slightly contracting

consumption, it has to be borne in mind that the Community industry lost market share during this period. Furthermore, the investigation has shown that the Community industry has suffered significant price pressure and substantial price undercutting has been established for imports originating in Taiwan.

- (45) As far as the financial situation of the Community industry is concerned, it should be noted that profits were made in 1995 after the increase of the prices of the raw material and the initiation of an anti-dumping investigation against imports from Belarus. Nevertheless, the Community industry showed a downward trend of its financial results from 1995 onwards, coinciding with the increased presence of imports from Taiwan filling the vacuum left by imports from Belarus.

- (46) In the light of the foregoing analysis, it was concluded that the Community industry has continued to be in a weak economic situation.

F. LIKELIHOOD OF RECURRENCE OF INJURY

- (47) Further to the analysis of the existence of dumping as well as the likelihood of recurrence of dumping with respect to imports originating in Taiwan and the analysis of the situation of the Community industry, it was examined whether there was a likelihood of recurrence of injury, should the measures applicable to the imports from Taiwan be removed.

1. Analysis of the situation of the exporting country producers concerned

- (48) It has been found that from 1995 to the investigation period total production capacity in Taiwan has increased by 21,3 % i.e. 135 000 tonnes. Taiwanese exporting producers foresee to further increase their production capacity and capacity utilization to a level above 90 % in 1998, leading to a further increase of production of 30 000 tonnes.

- (49) It was also found that the volume of imports originating in Taiwan increased substantially between 1994 and the investigation period (+242 %), despite the anti-dumping measures in force. It should be noted that, between 1995 and 1996, the volume of these imports into the Community almost doubled and between 1994 and the investigation period more than tripled. The corresponding market share increased significantly between 1994 and the investigation period from 1,5 % to 5,3 %. Furthermore, it has been established that during the investigation period these imports were made at prices significantly undercutting (167 %) those of the Community industry.

2. Impact of imports from Taiwan in the absence of anti-dumping measures

- (50) Concerning the recurrence of injurious dumping, it was considered that the prices obtained in the absence of anti-dumping measures would lead to a price undercutting of 24,5 %. The methodology used in order to calculate this figure was the same as that described in recital 32 except that no anti-dumping duty was added to the import price.
- (51) In the light of the above it is expected that imports from Taiwan into the Community will further increase and their prices fall should the anti-dumping measures in force be removed. It was established that even with measures in force the volume of Taiwanese imports increased. Furthermore, it cannot be excluded that, in the absence of measures, the relatively higher price in the Community market would constitute an incentive to redirect exports from Taiwan which at present are shipped to other third countries, into the Community market.
- (52) As far as the profitability level of the Community industry is concerned, two basic hypotheses can be foreseen in the event that anti-dumping measures lapse against imports originating in Taiwan. First, the Community industry would continue to sell at the same prices, resulting in a decrease of its market share with direct consequences, in the long run, on its profitability. Second, the Community industry will drop its prices for some of its sales, where the competition of Taiwan will be most intense, resulting in a decrease of its profitability. It has been estimated that in the first scenario the Community industry would further lose 2,5 % market share, accompanied by a drop in profitability of 9,5 % in the short term. If the Community industry followed the downward trend on prices, profitability would drop from 5,6 % to 2,7 %. Consequently, in each scenario the profitability of the Community industry would suffer from dumped imports originating in Taiwan causing injury.

3. Conclusion on recurrence of injurious dumping

- (53) During the period under investigation prices of dumped imports from Taiwan decreased by 14 %, in a period of time when Community's industry prices increased by 3 %. This had the effect that the market share of imports from Taiwan increased from 1,5 % in 1994 to 5,3 % in the investigation period, i.e. by 253 %. Furthermore, when imports from Taiwan started to fill the vacuum left by Belarus, the financial situation of the Community industry took a downward turn.
- (54) The significant production capacities, some of them only recently installed, in Taiwan, the attractiveness of the prices prevailing on the Community market and the consequent risk of an export drive clearly suggest that

the existing antidumping measures in respect of Taiwan should be maintained to avoid a recurrence of injurious dumping.

G. COMMUNITY INTEREST

1. Introduction

- (55) It should be recalled that in the previous investigations, the adoption of measures was considered not to be against the interest of the Community. Furthermore, it should be noted that the present investigation is a review, thus analysing a situation in which anti-dumping measures have already been in place. Consequently, the timing and nature of the present investigation allows an assessment of any negative undue impact on the parties concerned by the anti-dumping measures imposed.

On this basis it was examined, whether, despite the conclusions on a likelihood of a continuation and recurrence of injurious dumping, it could be clearly be concluded that it is not in the Community interest to maintain measures in this particular case. For this purpose, and pursuant to Article 21(1) of the Basic Regulation, the impact of measures for all parties involved in the proceeding and also the consequences of not maintaining measures against Taiwan was considered.

2. Interest of the Community industry

- (56) The Community industry has for almost a decade been suffering from low priced/dumped imports of PSF. The objective of the anti-dumping measures under review, to re-establish fair competition in the Community market between the Community producers and their exporting counterparts in third countries, has not been fully met as it has been shown above.

The Community industry has been making considerable efforts to improve its productivity in recent years, in an attempt to lower its cost of production and to enhance its competitiveness in this price sensitive market. The Community industry deployed particular efforts of rationalisation during the investigated period. One Community producer shut down two production facilities in an effort to reduce costs and to improve its productivity.

In view of the situation of the Community industry, in particular the fact that it was prevented from fully recovering from the economic difficulties resulting from dumped imports, it is considered that, in the absence of measures, the further deterioration of the situation of the Community industry is quite probable. This could entail a severe reduction in employment and may ultimately lead to a reduction of the number of producers in the Community.

Furthermore, the ongoing restructuring efforts made by the Community industry show that it is not ready to abandon this segment of production. The maintaining of anti-dumping measures would therefore be in the interest of the Community industry.

3. Impact on users

- (57) No Community user answered to the questionnaire sent by the Commission during the current investigation. No evidence was provided on the incidence of the measures in force, in their cost of production. Consequently, no analysis could be carried out concerning the impact of the measures in force on the cost of production of users.
- (58) Two Community user associations submitted information and requested the termination of the measures. In this submissions it was argued that the Community industry was not able to meet the demand. Moreover, certain users of one type of PSF, i.e. fiberfill, informed the Commission that the major Community producer of this type was not in a position to meet their needs. Nevertheless, it seems that no particular shortage occurred on the Community market during the period examined. The aim of anti-dumping measures is not to foreclose the Community market from imports, but rather to level the unfair trade practices and to prevent the distorting effects of dumped and injurious imports. In this specific case, it seems that the measures did not prevent imports to enter the Community market. As it was already mentioned imports from Taiwan increased significantly during the period under investigation.

Furthermore, it was found that, in view of the fact that the Community industry has a significant production capacity, and given the presence of other suppliers located outside of the Community, the risk of a general supply shortage is very low, if not non-existent.

- (59) Furthermore, some interested parties argued that the international competitive position of products incorporating PSF, produced in the Community, is jeopardised by the continuation or re-imposition of the anti-dumping measures. This argument cannot be accepted because PSF used for the production in the Community of products for export can enter the Community without any duty under the inward processing arrangements. Moreover, these interested parties had the opportunity, due to the fact that the anti-dumping measures under review are in force for at least five years, to submit evidence about the incidence of the measures on their cost of production and their international competitiveness, but no information in this respect was received.

On the basis of the above, and since the measures have been in place for a certain period, and would be maintained at the same level, it can be concluded that this would not imply a deterioration, if at all, of the situation of the users.

4. Consequence for competition in the Community market

- (60) It has been claimed that the level of competition on the Community PSF market would be affected by the continuation of the anti-dumping duty since it would create a stronger position for the Community industry.

As far as the competitive environment in the Community market is concerned, the measures in force are not such as to foreclose the Community market to the exporting producers under review. Therefore, they will allow the continued presence of these exporting producers in the market. It should be recalled that the user industries and other economic operators have always enjoyed the presence of a wide range of competitors in the market.

Thus, the benefit of a market driven by a number of suppliers would still be available for users of the product concerned.

5. Conclusion

- (61) On the basis of the above facts and considerations in particular, and having examined the arguments submitted by the Community industry and users associations of the product concerned, it was concluded, that there were no compelling reasons not to maintain the measures in force concerning imports from Taiwan.

H. TERMINATION OF THE PROCEEDING IN RESPECT OF KOREA

- (62) In view of the findings set out above in recital 26, the anti-dumping measures currently in force against Korea are no longer warranted. In accordance with Article 11 in conjunction with Article 9 of the Basic Regulation, where, after consultation, protective measures are unnecessary and there is no objection raised within the Advisory Committee, the investigation or proceeding shall be terminated.
- (63) In the light of the above, the Commission has concluded that the continuation of protective measures currently in force against Korea is unnecessary and that the proceeding should be terminated.

I. ANTI-DUMPING MEASURES

- (64) It follows from the above that, as provided for by Article 11 (2) of the Basic Regulation, the anti-dumping duties on imports of PSF originating in Taiwan imposed by Regulations (EEC) No 3017/92 should be maintained,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of synthetic fibres of polyesters, not carded, combed or otherwise processed for spinning, currently classifiable within CN code 5503 20 00 and originating in Taiwan.

2. The duty, calculated on the basis of the net free-at-Community-frontier price of the product; before duty, shall be 13 % for synthetic fibres of polyesters originating in Taiwan (additional taric code 8195), except for synthetic fibres of polyesters produced by the companies listed below, to which the following rates shall apply:

— Far Eastern Textile Ltd, Taipei (additional taric code 8192)	6,8 %
— Nan Ya Plastics Corporation, Taipei (additional taric code 8193)	5,9 %
— Shingkong Synthetic Fibres Co., Taipei (additional taric code 8194)	13,0 %

Article 2

The anti-dumping proceeding concerning imports of synthetic fibres of polyesters originating in the Republic of Korea is hereby terminated.

Article 3

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

Article 4

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

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

Done at Brussels, 29 July 1999.

For the Council
The President
S. HASSI

COMMISSION REGULATION (EC) No 1729/1999

of 28 July 1999

laying down special measures derogating from Regulations (EEC) No 3665/87 and (EEC) No 3719/88 as regards milk and milk products, beef and veal, pigmeat, eggs, poultrymeat, agricultural products exported in the form of goods not covered by Annex I to the Treaty and certain cereal products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Articles 13(3), 17(14) and 28 thereof, and the corresponding provisions of other Regulations on the common organisation of the market in agricultural products,

(1) Whereas Council Regulation (EEC) No 565/80 ⁽³⁾, as amended by Regulation (EEC) No 2026/83 ⁽⁴⁾ lays down general rules on the advance payment of export refunds in respect of agricultural products;

(2) Whereas Commission Regulation (EEC) No 3665/87 ⁽⁵⁾, as last amended by Regulation (EC) No 604/98 ⁽⁶⁾, lays down common detailed rules for the application of the system of export refunds on agricultural products;

(3) Whereas Commission Regulation (EEC) No 3719/88 ⁽⁷⁾, as last amended by Regulation (EC) No 1127/1999 ⁽⁸⁾, lays down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products;

(4) Whereas Commission Decision 1999/363/EC of 3 June 1999 on protective measures with regards to contamination by dioxins of certain animal products intended for human or animal consumption ⁽⁹⁾ and Commission Decision 1999/368/EC of 4 June 1999 on protective measures with regards to contamination by dioxins of products intended for human consumption derived from bovine animals and pigs ⁽¹⁰⁾, as subsequently modified or replaced, notably provide for the prohibition for certain products to be exported to third countries;

(5) Whereas, following the appearance of contamination of certain products with dioxin, health measures taken by the authorities of certain third countries in respect of exports from the Community have seriously damaged the economic interests of exporters and whereas the situation thus created has adversely affected export possibilities for certain agricultural products;

(6) Whereas it is accordingly necessary to adopt special measures and to extend certain time limits laid down in Regulations (EEC) No 565/80, (EEC) No 3665/87 and (EEC) No 3719/88 so that export operations which have not been completed on account of the abovementioned circumstances can be regularised;

(7) Whereas only those operators who can prove, in particular on the basis of the documents referred to in Article 1(2) of Council Regulation (EEC) No 4045/89 ⁽¹¹⁾, as last amended by Regulation (EC) No 3235/94 ⁽¹²⁾, that they were unable to carry out export operations due to the circumstances referred to above and notably that the licences were requested with a view to exports to those third countries which have taken measures as referred to above, should benefit from the derogations;

(8) Whereas, in the light of developments, this Regulation should enter into force immediately;

(9) Whereas the measures provided for in this Regulation are in accordance with the opinions of all the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall apply to the products listed in:

— Article 1(1) of Regulation (EEC) No 804/68 (milk and milk products),

— Article 1(1) of Regulation (EEC) No 805/68 ⁽¹³⁾ (beef and veal),

⁽¹⁾ OJ L 148, 28.6.1968, p. 13.

⁽²⁾ OJ L 206, 16.8.1996, p. 21.

⁽³⁾ OJ L 62, 7.3.1980, p. 5.

⁽⁴⁾ OJ L 199, 22.7.1983, p. 12.

⁽⁵⁾ OJ L 351, 14.12.1987, p. 1.

⁽⁶⁾ OJ L 80, 18.3.1998, p. 19.

⁽⁷⁾ OJ L 331, 2.12.1988, p. 1.

⁽⁸⁾ OJ L 135, 29.5.1999, p. 48.

⁽⁹⁾ OJ L 141, 4.6.1999, p. 24.

⁽¹⁰⁾ OJ L 142, 5.6.1999, p. 46.

⁽¹¹⁾ OJ L 388, 30.12.1989, p. 18.

⁽¹²⁾ OJ L 338, 28.12.1994, p. 16.

⁽¹³⁾ OJ L 148, 28.6.1968, p. 24.

- Article 1 of Regulation (EEC) No 2759/75 ⁽¹⁾ (pigmeat),
- Article 1(1) of Regulation (EEC) No 2771/75 ⁽²⁾ (eggs),
- Article 1(1) of Regulation (EEC) No 2777/75 ⁽³⁾ (poultrymeat).

2. This Regulation shall also apply to agricultural products exported in the form of goods not covered by Annex I to the Treaty as referred to in Article 1 of Regulation (EC) No 1222/94 ⁽⁴⁾, and to products exported in the form of CN code 2309 as referred to in Annex A to Regulation (EEC) No 1766/92 ⁽⁵⁾.

3. This Regulation shall only apply where the exporters concerned provide proof to the satisfaction of the competent authorities that they have been unable to carry out export operations due to protective measures adopted by the Commission or to health measures adopted by the authorities of the third countries of destination following the appearance of dioxin contamination of certain Community products.

The competent authorities' appraisal shall be based in particular on the commercial documents referred to in Article 1(2) of Council Regulation (EEC) No 4045/89.

Article 2

1. This Article shall apply to products listed in Article 1(1) of Regulation (EEC) No 804/68 (milk and milk products) and to products exported in the form of CN code 2309 as referred to in Annex A to Regulation (EEC) No 1766/92.

2. On application by the titular holder, the validity period of export licences issued pursuant to Commission Regulations (EC) No 1162/95 ⁽⁶⁾, (EC) No 1466/95 ⁽⁷⁾ and (EC) No 174/1999 ⁽⁸⁾ which were applied for by 7 June 1999 at the latest shall be extended by:

- four months for licences for which the validity period expires on 31 May 1999,
- three months for licences for which the validity period expires on 30 June 1999,
- two months for licences for which the validity period expires on 31 July 1999,
- one month for licences for which the validity period expires on 31 August 1999.

3. On application by the exporter and in respect of products for which by 30 June 1999 at the latest customs export formalities were completed, the 60-day time limit for leaving the customs territory of the Community referred to in Article 30(1)(b)(i) of Regulation (EEC) No 3719/88 and in Articles 4(1) and 32(1) of Regulation (EEC) No 3665/87 shall be increased to 150 days.

⁽¹⁾ OJ L 282, 1.11.1975, p. 1.

⁽²⁾ OJ L 282, 1.11.1975, p. 49.

⁽³⁾ OJ L 282, 1.11.1975, p. 77.

⁽⁴⁾ OJ L 136, 31.5.1994, p. 5.

⁽⁵⁾ OJ L 181, 1.7.1992, p. 21.

⁽⁶⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁷⁾ OJ L 144, 28.6.1995, p. 22.

⁽⁸⁾ OJ L 20, 27.1.1999, p. 8.

Article 3

1. This Article shall apply to agricultural products exported in the form of goods not covered by Annex I to the Treaty as referred to in Article 1 of Regulation (EC) No 1222/94.

2. On application by the titular holder, the validity period of advance-fixing certificates issued pursuant to Commission Regulation (EC) No 1223/94 ⁽⁹⁾ which were applied for by 7 June 1999 at the latest and whose validity did not elapse before 31 May 1999, shall be extended to 30 September 1999.

3. On application by the exporter and in respect of goods for which by 30 June 1999 at the latest customs export formalities were completed, or goods and products which were placed under any of the arrangements referred to in Articles 4 and 5 of Regulation (EEC) No 565/80 by 30 June 1999 at the latest, the 60-day time limit for leaving the customs territory of the Community referred to in Article 30(1)(b)(i) of Regulation (EEC) No 3719/88 and in Articles 4(1) and 32(1) of Regulation (EEC) No 3665/87 shall be increased to 150 days.

Article 4

1. This Article shall apply to the products listed in Article 1(1) of the present Regulation other than those covered by Regulation (EEC) No 804/68 (milk and milk products).

2. On application by the titular holder, export licences issued pursuant to Commission Regulations (EC) No 1445/95 ⁽¹⁰⁾ (beef and veal), (EC) No 1370/95 ⁽¹¹⁾ (pigmeat), (EC) No 1371/95 ⁽¹²⁾ (eggs) and (EC) No 1372/95 ⁽¹³⁾ (poultrymeat) which were applied for by 7 June 1999 at the latest, with the exception of licences for which the period of validity expired before 27 May 1999, shall be cancelled and the securities released.

3. On application by the exporter and in respect of products for which by 30 June 1999 at the latest:

- customs export formalities were completed or which were placed under any of the arrangements referred to in Articles 4 and 5 of Regulation (EEC) No 565/80, the 60-day time limit for leaving the customs territory of the Community referred to in Article 30(1)(b)(i) of Regulation (EEC) No 3719/88 and in Articles 4(1) and 32(1) of Regulation (EEC) No 3665/87 shall be increased to 150 days,
- customs export formalities were completed but which have not yet left the customs territory of the Community or which have been placed under any of the arrangements provided for in Articles 4 and 5 of Regulation (EEC) No 565/80 the operator shall reimburse any refund paid in advance and the various securities relating to such operations shall be released,

⁽⁹⁾ OJ L 136, 31.5.1994, p. 33.

⁽¹⁰⁾ OJ L 143, 27.6.1995, p. 35.

⁽¹¹⁾ OJ L 133, 17.6.1995, p. 9.

⁽¹²⁾ OJ L 133, 17.6.1995, p. 16.

⁽¹³⁾ OJ L 133, 17.6.1995, p. 26.

— customs export formalities were completed, which have left the customs territory of the Community and which were subsequently returned and released for free circulation in the Community, the exporter shall reimburse any refund paid in advance and the various securities relating to such operations shall be released.

Article 5

On application by the exporter and by way of derogation from Article 6(1) first subparagraph of Commission Regulation (EEC) No 1964/82 ⁽¹⁾ on special export refunds for certain cuts of boned meat of bovine animals, where customs export formalities or the formalities for placing under any of the arrangements provided for in Articles 4 and 5 of Regulation (EEC) No 565/80 were not completed by 30 June 1999 at the latest for the total quantity of meat given in the certificate referred to in Article 4(1) of Regulation (EEC) No 1964/82 issued before 30 June 1999, the special refund shall be retained by the exporter for the quantities which have been exported and released for consumption in a third country.

The same applies where pursuant to the application of the second and third indent of Article 4(3) of the present Regulation a part of the total quantity given in the certificate referred to in Article 4(1) of Commission Regulation (EEC) No 1964/82 has not been released for consumption in a third country.

Article 6

1. Article 20(3)(a), the 20 % reduction referred to in the second indent of Article 20(3)(b) and the 15 % and 20 % increases referred to respectively in Article 23(1) and the

second subparagraph of Article 33(1) of Regulation (EEC) No 3665/87 shall not apply to exports carried out under cover of licences applied for by 7 June 1999 at the latest.

2. Where the entitlement to the refund is lost, the penalty provided for in Article 11(1)(a) of Regulation (EEC) No 3665/87 shall not apply.

Article 7

Products and goods for which customs export formalities in the Community were completed by 30 June 1999 at the latest may be reintroduced into the customs territory of the Community and placed in a free zone, a free warehouse or a customs warehouse for 120 days, before reaching their final destination, without this calling payment of the refund for the actual final destination or the licence security into question.

Article 8

Member States shall notify the quantities of products covered by each of the measures provided for in this Regulation in accordance with the provisions laid down in the relevant Regulations applicable to the respective products.

Article 9

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

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

Done at Brussels, 28 July 1999.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 212, 21.7.1982, p. 48.

COMMISSION REGULATION (EC) No 1730/1999
of 3 August 1999
opening individual invitations to tender for the sale for export of vinous alcohol

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organisation of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1627/98 ⁽²⁾,

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ⁽³⁾,

- (1) Whereas Commission Regulation (EEC) No 377/93 ⁽⁴⁾, as last amended by Regulation (EC) No 1448/97 ⁽⁵⁾, lays down detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies;
- (2) Whereas individual invitations to tender should be opened for the export of vinous alcohol to certain Caribbean and Central American countries so as to guarantee continuity of supplies to those countries and reduce the Community stock of vinous alcohol;
- (3) Whereas a specific security should be provided for to ensure that the alcohol is physically exported from the customs territory of the Community and non-compliance with the date laid down for export should be progressively penalised; whereas this security must be independent of the performance guarantee ensuring that the alcohol is removed from storage and the awarded alcohol is used for the purposes laid down;
- (4) Whereas since Council Regulation (EC) No 2799/98 of 15 December 1998 on establishing agrimonetary arrangements for the euro ⁽⁶⁾, tender prices and guarantees must be expressed in euro and payments must be made in euro;
- (5) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

Article 1

Five sales by individual invitation to tender Nos 267/99/EC, 268/99/EC, 269/99/EC, 270/99/EC and 271/99/EC shall be held for a total quantity of 500 000 hectolitres of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Italian, French and Spanish intervention agencies.

Each of the individual invitations to tender Nos 267/99/EC, 268/99/EC, 269/99/EC, 270/99/EC and 271/99/EC shall cover a quantity of 100 000 hectolitres of alcohol at 100 % volume.

Article 2

The alcohol offered for sale:

- shall be for export outside the European Community,
- must be imported into and dehydrated in one of the following third countries:
 - Costa Rica,
 - Guatemala,
 - Honduras, including the Swan Islands,
 - El Salvador,
 - Nicaragua,
 - St Kitts and Nevis,
 - Bahamas,
 - Dominican Republic,
 - Antigua and Barbuda,
 - Dominica,
 - British Virgin Islands and Montserrat,
 - Jamaica,
 - Saint Lucia,
 - Saint Vincent, including the Northern Grenadines,
 - Barbados,
 - Trinidad and Tobago,
 - Belize,
 - Grenada, including the Southern Grenadines,
 - Aruba,
 - Netherlands Antilles (Curaçao, Bonaire, Saint Eustace, Saba and the southern part of Saint Martin),
 - Guyana,
 - United States Virgin Islands,
 - Haiti,
- must be used only as motor fuel.

⁽¹⁾ OJ L 84, 27.3.1987, p. 1.

⁽²⁾ OJ L 210, 28.7.1998, p. 8.

⁽³⁾ OJ L 346, 15.12.1988, p. 7.

⁽⁴⁾ OJ L 43, 20.2.1993, p. 6.

⁽⁵⁾ OJ L 198, 25.7.1997, p. 4.

⁽⁶⁾ OJ L 349, 24.12.1998, p. 1.

Article 3

The location and reference numbers of the vats concerned, the quantity of alcohol contained in each vat, the alcoholic strength and the characteristics of the alcohol as well as certain specific conditions are given in Annex I hereto.

Article 4

The sales shall take place in accordance with Articles 13 to 18, 30 to 34 and 36 to 38 of Regulation (EEC) No 377/93, and Article 2 of Regulation (EC) No 2799/98.

However, notwithstanding Article 15 of Regulation (EEC) No 377/93, the final date for the submission of tenders for the invitations to tender referred to in this Regulation, shall fall between the eighth and the 25th day following the date of publication of the individual invitations to tender.

Article 5

1. The tendering security referred to in Article 15 of Regulation (EEC) No 377/93 shall be EUR 362 200 for the total quantity of alcohol offered for sale in each of the invitations to tender referred to in Article 1.

Maintenance of the tender after the time limit for submitting tenders and the lodging of a guarantee to ensure export and of a performance guarantee shall constitute the primary requirements within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽¹⁾ as regards the tendering security.

The tendering security lodged for each of the invitations to tender referred to in Article 1 shall be released immediately if the tender is not accepted or if the successful tenderer had lodged the entire guarantee to ensure export and the entire performance guarantee for the invitation to tender in question.

2. The guarantee to ensure export shall be EUR 5 per hectolitre of alcohol at 100 % volume and shall be lodged for each quantity of alcohol for which there is a removal order under each of the invitations to tender referred to in Article 1 of this Regulation.

This guarantee shall be released only by the intervention agency holding the alcohol for each quantity of alcohol for which proof has been furnished that it has been exported within the time limit laid down in Article 6 of this Regulation. Notwithstanding Article 23 of Regulation (EEC) No 2220/85, and except in cases of *force majeure*, where the time limit referred to in Article 6 has not been complied with, the guarantee to ensure export of EUR 5 per hectolitre of alcohol at 100 % volume shall be forfeit as follows:

- (a) 15 % in all cases;
- (b) 0,33 % of the amount remaining after deduction of the 15 %, for each day the time limit in question is exceeded.

⁽¹⁾ OJ L 205, 3.8.1985, p. 5.

3. The performance guarantee shall be EUR 25 per hectolitre of alcohol at 100 % volume.

This guarantee shall be released in accordance with Article 34(3)(b) of Regulation (EEC) No 377/93.

4. Notwithstanding Article 17 of Regulation (EEC) No 377/93, the guarantees on export and performance shall be lodged simultaneously with each intervention agency concerned, for each of the invitations to tender referred to in Article 1 of this Regulation not later than the day of issue of a removal order for the quantity of alcohol concerned.

Article 6

1. The alcohol awarded under the invitations to tender referred to in Article 1 shall be exported by 31 January 2000 at the latest.

2. The alcohol awarded shall be used within two years from the date of first removal.

Article 7

To be valid, tenders must indicate the place where end use of the alcohol awarded is to take place and must include an undertaking by the tenderer to the effect that the alcohol will be sent to that destination and used for that purpose. The tender shall also include proof that the tenderer has binding commitments with an operator in the motor fuel sector in one of the third countries listed in Article 2 who has undertaken to dehydrate the alcohol awarded in one of those countries and to export it for use solely as motor fuel.

Article 8

1. Before the awarded alcohol is removed, the intervention agency and the successful tenderer shall take a reference sample and shall analyse that sample to verify the alcoholic strength expressed in % volume of the alcohol in question.

Where the final results of the analysis of the sample show a difference between the alcoholic strength by volume of the alcohol to be removed and the minimum alcoholic strength by volume stated in the notice of invitation to tender, the following provisions shall apply:

- (i) the intervention agency shall, the same day, inform the Commission thereof in accordance with Annex II, as well as the storer and the successful tenderer;
- (ii) the successful tenderer may:
 - either agree to take over the lot with its characteristics as established, subject to the Commission's agreement,
 - or refuse to take over the lot in question.

In either case, the successful tenderer shall, the same day, inform the intervention agency and the Commission thereof in accordance with Annex III.

Once these formalities have been completed, if he has refused to take over the lot concerned, he shall be immediately released from all his obligations relating to that lot.

2. Where the successful tenderer refuses the merchandise, as provided for in paragraph 1, the intervention agency shall supply him with another quantity of alcohol of the requisite quality, at no extra charge, within a maximum of eight days.

3. If physical removal of the alcohol is delayed by more than five working days in relation to the date of acceptance of the lot to be removed by the successful tenderer for reasons attributable to the intervention agency, the Member State shall be responsible for the payment of compensation.

Article 9

Notwithstanding the first subparagraph of Article 36(2) of Regulation (EEC) No 377/93, the alcohol contained in the vats indicated in the communication from the Member States referred to in Article 36 of Regulation (EEC) No 377/93 and covered by the invitation to tender referred to in Article 1 of this Regulation may be substituted by alcohol of the same type by the intervention agency holding the alcohol concerned in agreement with the Commission, or mixed with other alcohol delivered to the intervention agency until a removal order is issued for that alcohol, in particular for logistical reasons.

Article 10

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, 3 August 1999.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

INDIVIDUAL INVITATION TO TENDER No 267/1999 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
FRANCE	Port la Nouvelle Av. Adolphe Turrel BP 62 11210 Port la Nouvelle	12	4 894	35 + 36	raw alcohol + 92 %
		1	47 995	35 + 36	raw alcohol + 92 %
		4	47 111	35 + 36	raw alcohol + 92 %
	Total		100 000		

Any interested party may, on application to the intervention agency concerned and on payment of EUR 2,415 per litre, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 100 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered post to the European Commission, rue de la Loi/Wetstraat 200, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the European Commission, rue de la Loi/Wetstraat 130, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 267/1999 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 27 August 1999.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 267/1999 EC;
- (b) specify the price tendered, expressed in euro per hectolitre of alcohol at 100 % vol;

- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.
6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:
- SAV, zone industrielle, avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tel.: (05) 57 55 20 00; telex: 572025; fax: (05) 57 55 20 59).

This security must correspond to a sum of EUR 362 200.

INDIVIDUAL INVITATION TO TENDER No 268/1999 EC**I. Place of storage, volume and characteristics of the alcohol offered for sale**

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Villarrobledo	1	34 297	35 + 36	raw alcohol
	Villarrobledo	2	17 344	35 + 36	raw alcohol
	Villarrobledo	4	25 620	35 + 36	raw alcohol
	Villarrobledo	3	22 739	39	raw alcohol
	Total		100 000		

Any interested party may, on application to the intervention agency concerned and on payment of EUR 2,415 per litre, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 100 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered post to the European Commission, rue de la Loi/Wetstraat 200, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the European Commission, rue de la Loi/Wetstraat 130, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 268/1999 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 27 August 1999.

-
5. Tenders must state the name and address of the tenderer and must:
- (a) include a reference to individual sale by tender No 268/1999 EC;
 - (b) specify the price tendered, expressed in euro per hectolitre of alcohol at 100 % vol;
 - (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.
6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:
- FEGA, Beneficencia 8, E-28004 Madrid (tel.: 913 47 65 00, telex: 23427 FEGA, fax: 915 21 98 32).
- This security must correspond to a sum of EUR 362 200.

INDIVIDUAL INVITATION TO TENDER No 269/1999 EC**I. Place of storage, volume and characteristics of the alcohol offered for sale**

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Villarrobledo	3	19 157	39	raw alcohol
	Villarrobledo	13	35 492	39	raw alcohol
	Villarrobledo	15	30 020	39	raw alcohol
	Tomelloso	5	15 331	35 + 36	raw alcohol
	Total		100 000		

Any interested party may, on application to the intervention agency concerned and on payment of EUR 2,415 per litre, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 100 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered post to the European Commission, rue de la Loi/Wetstraat 200, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the European Commission, rue de la Loi/Wetstraat 130, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 269/1999 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 27 August 1999.

-
5. Tenders must state the name and address of the tenderer and must:
- (a) include a reference to individual sale by tender No 269/1999 EC;
 - (b) specify the price tendered, expressed in euro per hectolitre of alcohol at 100 % vol;
 - (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.
6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:
- FEGA, Beneficencia 8, E-28004 Madrid (tel.: 913 47 65 00, telex: 23427 FEGA, fax: 915 21 98 32).
- This security must correspond to a sum of EUR 362 200.

INDIVIDUAL INVITATION TO TENDER No 270/1999 EC**I. Place of storage, volume and characteristics of the alcohol offered for sale**

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Dist. Bonollo Spa — Anagni Paduni (Fr)		34 000	35	raw alcohol
	Dist. Bonollo Spa — Anagni Paduni (Fr)		16 000	36	raw alcohol
	Dist. Caviro Scrl — Faenza (Ra)		30 000	35	raw alcohol
	Dist. De Luca Spa — Lecce		5 000	35	raw alcohol
	Dist. SVA Spa — Ortona (Ch)		5 000	35	raw alcohol
	Dist. Di Lorenzo — Ponte Valleceppi (Pg)		10 000	35	raw alcohol
	Total		100 000		

Any interested party may, on application to the intervention agency concerned and on payment of EUR 2,415 per litre, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 100 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered post to the European Commission, rue de la Loi/Wetstraat 200, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the European Commission, rue de la Loi/Wetstraat 130, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 270/1999 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 27 August 1999.

5. Tenders must state the name and address of the tenderer and must:
- (a) include a reference to individual sale by tender No 270/1999 EC;
 - (b) specify the price tendered, expressed in euro per hectolitre of alcohol at 100 % vol;
 - (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.
6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:
- AIMA, via Palestro 81, I-00185 Roma (tel.: (6) 47 49 91; telex: 620331/620252/613003; fax: (06) 445 39 40/495 39 40).
- This security must correspond to a sum of EUR 362 200.

INDIVIDUAL INVITATION TO TENDER No 271/1999 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Dist. Cipriani Spa — Chizzola di Ala (Tn)		11 000	35	raw alcohol
	Dist. Mazzari Spa — S. Agata sul Santerno (Ra)		45 000	35	raw alcohol
	Dist. Neri Srl — Faenza (Ra)		27 000	35	raw alcohol
	Dist. Villapana — Villapana (Ra)		12 000	35	raw alcohol
	Dist. Distercoop Srl — Faenza (Ra)		5 000	39	raw alcohol
	Total		100 000		

Any interested party may, on application to the intervention agency concerned and on payment of EUR 2,415 per litre, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 100 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered post to the European Commission, rue de la Loi/Wetstraat 200, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the European Commission, rue de la Loi/Wetstraat 130, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 271/1999 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 27 August 1999.

-
5. Tenders must state the name and address of the tenderer and must:
- (a) include a reference to individual sale by tender No 271/1999 EC;
 - (b) specify the price tendered, expressed in euro per hectolitre of alcohol at 100 % vol;
 - (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.
6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:
- AIMA, via Palestro 81, I-00185 Roma (tel.: (6) 47 49 91; telex: 620331/620252/613003; fax: (06) 445 39 40/495 39 40).
- This security must correspond to a sum of EUR 362 200.
-

ANNEX II

The only telex and fax numbers in Brussels to be used are:

DG VI (E-2) (for the attention of Mr Chiappone/Mr Innamorati):

- telex: 22037 AGREC B,
22070 AGREC B (Greek characters),
- fax: (32 2) 295 92 52.

ANNEX III

**Communication of refusal or acceptance of lots under the individual invitation to tender for the export of
vinous alcohol opened by Regulation (EC) No 1730/1999**

- Name of the successful tenderer:
- Date of award of contract:
- Date of refusal or acceptance of the lot by the successful tenderer:

Lot No	Quantity in hectolitres	Location of alcohol	Reason for refusal or acceptance to take over

COMMISSION REGULATION (EC) No 1731/1999
of 3 August 1999
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,

- (1) Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multi-lateral 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) Whereas, 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 4 August 1999.

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

Done at Brussels, 3 August 1999.

For the Commission

Monika WULF-MATHIES

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 3 August 1999 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	41,8
	999	41,8
0805 30 10	388	62,3
	524	91,1
	528	57,0
	999	70,1
0806 10 10	052	96,9
	388	132,7
	512	41,9
	600	83,0
	624	132,1
	999	97,3
0808 10 20, 0808 10 50, 0808 10 90	388	70,4
	400	65,2
	508	68,6
	512	58,2
	524	48,2
	528	79,6
	800	183,3
	804	85,8
	999	82,4
	052	104,8
0808 20 50	388	72,7
	512	70,0
	528	65,7
	999	78,3
	052	162,1
0809 20 95	400	181,3
	616	210,7
	999	184,7
	052	66,7
0809 30 10, 0809 30 90	999	66,7
	064	58,1
0809 40 05	999	58,1

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2645/98 (OJ L 335, 10.12.1998, p. 22). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1732/1999**of 3 August 1999****fixing, for July 1999, the specific exchange rate for the amount of the reimbursement of storage costs in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organisation of the markets in the sugar sector ⁽¹⁾, as last amended by Commission Regulation (EC) No 1148/98 ⁽²⁾,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽³⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽⁴⁾, as last amended by Regulation (EC) No 1642/1999 ⁽⁵⁾, and in particular Article 1(3) thereof,

- (1) Whereas Article 1(2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conversion rates applicable during the month of storage; whereas that specific rate must be fixed each month for the previous month; whereas, however, in the case of the reimbursable amounts applying from 1 January

1999, as a result of the introduction of the agrimonetary arrangements for the euro from that date, the fixing of the conversion rate should be limited to the specific exchange rates prevailing between the euro and the national currencies of the Member States that have not adopted the single currency;

- (2) Whereas application of these provisions will lead to the fixing, for July 1999, of the specific exchange rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific exchange rate to be used for converting the amount of the reimbursement of the storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 into national currency for July 1999 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 August 1999.

It shall apply with effect from 1 July 1999.

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

Done at Brussels, 3 August 1999.

For the Commission

Monika WULF-MATHIES

Member of the Commission

⁽¹⁾ OJ L 177, 1.7.1981, p. 4.

⁽²⁾ OJ L 159, 3.6.1998, p. 38.

⁽³⁾ OJ L 349, 24.12.1998, p. 1.

⁽⁴⁾ OJ L 159, 1.7.1993, p. 94.

⁽⁵⁾ OJ L 195, 28.7.1999, p. 3.

ANNEX

to the Commission Regulation of 3 August 1999 fixing, for July 1999, the exchange rate for the amount of the reimbursement of storage costs in the sugar sector

Specific exchange rate		
EUR 1 =	7,43835	Danish kroner
	324,922	Greek drachma
	8,74092	Swedish kroner
	0,657140	Pound sterling

COMMISSION REGULATION (EC) No 1733/1999
of 3 August 1999
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, as last amended by Regulation (EC) No 2519/98⁽⁴⁾, and in particular Article 2 (1) thereof,

(1) Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 1692/1999⁽⁵⁾;

(2) Whereas Article 2, (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1692/1999,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1692/1999 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 4 August 1999.

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

Done at Brussels, 3 August 1999.

For the Commission
Monika WULF-MATHIES
Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 160, 26.6.1999, p. 18.

⁽³⁾ OJ L 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 315, 25.11.1998, p. 7.

⁽⁵⁾ OJ L 201, 31.7.1999, p. 7.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	16,19	6,19
	medium quality ⁽¹⁾	26,19	16,19
1001 90 91	Common wheat seed	36,79	26,79
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	36,79	26,79
	medium quality	78,28	68,28
	low quality	91,47	81,47
1002 00 00	Rye	89,51	79,51
1003 00 10	Barley, seed	89,51	79,51
1003 00 90	Barley, other ⁽³⁾	89,51	79,51
1005 10 90	Maize seed other than hybrid	102,80	98,68
1005 90 00	Maize other than seed ⁽³⁾	102,80	98,68
1007 00 90	Grain sorghum other than hybrids for sowing	100,36	90,36

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

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

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

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

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 14 or 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 30 July to 2 August 1999)

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

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	115,73	96,17	94,02	74,80	153,03 (**)	143,03 (**)	79,71 (**)
Gulf premium (EUR/t)	—	6,21	- 4,56	8,04	—	—	—
Great Lakes premium (EUR/t)	16,70	—	—	—	—	—	—

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

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: EUR 13,81/t; Great Lakes — Rotterdam: EUR 25,53/t.

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 19 July 1999

on measures applying to the processing of certain animal waste to protect against transmissible spongiform encephalopathies and amending Commission Decision 97/735/EC

(1999/534/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

Having regard to the proposal of the Commission,

Whereas:

- (1) Council Directive 90/667/EEC ⁽²⁾, lays down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedstuffs of animal or fish origin;
- (2) Commission Decision 92/562/EEC ⁽³⁾, defined alternative systems of heat treatment as provided for in paragraph 6(c) of Chapter II of Annex II to Directive 90/667/EEC;
- (3) In 1994, phase 1 of a scientific study into the physical parameters which must be applied in order to inactivate the agents of bovine spongiform encephalopathy (BSE) and scrapie identified the minimum parameters necessary for inactivation of the BSE agent; it also identified certain processes which were not effective;

- (4) The result of phase 2 of that study showed that only one system tested was capable of fully inactivating the scrapie agent in meat-and-bone meal;

- (5) It is therefore necessary to ensure that systems which have been shown to be ineffective are not used for the processing of mammalian animal waste in order to protect animals from the hazard of spongiform encephalopathy agents in animal feed, unless an effective sterilisation phase is added to the process;

- (6) At its meeting from 1 to 3 April 1996, the Council concluded that a Commission Decision should be adopted under the Standing Veterinary Committee procedure in order to require all animal waste of mammalian origin in the Community to be processed by a method that has been demonstrated as being *de facto* effective for the inactivation of the agents of scrapie and BSE; the only such method at present is the application of heat in a rendering system which achieves a minimum 133 °C at 3 bar for a minimum period of 20 minutes; that method may be applied as the sole process or as a pre- or post-process sterilisation phase;

- (7) The Scientific Steering Committee adopted an opinion on the safety of meat-and-bone meal from mammalian animals, naturally or experimentally susceptible to transmissible spongiform encephalopathies (TSEs) on 26 and 27 March 1998; that opinion has been updated by a scientific report on the safety of meat-and-bone meal derived from mammalian animals fed to non-ruminant food-producing farm animals adopted by the Scientific Steering Committee on 24 and 25 September 1998;

⁽¹⁾ OJ L 224, 18.8.1990, p.29. Directive as last amended by Directive 92/118/EEC (OJ L 62, 15.3.1993, p.49).

⁽²⁾ OJ L 363, 27.12.1990, p.51. Directive as last amended by the 1994 Act of Accession.

⁽³⁾ OJ L 359, 9.12.1992, p. 23. Directive as last amended by the 1994 Act of Accession.

- (8) It is necessary to define the maximum particle size and the minimum time and temperature to be applied in approved systems, in order to ensure that such systems are running in accordance with procedures which have been shown to be effective;
- (9) Specific rules should be laid down on controls on establishments;
- (10) On 12 December 1994 the Scientific Veterinary Committee recommended detailed procedures for the validation of rendering processes; pending a scientific review of those procedures, it is necessary to lay down a list of indicators based, where appropriate, on that scientific recommendation, to be used for the validation of rendering processes in order to ensure that the parameters laid down in this Decision are achieved on a plant-by-plant basis;
- (11) Commission Decision 96/449/EC of 18 July 1996 on the approval of alternative heat treatment systems for processing animal waste with a view to the inactivation of spongiform encephalopathy agents⁽¹⁾ provided that, from 1 April 1997, certain mammalian animal waste which had not been processed in accordance with the standards set out therein should not be fed to animals; recent Community inspections have revealed that there are problems of implementation of that Decision due to difficulties of legal interpretation;
- (12) The Scientific Steering Committee adopted an opinion on the safety of tallow derived from ruminant tissues on 26 and 27 March 1998; in order to take account of that scientific opinion, it is necessary to lay down requirements for the production of rendered fats derived from ruminant tissue; a period of time should be provided for the implementation of those requirements;
- (13) A revision of the Animal Health Code of the *Office International des Epizooties* (OIE) on BSE was adopted in the general assembly of the OIE in Paris on 29 May 1998; Article 3.2.13.3 of that Code recommends that if protein-free tallow (maximum level of impurities of 0,15 % in weight) is derived from healthy animals, veterinary administrations should be able to authorise, without restriction, its import and transit through their territories, regardless of the status of the exporting countries; Article 3.12.13.16 of that Code recommends sourcing and processing conditions which are to be complied with before tallow (other than protein-free tallow) and tallow derivatives (other than protein-free tallow derivatives) can be traded;
- (14) Special uses of animal waste may be exempted from the requirements of this Decision; furthermore, products which will be used for industrial purposes, where it can be assured that they will not be used in any animal feed chain or as fertilisers, may also be exempted from the requirements of this Decision;
- (15) A fundamental reworking of Decision 96/449/EC therefore appears necessary; in the interests of clarity, that Decision should be replaced;
- (16) Commission Decision 97/735/EC of 21 October 1997 concerning certain protection measures with regard to trade in certain types of mammalian animal waste⁽²⁾ should be amended to take account of the provisions of this Decision;
- (17) This Decision should apply without prejudice to Council Decision 98/256/EC⁽³⁾, and Commission Decision 98/653/EC⁽⁴⁾, which lay down specific conditions for the production of amino acids, peptides, tallow and products derived from tallow in the United Kingdom and Portugal;
- (18) This Decision should be without prejudice to the adoption of rules for the organisation of the prevention and control of TSEs;
- (19) The Commission has, by Decision 97/534/EC⁽⁵⁾, prohibited the use of material presenting risks as regards TSEs;
- (20) The Commission has, by Decision 98/272/EC⁽⁶⁾, laid down measures to be applied in cases of animals suspected of having a TSE;
- (21) The Standing Veterinary Committee has not given a favourable opinion,

HAS ADOPTED THIS DECISION:

Article 1

1. This Decision shall apply to the processing of low-risk and high-risk mammalian animal waste within the scope of Directive 90/667/EEC, including mammalian by-products not intended for human consumption derived from the production of products intended for human consumption.

2. Member States shall ensure that all waste to which this Decision applies is processed in accordance with the requirements laid down in Annex I.

3. Paragraph 2 shall not apply to the processing of the following:

- (a) low-risk material within the meaning of Directive 90/667/EEC for the production of petfood;

⁽²⁾ OJ L 294, 28.10.1997, p. 7.

⁽³⁾ OJ L 113, 15.4.1998, p.32. Decision as last amended by Decision 98/692/EC (OJ L 328, 4.12.1998, p. 28).

⁽⁴⁾ OJ L 311, 20.11.1998, p. 23.

⁽⁵⁾ OJ L 216, 8.8.1997, p. 95. Decision as last amended by Decision 98/745/EC (OJ L 358, 31.12.1998, p. 113).

⁽⁶⁾ OJ L 122, 24.4.1998, p. 59.

⁽¹⁾ OJ L 184, 24.7.1996, p. 43.

- (b) animal waste referred to in Article 7(ii) of Directive 90/667/EEC for the feeding of zoo, circus or fur animals, recognised packs of hounds and maggot farming for fishing bait;
 - (c) degreased bones for the production of gelatine;
 - (d) hides and skins for the production of gelatine, collagen and hydrolysed proteins, hooves, horns, hair;
 - (e) glands, tissues and organs for pharmaceutical use;
 - (f) blood and blood products;
 - (g) milk and milk products;
 - (h) non-ruminant waste for the production of rendered fats, excluding greaves derived from such production;
 - (i) low-risk ruminant waste for the production of rendered fats excluding greaves derived from such production;
 - (j) animal waste for the production of products for which it can be assured that they will not enter any human food or animal feed chain and will not be used as fertilisers;
- and, until 1 July 2000,
- (k) high-risk ruminant waste for the production of rendered fats, excluding greaves derived from such production;
 - (l) bones fit for human consumption.

4. Member States which already impose requirements for the processing of waste to which this Decision applies which are more stringent than those provided for in Annex I may maintain their existing requirements.

Article 2

1. Member States shall ensure that all rendered fats derived from ruminant waste are purified in such a way that the maximum levels of remaining total insoluble impurities does not exceed 0,15 % in weight.

2. Article 1(2) and paragraph 1 of this Article shall not apply to the production of rendered fats derived from ruminant waste if they are to be processed by a method which at least meets the standards of one of the processes described in Annex II or it can be assured that they will not enter any human food or animal feed chain.

Article 3

By way of derogation from Article 1(2) and Article 2, Member States may authorise:

- (a) the processing of waste to which this Decision applies by a method which does not meet the requirements set out in Annex I if such processing is followed by a process which meets those requirements or if the resulting proteinaceous

material is destroyed by burial, incineration, burning as fuel or a similar method which ensures safe disposal;

- (b) the production of rendered animal fat derived from high-risk mammalian ruminant waste by a method which does not meet the requirements set out in Annex I or the standards set out in Annex II, if such processing is followed by a process which meets those requirements or standards, or if the resulting rendered fat is destroyed by burial, incineration, burning as fuel or a similar method which ensures safe disposal.

Member States which authorise a method provided for in the first subparagraph shall put in place a system of control to ensure that waste to which this Decision applies which has not been processed in accordance with the requirements set out in Annex I or the standards set out in Annex II cannot enter the animal feed chain and is not used as fertiliser.

Article 4

1. Member States shall ensure that establishments which are approved in accordance with Directive 90/667/EEC and process waste referred to in Article 1(2), other than those establishments which process waste pursuant to Article 1(3) and Article 3(a), operate in accordance with the requirements set out in Annex I and are validated according to the procedures laid down in Annex III.

Member States shall carry out checks on the operation of those establishments at regular intervals. Records of the temperature, pressure and particle size for the establishments must be maintained.

2. In accordance with Article 11 of Directive 90/667/EEC, Member States shall ensure that the list of approved establishments processing animal waste indicates the establishments which operate in accordance with the conditions laid down in this Decision.

Article 5

In Annex II to Decision 97/735/EC, the words 'defined by the Scientific Veterinary Committee' shall be replaced by 'laid down in Annex III to Decision 1999/534/EC'.

Article 6

1. Decision 96/449/EC shall be repealed.

2. References to Decision 96/449/EC shall be construed as references to this Decision. In particular, references to Article 1(2) of the said Decision shall be construed as references to Article 1(3) of this Decision and references to the Annex to Decision 96/449/EC shall be construed as references to Annex I to this Decision.

Article 7

This Decision shall apply from 1 July 1999.

However, Article 2(1) shall apply from 1 January 2000.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 19 July 1999.

For the Council

The President

K. HEMILÄ

ANNEX I

REQUIREMENTS REFERRED TO IN ARTICLE 1(2)

Minimum requirements for the processing of mammalian animal waste:

- | | |
|--|---------------------------------|
| (a) Maximum particle size | 50 mm |
| (b) Temperature | > 133 °C |
| (c) Time | 20 minutes without interruption |
| Pressure (absolute) produced by saturated steam ⁽¹⁾ | ≥ 3 bar |

Processing may be carried out in a batch or a continuous system.

ANNEX II

STANDARDS REFERRED TO IN ARTICLE 2 (2)

1. Transesterification or hydrolysis at at least: 200 °C, under corresponding appropriate pressure for 20 minutes (glycerol, fatty acids and esters);
2. Saponification with NaOH 12M (glycerol and soap):
 - in a batch process: at 95 °C for three hours, or
 - in a continuous process: at 140 °C, 2 bars (2 000 hPa) for eight minutes or equivalent conditions.

⁽¹⁾ 'Saturated steam' means that all air is evacuated and replaced by steam in the whole sterilisation chamber.

ANNEX III

VALIDATION PROCEDURES FOR PLANTS PROCESSING MAMMALIAN ANIMAL WASTE

Validation procedures shall take into account at least the following indicators:

1. Description of the process (by a process flow diagram);
2. Identification of critical control points (CCPs) including the material process rate for continuous system;
3. Compliance with the following process requirements:

(a) Maximum particle size	50 mm maximum
(b) Temperature	> 133 °C
(c) Time	at least 20 minutes without interruption
(d) Pressure (absolute) produced by saturated steam	at least 3 bar
4. Achievement of the requirements laid down in Annex I
 - (a) Particle size for batch-pressure and continuous processes: the particle size is defined by the mincer hole or the anvil gap size
 - (b) Temperature, pressure, processing time and material processing rate (for continuous system only):
 - (i) batch pressure system:
 - the temperature must be monitored with a permanent thermocouple and it must be plotted against real time;
 - the pressure stage must be monitored with a permanent pressure gauge; pressure must be plotted against real time;
 - the processing time must be shown by time/temperature and time/pressure diagrams.
 - At least once a year the thermocouple and the pressure gauge must be calibrated.
 - (ii) continuous pressure system:
 - the temperature and the pressure must be monitored with thermocouples, or an infrared temperature gun, and pressure gauges used at defined positions throughout the process system in such a way that temperature and pressure comply with the conditions set out in Annex I inside the whole continuous system or in a section of it; the temperature and pressure must be plotted against real time,
 - measurement of the minimum transit time inside the whole relevant part of the continuous system where the temperature and pressure comply with the conditions set out in the Annex I, must be provided to the competent authorities, using insoluble markers (i.e. manganese dioxide) or a method which offers equivalent guarantees; accurate measurement and control of the material process rate is essential and must be measured during the validation test in relation to a CCP that can be continuously monitored such as:
 - feed screw revolutions per minute (rev/min), or
 - electric power (amps at given voltage), or
 - evaporation/condensation rate, or
 - number of pump strokes per unit time.

All measuring and monitoring equipment must be calibrated at least once a year.

The validation procedures must be repeated periodically or when it is considered necessary by the competent authority and in any case each time any significant alterations are made to the process (i.e. modification of the machinery, change of raw materials etc.).

COMMISSION

DECISION No 1/1999 OF THE EC-TURKEY CUSTOMS COOPERATION COUNCIL of 28 May 1999

on procedures to facilitate the issue of movement certificates EUR.1 and the making of invoice declarations under the provisions governing preferential trade between the European Union, Turkey and certain European countries

(1999/535/EC)

THE CUSTOMS COOPERATION COMMITTEE,

HAS DECIDED AS FOLLOWS:

Having regard to the Agreement of 12 September 1963 establishing an association between the EEC and Turkey,

TITLE I

GENERAL PROVISIONS

Having regard to Decision No 1/95 of the EC-Turkey Association Council of 22 December 1995 on implementing the final phase of the Customs Union ⁽¹⁾, and in particular Articles 16 and 28 thereof,

Article 1

Use of the supplier's declaration

Whereas both the Community and Turkey have signed preferential agreements with the following European countries: Norway, Switzerland, Iceland, the Czech Republic, Slovakia, Hungary, Poland, Romania, Bulgaria, Slovenia, Lithuania, Latvia and Estonia; whereas those agreements provide for preferential status to be accorded not only to products originating in the Community but to those originating in Turkey;

1. Suppliers of goods to be exported, either in the same state or after further processing, from the Community to Turkey or from Turkey to the Community may furnish a declaration concerning the originating status of the goods supplied in relation to the rules of origin provided for in each agreement concluded by the Community or by Turkey, hereinafter referred to as the 'supplier's declaration'.

2. Supplier's declarations may be used by exporters as evidence, in particular in support of applications for the issue of movement certificates EUR.1 or as a basis for making out invoice declarations.

Whereas the legislation giving effect to the Customs Union does not as a rule require a statement of the origin of goods traded between Turkey and the Community; whereas to enable the terms of the abovementioned agreements to apply in full to such goods where they originate in Turkey or the Community, measures should therefore be taken to allow traders to communicate particulars relating to the origin of those goods whenever necessary, so that proof of origin can be made out;

TITLE II

SUPPLIER'S DECLARATIONS

Article 2

Completion of supplier's declarations

Whereas suppliers of such products should be allowed to furnish proof of origin on the same terms as are laid down in Council Regulation (EEC) No 3351/83 of 14 November 1983 on the procedure to facilitate the issue of movement certificates EUR.1 and the making out of forms EUR.2 under the provisions governing preferential trade between the European Economic Community and certain countries ⁽²⁾,

Except in the cases provided for in Article 3, a separate supplier's declaration shall be furnished by the supplier for each consignment of goods on the commercial invoice related to that consignment or in an annex to that invoice, or on a delivery note or other commercial document related to that consignment which describes the goods concerned in sufficient detail to enable them to be identified. The declaration may be made at any time, even after the goods have been delivered.

⁽¹⁾ OJ L 35, 13.2.1996, p. 1.

⁽²⁾ OJ L 339, 5.12.1983, p. 19.

*Article 3***Long-term supplier's declaration**

1. When a supplier regularly supplies a particular customer with goods whose originating status is expected to remain constant for considerable periods of time, he may provide a single supplier's declaration to cover subsequent shipments of those goods, hereinafter referred as a 'long-term supplier's declaration'.
2. A long term supplier's declaration may normally be given for a period of up to one year from the date of presentation of the declaration. The customs authorities may lay down the conditions under which longer periods may be covered.
3. The supplier shall inform the buyer immediately if the long-term supplier's declaration is no longer valid in relation to the goods supplied.

*Article 4***Form and completion of the supplier's declaration**

1. For originating products, the supplier's declaration shall be given in the form prescribed in Annex I or, for long-term supplier's declarations, in that prescribed in Annex II.
2. The supplier's declaration may be made out on a pre-printed form.
3. The supplier's declaration shall be signed in manuscript.
4. However, where the invoice and the supplier's declaration are made out using electronic data-processing methods, the supplier's declaration need not be signed in manuscript provided that the responsible employee in the supplying company is identified to the satisfaction of the customs authorities in the Member State or in Turkey where the supplier's declarations are established. The said customs authorities may lay down conditions for the implementation of this paragraph.

TITLE III

INFORMATION CERTIFICATES INF 4*Article 5***Use of information certificate INF 4**

1. The customs authorities may request the exporter to produce an information certificate INF 4 to verify the accuracy or authenticity of any supplier's declaration.
2. For this purpose the supplier shall fill out both the information certificate INF 4 and the application form, specimens of which appears in Annex III. These forms shall be completed in one of the official languages of the Community or in the Turkish language in accordance with the provisions of the

domestic law of the issuing country. If they are handwritten, they shall be completed in ink in printed characters. The description of the products must be given in the box reserved for this purpose without leaving any blank lines. Where the box is not completely filled, a horizontal line must be drawn below the last line of the description, the empty space being crossed through.

3. The information certificate shall be issued by the competent customs office after any necessary steps have been taken to verify that information given thereon and on the application made out by the supplier is correct in relation to the goods supplied.
4. The customs authorities shall have the right to call for any documentary evidence or to carry out any check which they consider appropriate in order to verify the correctness of any supplier's declaration or information certificate.
5. The certificate shall be given or sent to the supplier, who shall forward it to the buyer or to the customs office which asked for it.
6. The application form and all documents appended to it shall be kept by the issuing customs office for at least three years.

TITLE IV

TRANSITIONAL PROVISIONS*Article 6*

The provisions on origin rules in agreements concluded by the Community and by Turkey may be applied to goods supplied from Turkey to the Community or from the Community to Turkey before the entry into force of this decision on the basis of supplier's declarations made pursuant to it.

TITLE V

FINAL PROVISIONS*Article 7*

This Decision shall enter in force on the date of its adoption. It shall apply from 1 January 1999.

Done at Urfa, on 28 May 1999.

For the Customs Cooperation Committee

The President

A. WIEDOW

ANNEX I

DECLARATION FOR PRODUCTS HAVING PREFERENTIAL ORIGIN STATUS

1. I, undersigned, declare that the goods listed on this invoice ⁽¹⁾ were produced in	
..... ⁽²⁾ and satisfy the rules of origin governing preferential trade with	
..... ⁽³⁾	
.....	
.....	
I undertake to make available to the customs authorities any further supporting documents they require.	
..... ⁽⁴⁾	 ⁽⁵⁾
	 ⁽⁶⁾

Note:

The text inside the box, suitably completed in accordance with the footnotes below, constitutes the supplier's declaration. The footnotes do not have to be reproduced.

⁽¹⁾ — If the declaration covers only some of the goods listed on the invoice, these should be clearly indicated or marked and the marking entered in the declaration as follows:

'... listed on this invoice and marked ... were produced in ...',

— If a document other than the invoice or an annex to the invoice is used, under Article 2, replace the word 'invoice' with the name of the document concerned.

⁽²⁾ The Community, Member State, Turkey or partner country. Where the country of production is a partner country, state also the customs office holding the proof of origin, its reference number and, if possible, the reference number of the customs declaration.

⁽³⁾ State partner country or countries concerned.

⁽⁴⁾ Place and date.

⁽⁵⁾ Name and function in the company.

⁽⁶⁾ Signature.

ANNEX II

LONG-TERM DECLARATION FOR PRODUCTS HAVING PREFERENTIAL ORIGIN STATUS

I, the undersigned, declare that the goods described below:	
..... ⁽¹⁾	 ⁽²⁾
.....	
.....	
which are regularly supplied to ⁽³⁾ were produced in	
..... ⁽⁴⁾ and satisfy the rules of origin governing preferential trade with	
..... ⁽⁵⁾ .	
This declaration is valid for all further shipments of these products dispatched	
from to ⁽⁶⁾ .	
I undertake to inform ⁽³⁾ immediately if this declaration is no longer valid.	
I undertake to make available to the customs authorities any further supporting documents they require.	
..... ⁽⁷⁾	 ⁽⁸⁾
	 ⁽⁹⁾

Note:

The text inside the box, suitably completed in accordance with the footnotes below, constitutes the supplier's declaration. The footnotes do not have to be reproduced.

⁽¹⁾ Description.

⁽²⁾ Commercial designation as used on the invoices, e.g. model No.

⁽³⁾ Name of the company being supplied.

⁽⁴⁾ The Community, Member State or partner country.

⁽⁵⁾ State partner country or countries concerned.

⁽⁶⁾ Give dates. The period should not normally exceed 12 months, subject to the conditions laid down in Article 3.

⁽⁷⁾ Place and date.

⁽⁸⁾ Name and function, name and address of company.

⁽⁹⁾ Signature.

ANNEX III

INFORMATION CERTIFICATE INF 4 AND APPLICATION FOR AN INFORMATION CERTIFICATE INF 4

Printing instructions

1. Each form shall measure 210×297 mm; a tolerance of up to minus 5 mm or plus 8 mm in the length may be allowed. The paper used must be white, sized for writing, not containing mechanical pulp and weighing not less than 25 g/m².
 2. The competent authorities of the Member States of the Community and of Turkey may reserve the right to print the forms themselves or may have them printed by approved printers. In the latter case, each form must include a reference to such approval. Each form must bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number, either printed or not, by which it can be identified.
-

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 1705/1999 of 30 July 1999 fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

(Official Journal of the European Communities L 201 of 31 July 1999)

On page 52, in the Annex, the table is replaced by the following:

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4(5)(b) of Regulation (EC) No 1222/94	—	0,00
— in all other cases	—	45,89'

Corrigendum to Commission Regulation (EC) No 1708/1999 of 30 July 1999 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty

(Official Journal of the European Communities L 201 of 31 July 1999)

On page 58 replace the text of the last recital shall read as follows:

'(7) Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,'
