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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 467/2001
of 6 March 2001**

prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan, and repealing Regulation (EC) No 337/2000

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Council Common Position 2001/154/CFSP of 26 February 2001 concerning additional restrictive measures against the Taliban and amending Common Position 96/746/CFSP ⁽¹⁾,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 19 December 2000, the United Nations Security Council adopted Resolution 1333 (2000) demanding, *inter alia*, that the Taliban comply with Resolution 1267 (1999), in particular by ceasing to provide sanctuary and training for international terrorists and their organisations and by handing over Usama Bin Ladin to the relevant authorities for trial.
- (2) The Security Council decided, *inter alia*, that the flight ban and the freezing of funds, which were imposed pursuant to its Resolution 1267 (1999), should be strengthened and that a number of additional measures should be applied against the Taliban, in particular on exporting certain goods, a prohibition on providing certain technical advice and training, and the forced closure of Taliban and Ariana Afghan Airlines offices.
- (3) These measures fall under the scope of the Treaty and, therefore, notably with a view to avoiding distortion of competition, Community legislation is necessary to implement the relevant decisions of the Security Council as far as the territory of the Community is concerned. For the purpose of this Regulation, the territory of the Community is deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.

- (4) In order to create maximum legal certainty within the Community, the names and other relevant data with regard to persons, entities and bodies whose funds should be frozen further to a designation by the UN authorities, a description of the territory of Afghanistan under Taliban control as designated by the UN authorities, and the list of organisations and governmental relief agencies that are allowed to execute humanitarian flights to Afghanistan, should be made publicly known and a procedure should be established within the Community to amend these lists.
- (5) The competent authorities of the Member States should, where necessary, be empowered to ensure compliance with the provisions of this Regulation on the freezing of funds and financial resources.
- (6) UN Security Council Resolutions 1267 (1999) and 1333 (2000) provide that the Taliban Sanctions Committee may grant exemptions to the freezing of funds, to the flight ban and to the prohibition to export certain services. Therefore, provision needs to be made to render such exemptions applicable throughout the Community.
- (7) For reasons of expediency, the Commission should be empowered to supplement and/or amend the Annexes to this Regulation on the basis of pertinent notification or information by the UN Security Council, the Taliban Sanctions Committee and the Member States, as appropriate.
- (8) The Commission and the Member States should inform each other of the measures taken under this Regulation and of other relevant information at their disposal in connection with this Regulation, and cooperate with the Taliban Sanctions Committee, in particular by supplying information to it.

⁽¹⁾ OJ L 57, 27.2.2001, p. 1.

- (9) Breaches of this Regulation should be subject to sanctions and Member States should impose appropriate sanctions to that end. It is, moreover, desirable that sanctions for breaches of this Regulation can be imposed as of the date of entry into force of this Regulation and that, if there is *prima facie* evidence, Member States institute proceedings against any persons, entities or bodies under their jurisdiction that have breached any of these provisions.
- (10) For reasons of transparency and simplicity, the interruption or reduction of economic relations with Afghanistan should be governed by one legal instrument. Therefore, the provisions of Council Regulation (EC) No 337/2000 of 14 February 2000 concerning a flight ban and a freeze of funds and other financial resources in respect of the Taliban of Afghanistan⁽¹⁾, should be incorporated in this Regulation, and that Regulation should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

For the purpose of this Regulation:

1. 'Taliban' means: the Afghan faction which also calls itself the Islamic Emirate of Afghanistan;
2. 'Taliban Sanctions Committee' means: the Committee established by United Nations Security Council Resolution 1267 (1999);
3. 'Taliban-controlled Afghanistan' means: the territory of Afghanistan under Taliban control as designated by the Taliban Sanctions Committee and set out in Annex III;
4. 'Funds' means: financial assets and economic benefits of any kind, including, but not necessarily limited to, cash, cheques, claims on money, drafts, money orders and other payment instruments; deposits with financial institutions or other entities, balances on accounts, debts and debt obligations; publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures, derivatives contracts; interest, dividends or other income on or value accruing from or generated by assets; credit, right of set-off, guarantees, performance bonds or other financial commitments; letters of credit, bills of lading, bills of sale; documents evidencing an interest in funds or financial resources, and any other instrument of export-financing;
5. 'Freezing of funds' means: preventing any move, transfer, alteration, use of or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other

change that would enable the use of the funds, including portfolio management.

Article 2

1. All funds and other financial resources belonging to any natural or legal person, entity or body designated by the Taliban Sanctions Committee and listed in Annex I shall be frozen.
2. No funds or other financial resources shall be made available, directly or indirectly, to or for the benefit of, persons, entities or bodies designated by the Taliban Sanctions Committee and listed in Annex I.
3. Paragraphs 1 and 2 shall not apply to funds and financial resources for which the Taliban Sanctions Committee has granted an exemption. Such exemptions shall be obtained through the competent authorities of the Member States listed in Annex II.

Article 3

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy and to the provisions of Article 284 of the Treaty, natural and legal persons, entities and bodies shall:
 - (a) provide immediately any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 2 and exemptions granted by the Taliban Sanctions Committee:
 - to the competent authorities of the Member States listed in Annex II where they are resident or located, and
 - directly or through the competent authorities to the Commission,
 - (b) cooperate with the competent authorities listed in Annex II in any verification of this information.
2. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.
3. Any information directly received by the Commission shall be made available to the competent authorities of the Member States concerned.

Article 4

It shall be prohibited to sell, supply, export or ship, directly or indirectly, the chemical, acetic anhydride (CN 2915 24 00) to any natural or legal person or any entity or body in Taliban-controlled Afghanistan, or to any person, entity or body for the purpose of any business carried on in, or operated from Taliban-controlled Afghanistan.

⁽¹⁾ OJ L 43, 16.2.2000, p. 1. Regulation as amended by Regulation (EC) No 1272/2000 (OJ L 144, 17.6.2000, p. 16).

Article 5

1. Without prejudice to the powers of Member States in the exercise of their public authority, it shall be prohibited to grant, sell, supply or transfer, directly or indirectly, technical advice, assistance or training related to the military activities of armed personnel under the control of the Taliban, to any natural or legal person or any entity or body in Taliban-controlled Afghanistan, or to any person, entity or body for the purpose of any business carried on in, or operated from Taliban-controlled Afghanistan.

2. The prohibition set out in paragraph 1 shall not apply in cases where the Taliban Sanctions Committee has granted an exemption in advance. Such exemptions shall be contained through the competent authorities of the Member States listed in Annex II.

Article 6

1. It shall be prohibited to take off from, land in or fly over the territory of the Community for any aircraft, wherever registered, if that aircraft has taken off from, or is destined to land at, any of the points of entry and landing areas in Taliban-controlled Afghanistan as designated by the Taliban Sanctions Committee and listed in Annex IV.

2. The prohibition in paragraph 1 shall not apply to:

- flights for which the Taliban Sanctions Committee has granted an exemption prior to the execution of the flight concerned. Such exemptions shall be obtained through the competent authorities of the Member States listed in Annex II;
- aircraft executing humanitarian flights operated by, or on behalf of, those organisations and agencies as designated by the Taliban Sanctions Committee and listed in Annex VI.

The organisation or agency responsible for such humanitarian flights, shall notify in advance the relevant competent authority or authorities listed in Annex II of the details of each aircraft and its flight schedule.

3. Notwithstanding paragraph 2, the take-off or landing in the territory of the Community shall be prohibited for any aircraft as designated by the Taliban Sanctions Committee and listed in Annex V, except where the Taliban Sanctions Committee has granted an exemption. Such exemptions shall be obtained through the competent authorities of the Member States listed in Annex II.

Article 7

All offices representing the interests of the Taliban and all offices, branches and subsidiaries of Ariana Afghan Airlines, which is also known as Bakhtar Afghan Airlines, shall be closed.

Article 8

The participation in related activities the object or effect of which it is, directly or indirectly, either to promote the transactions or activities referred to in Articles 2, 4, 5 and 6 or the

operation of the establishments referred to in Article 7, or to circumvent the provisions of this Regulation, either through any natural or legal person, entity or body acting as middleman or front company, or by any other means, shall be prohibited.

Article 9

1. No exemptions other than those referred to in Article 2(3), Article 5, Article 6(2) and (3) may be granted.

2. Exemptions granted by the Taliban Sanctions Committee shall apply throughout the Community.

Article 10

1. The Commission shall be empowered

- to establish Annex III on the basis of determinations made by either the United Nations Security Council or the Taliban Sanctions Committee;
- to amend or supplement Annexes I, III, IV, V and VI on the basis of determinations made by either the United Nations Security Council or the Taliban Sanctions Committee;
- to amend Annex II on the basis of information supplied by the Member States.

2. Without prejudice to the rights and obligations of the Member States under the Charter of the United Nations, the Commission shall maintain all necessary contacts with the Taliban Sanctions Committee for the purpose of the effective implementation of this Regulation.

Article 11

The Commission and the Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgments handed down by national courts.

Article 12

This Regulation shall apply notwithstanding any rights conferred or obligations imposed by any international agreement signed or any contract entered into or any licence or permit granted before the entry into force of this Regulation.

Article 13

1. Each Member State shall determine the sanctions to be imposed where the provisions of this Regulation are infringed. Such sanctions shall be effective, proportionate and dissuasive.

Pending the adoption, where necessary, of any legislation to this end, the sanctions to be imposed where the provisions of this Regulation are infringed, shall be those determined by the Member States in accordance with Article 10 of Regulation (EC) No 337/2000.

2. Each Member State shall be responsible for bringing proceedings against any natural or legal person, entity or body under its jurisdiction, in cases of violation of any of the prohibitions laid down in this Regulation by any such person, entity or body.

Article 14

Regulation (EC) No 337/2000 is hereby repealed and replaced by this Regulation.

Article 15

This Regulation shall apply

- within the territory of the Community, including its airspace,

- on board any aircraft or any vessel under the jurisdiction of a Member State,
- to any person elsewhere who is a national of a Member State, and
- to any legal person, entity or body which is incorporated or constituted under the law of a Member State.

Article 16

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

Articles 4 and 5, shall be applicable as of the date of entry into force of the Commission Regulation establishing Annex III, as provided for in Article 10.

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

Done at Brussels, 6 March 2001.

For the Council

The President

I. THALÉN

ANNEX I

LIST OF PERSONS, ENTITIES AND BODIES REFERRED TO IN ARTICLE 2

A. Persons, entities and bodies associated with the Taliban

- Afghan National Bank, Jada Ibn Sana, Kabul, Afghanistan, including its offices,
- Agricultural Development Bank,
- Ariana Afghan Airlines or Bakhtar Afghan Airlines, Afghan Authority Building, PO Box 76, Ansari Watt, Kabul, Afghanistan, including its offices or subsidiaries (company has accounts with *inter alia* Citibank, New Delhi, India and with Punjab National Bank, New Delhi, India),
- Bakhtar Afghan Airlines, Afghan Authority Building, PO Box 76, Ansari Watt, Kabul, Afghanistan, including its offices or subsidiaries,
- Banke Millie Afghan, Bank E. Millie Afghan or Afghan National Bank, Jada Ibn Sana, Kabul, Afghanistan, including its offices or subsidiaries,
- Da Afghanistan Bank, Bank of Afghanistan, Central Bank of Afghanistan or Afghan State Bank, Ibni Sina Wat, Kabul, Afghanistan, including its offices or subsidiaries,
- De Afghanistan Momtaz Bank,
- Islamic Emirate of Afghanistan,
- Taliban,
- Taliban 'Embassy', Islamabad, Pakistan,
- Taliban 'Consulate General', Karachi, Pakistan,
- Taliban 'Consulate General', Peshawar, Pakistan,
- Taliban 'Consulate General', Quetta, Pakistan,
- Mohammad Omar (Leader of the Faithful or Amir ul-Mumineen), born at Hotak, Kandahar Province, Afghanistan, in 1950,
- Mullah Mohammad Rabbani, Chairman of the Ruling Council, Head of the Council of Ministers,
- Mullah Mohammad Hasan, First Deputy, Council of Ministers; Governor of Kandahar,
- Maulavi Abdul Kabir, Second Deputy, Council of Ministers; Governor of Nangahar Province; Head of Eastern Zone,
- Abdul Wakil Mutawakil, Minister of Foreign Affairs,
- Abdul Rahman Zahed, Deputy Minister of Foreign Affairs,
- Mullah Abdul Jalil, Deputy Minister of Foreign Affairs,
- Mullah Ubaidullah Akhund, Minister of Defence,
- Mullah Abdul Razaq, Minister of Interior Affairs,
- Mullah Khaksar, Deputy Minister of Interior Affairs,
- Mohammad Sharif, Deputy Minister of Interior Affairs,
- Qari Ahmadulla, Minister of Security (Intelligence),
- Mullah Nooruddin Turabi, Minister of Justice,
- Qari Din Mohammad, Minister of Planning,
- Mullah Abbas Akhund, Minister of Health,
- Sher Abbas Stanekzai, Deputy Minister of Health,
- Mullah Yar Mohammad Minister of Communication,
- Alla Dad Tayeb, Deputy Minister of Communication,
- Alhaj Mullah Mohammad Isa Akhund, Minister of Mines and Industries,
- Maulavi Mohammadullah Mati, Minister of Public Works,
- Maulavi Rostam Nuristani, Deputy Minister of Public Works,
- Hafez Mohibullah, Minister of Haj and Religious Affairs,

- Maulavi Moslim Haqqani, Deputy Minister of Haj and Religious Affairs,
- Maulavi Abdul Raqib, Minister of Repatriation,
- Mullah Mohammad Jan Akhund, Minister of Water and Electricity,
- Maulavi Faiz Mohammad Faizan, Deputy Minister of Commerce,
- Maulavi Abdul Hakim Monib, Deputy Minister of Frontier Affairs,
- Qudratullah Jamal, Minister of Information,
- Abdul Rahman Hotak, Deputy Minister of Culture,
- Ramatullah Wahidyar, Deputy Minister for Martyrs and Repatriation,
- Mullah Niaz Mohammad, Governor of Kabul Province,
- Maulavi Khair Mohammad Khairkhwah, Governor of Herat Province,
- Maulavi Nurullah Nuri Governor of Balkh Province; Head of Northern Zone,
- Na'im Kuchi, Governor of Bamiyan Province,
- Maulavi Shafiqullah Mohammadi, Governor of Khost Province,
- Maulavi Ahmad Jan, Governor of Zabol Province,
- Mullah Dost Mohammad, Governor of Ghazni Province,
- Noor Mohammad Saqib, Chief Justice of Supreme Court,
- Abdul Rahman Agha, Chief Justice of Military Court,
- Maulavi Qalamuddin, Head of Department of Preventing Vice and Propagating Virtue,
- Abdul Salam Zaeef, Taliban Ambassador to Pakistan,
- Abdul Hakim Mujahid, Taliban envoy to the United Nations,
- General Rahmatullah Safi, Taliban representative in Europe,
- Akhtar Mohammad Mansour, Head of Aviation,
- Mullah Hamidullah, Head of Ariana Airlines,
- Alhaj Mullah Sadrudin, Mayor of Kabul City,
- Amir Khan Muttaqi, Taliban representative in UN-led talks,
- Jan Mohammad Madani, Charge d'Affaires, Taliban Embassy, Abu Dhabi,
- Shamsalah Kmalzada, Second Secretary, Taliban Embassy, Abu Dhabi,
- Azizirahman, Third Secretary, Taliban Embassy, Abu Dhabi,
- Mawlawi Abdul Manan, Commercial Attache, Taliban Embassy, Abu Dhabi,
- Malawi Abdul Wahab, Taliban Charge D'Affaires in Riyadh, Saudi Arabia,
- Mullah Abdul Salam Zaeef, Ambassador Extraordinary & Plenipotentiary, Taliban 'Embassy', Islamabad, Pakistan,
- Habibullah Fauzi, First Secretary/Deputy Head of Mission, Taliban 'Embassy', Islamabad, Pakistan,
- Mohammad Sohail Shaheen, Second Secretary, Taliban 'Embassy', Islamabad, Pakistan,
- Mohammad Sarwar Siddiqmal, Third Secretary, Taliban 'Embassy', Islamabad, Pakistan,
- Mullah Mohammad Zahid, Third Secretary, Taliban 'Embassy', Islamabad, Pakistan,
- General Abdul Qadeer, Military Attache, Taliban 'Embassy', Islamabad, Pakistan,
- Maulavi Nazirullah Anafi, Commercial Attache, Taliban 'Embassy', Islamabad, Pakistan,
- Maulavi Abdul Ghafar Qurishi, Repatriation Attache, Taliban 'Embassy', Islamabad, Pakistan,
- Mohammad Daud, Administrative Attache, Taliban 'Embassy', Islamabad, Pakistan,
- Maulavi Najibullah, Consul General, Taliban 'Consulate General', Peshawar, Pakistan,
- Qari Abdul Wali, First Secretary, Taliban 'Consulate General', Peshawar, Pakistan,
- Syed Allamuddin, Second Secretary, Taliban 'Consulate General', Peshawar, Pakistan,
- Maulavi Akhtar Mohammad, Education Attache, Taliban 'Consulate General', Peshawar, Pakistan,
- Alhaj Maulavi Mohammad Saddiq, Trade Representative, Taliban 'Consulate General', Peshawar, Pakistan,

- Maulavi Rahamatullah Kakazada, Consul General, Taliban 'Consulate General', Karachi, Pakistan,
- Mufti Mohammad Aleem Noorani, First Secretary, Taliban 'Consulate General', Karachi, Pakistan,
- Haji Abdul Ghafar Shenwary, Third Secretary, Taliban 'Consulate General', Karachi, Pakistan,
- Maulavi Gul Ahmad Hakimi, Commercial Attache, Taliban 'Consulate General', Karachi, Pakistan,
- Maulavi Abdullah Murad, Consul General, Taliban 'Consulate General', Quetta, Pakistan,
- Maulavi Abdul Haiy Aazem, First Secretary, Taliban 'Consulate General', Quetta, Pakistan,
- Maulavi Hamdullah, Repatriation Attache, Taliban 'Consulate General', Quetta, Pakistan.

B. Persons, entities and bodies associated with Mr Usama bin Laden

- Al-Qaida organisation,
 - Usama Bin Muhammad Bin Awad Bin Laden (aka Abu Abdallah Abd Al-Hakim). Born 28.7.1957, Saudi Arabia. Saudi citizenship withdrawn, now officially an Afghan national,
 - Muhammad 'Atif (aka Abu Hafis). Born (probably) 1944, Egypt. Thought to be an Egyptian national. Senior lieutenant to Usama bin Laden,
 - Aiman Muhammad Rabi Al-Zawahiri. Born 19.6.1951, Giza, Egypt. Thought to be an Egyptian national. Former leader of the Egyptian Islamic Jihad, now a close associate of Usama bin Laden,
 - Sa'd Al-Sharif. Born c. 1969, Saudi Arabia. Brother-in-law and close associate of Usama bin Laden. Said to be head of Usama bin Laden's financial organisation,
 - Saif Al-'Adil. Born c. 1963, Egypt. Thought to be an Egyptian national. Responsible for Usama bin Laden's security,
 - Amin Al-Haq (aka Muhammad Amin). Born c. 1960, Nangahar province, Afghanistan. Afghan national. Security coordinator for Usama bin Laden,
 - Ahmad Sa'id Al-Kadr (aka Abu Abd Al-Rahman Al-Kanadi). Born 1.3.1948, Cairo, Egypt. Thought to be an Egyptian and Canadian national,
 - Zain Al-Abidin Muhahhad Husain (aka Abu Zubaida and Abd Al-Hadi Al-Wahab). Born 12.3.1971, Riyadh, Saudi Arabia. Thought to be a Saudi, Palestinian and Jordanian national. Close associate of Usama bin Laden and facilitator of terrorist travel,
 - Saqar Al-Jadawi. Born c. 1965. Thought to be a Yemeni and Saudi national. Aide to Usama bin Laden,
 - Bilal Bin Marwan. Born c. 1947. Senior lieutenant of Usama bin Laden.
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ANNEX II

LIST OF COMPETENT AUTHORITIES REFERRED TO IN ARTICLE 3(1) AND (3), ARTICLE 5 and ARTICLE 6(2) and (3)**A. Freezing of funds**

BELGIUM

Ministère des finances
Trésorerie
avenue des Arts 30
B-1040 Bruxelles
Fax (32-2) 233 75 18

DENMARK

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

GERMANY

1. *For examinations of the status of banks*

Landeszentralbank in Baden-Württemberg
Postfach 10 60 21
D-70049 Stuttgart
Tel. 07 11/9 44-11 20/21/23
Fax. 07 11/9 44-19 06

Landeszentralbank in Freistaat Bayern
D-80291 München
Tel. 0 89/280 89-32 64
Fax. 0 89/28 89-38 78

Landeszentralbank in Berlin und Brandenburg
Postfach 11 01 60
D-10831 Berlin
Tel. 0 30/34 75/11 10/15/20
Fax. 0 30/34 75/11 90

Landeszentralbank in der Freien Hansestadt Hamburg, in Mecklenburg-Vorpommern und Schleswig-Holstein
Postfach 57 03 48
D-22772 Hamburg
Tel. 0 40/37 07/66 00
Fax. 0 40/37 07-66 15

Landeszentralbank in Hessen
Postfach 11 12 32
D-60047 Frankfurt am Main
Tel. 0 69/23 88-19 20
Fax. 0 69/23 88-19 19

Landeszentralbank in der Freien Hansestadt Bremen, in Niedersachsen und Sachsen-Anhalt
Postfach 2 45
D-30002 Hannover
Tel. 05 11/30 33-27 23
Fax. 05 11/30 33-27 30

Landeszentralbank in Nordrhein-Westfalen
Postfach 10 11 48
D-40002 Düsseldorf
Tel: 02 11/8 74-23 73/31 59
Fax: 02 11/8 74-23 78

Landeszentralbank in Rheinland-Pfalz und im Saarland
Postfach 30 09
D-55020 Mainz
Tel: 0 61 31/3 77-4 10/4 16
Fax: 0 61 31/3 77-4 24

Landeszentralbank in den Freistaaten Sachsen und Thüringen
Postfach 90 11 21
D-04103 Leipzig
Tel. 03 41/8 60-22 00
Fax. 03 41/8 60-23 89

2. For examinations of the status of persons, entities and bodies other than banks

Bundesamt für Wirtschaft und Ausfuhrkontrolle
Referat 214
Postfach 51 60
D-65726 Eschborn
Tel. 0 61 96/9 08-0
Fax. 0 61/96/9 08-4 12

GREECE

Ministry of National Economy
Secretariat-General for International Economic Relations
Directorate-General for External Economic and Trade Relations
Director General Mr V. Kanellakis
Ermou and Kornarou 1
GR-105 63 Athens
Tel. (31) 328 64 01-3
Fax (31) 328 64 04

SPAIN

Dirección General de Comercio e Inversiones
Subdirección General de Inversiones Exteriores
Ministerio de Economía
Paseo de la Castellana, 162
E-28046 Madrid
Tel. (00-34) 913 49 39 83
Fax (00-34) 913 49 35 62

Dirección General del Tesoro y Política Financiera
Subdirección General de Inspección y Control de Movimientos de Capitales
Ministerio de Economía
Paseo del Prado, 6
E-28014 Madrid
Tel. (00-34) 912 09 95 11
Fax (00-34) 912 09 96 56

FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction du Trésor
Service des affaires européennes et internationales
Sous-direction E
139, rue de Bercy
F-75572 Paris-cedex 12
Tel. (33-1) 44 87 17 17
Fax (33-1) 53 18 36 15

IRELAND

Central Bank of Ireland
Financial Markets Department
P.O. Box 559
Dame Street
Dublin 2
Tel. (353-1) 671 66 66

Department of Foreign Affairs
Bilateral Economic Relations Section
76-78 Harcourt Street
Dublin 2
Tel. (353-1) 408 24 92

ITALY

Ministero del Commercio Estero
Direzione Generale per la Politica Commerciale e per la Gestione del Regime degli Scambi
Divisione IV
Viale America, 341
I-00144 Roma
Tel: (39-06) 59 93 24 39
Fax: (39-06) 59 64 75 06

LUXEMBOURG

Ministère des affaires étrangères et du commerce extérieur
Direction des relations économiques internationales
BP 1602
L-1016 Luxembourg
Tel. (352) 478-1 ou 478-2370
Fax (352) 46 61 38

NETHERLANDS

Ministerie van Financiën
Directie Wetgeving, Juridische en Bestuurlijke Zaken
Postbus 20201
2500 EE Den Haag
Nederland
Tel. (31-70) 342 82 27
Fax (31-70) 342 79 05

AUSTRIA

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Abteilung II/A/2
Landstrasser Hauptstraße 55-57
A-1030 Wien

Österreichische Nationalbank
Otto Wagner-Platz 3
A-1090 Wien
Tel. (43-1) 404 20-0
Fax. (43-1) 404 20-73 99

PORTUGAL

Ministério das Finanças
Direcção Geral dos Assuntos Europeus e Relações Internacionais
Avenida Infante D. Henrique, n.º 1, C 2.º
P-1100 Lisboa
Tel. (351-1) 882 32 40/47
Fax (351-1) 882 32 49
E-mail. dgaeri@mfinancas,mailpac.pt

FINLAND

Ulkoasiainministeriö/Utrikesministeriet
PL-PB 176
SF-00161 Helsinki/Helsingfors
Tel. (358-9) 13 41 51
Fax. (358-9) 13 41 57 07 and (358-9) 62 98 40

SWEDEN

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

UNITED KINGDOM

HM Treasury
19 Allington Towers
London SW1E 5EB
United Kingdom
Tel: (44-207) 270 55 50
Fax: (44-207) 270 43 65

Bank of England
Financial Sanctions Unit
London EC2R 8AH
United Kingdom
Tel. (44-207) 601 46 07
Fax (44-207) 601 43 09

EUROPEAN COMMUNITY

Commission of the European Communities
Directorate-General for External Relations
Directorate CFSP
Unit A.2/Mr A. de Vries
Rue de la Loi/Wetstraat 200
B-1049 Bruxelles/Brussel
Tel.: (32-2) 295 68 80
Fax: (32-2) 296 75 63
E-mail: anthonius-de-vries@cec.eu.int

B. Export prohibitions

BELGIUM

DENMARK

GERMANY

GREECE

SPAIN

Dirección General de Comercio e Inversiones
Subdirección General de Inversiones Exteriores
Ministerio de Economía
Paseo de la Castellano, 162
E-28046 Madrid
Tel. (00-34) 913 49 39 83
Fax (00-34) 913 49 35 62

FRANCE

Direction générale des douanes et droits indirects (DGDDI)
bureau E/2 — cellule embargo
23 bis rue de l'Université
F-75 700 Paris cedex 07 SP
Tel.: (33) 01 44 74 48 93
Fax: (33) 01 44 74 48 97

IRELAND

Licensing Unit
Department of Enterprise, Trade and Employment
3rd Floor, Earlsfort Centre
Earlsfort Terrace
Dublin 2
Tel.: (353-1) 631 2121
Fax: (353-1) 631 2562

ITALY

LUXEMBOURG

Ministère des affaires étrangères et du commerce extérieur
Direction des relations économiques internationales
BP 1602
L-1016 Luxembourg
Tel. (352) 478-1 ou 478-2370
Fax (352) 46 61 38

NETHERLANDS

AUSTRIA

PORTUGAL

FINLAND

SWEDEN

UNITED KINGDOM

EUROPEAN COMMUNITY

Commission of the European Communities
Directorate-General for External Relations
Directorate CFSP
Unit A.2/Mr A. de Vries
Rue de la Loi/Wetstraat 200
B-1049 Bruxelles/Brussel
Tel.: (32-2) 295 68 80
Fax: (32-2) 296 75 63
E-mail: anthonius-de-vries@cec.eu.int

C. Flight ban

BELGIUM

Ministère des communications et de l'infrastructure
Administration de l'aéronautique
Centre Communications Nord — 4^e étage
Rue du Progrès 80
Boîte 5
B-1030 Bruxelles
Tel. (32-2) 206 32 00
Fax (32-2) 203 15 28

DENMARK

Civil Aviation Administration
Luftfartshuset
Box 744
Ellebjergervej 50
DK-2450 København
Tel. (45) 36 44 48 48
Fax (45) 36 44 03 03

GERMANY

Generaldirektor für Luft- und Raumfahrt, Schifffahrt
Bundesministerium für Verkehr, Bau und Wohnungswesen
Postfach 200 100
D-53170 Bonn
Tel. (49-228) 300 45 00
Fax (49-228) 300 45 99

GREECE

Ministry of Transport and Communications
Hellenic Civil Aviation Authority
PO Box 73 751
GR-16604 Helliniko
Tel. (30-1) 894 42 63
Fax (30-1) 894 42 79

SPAIN

Dirección General de Aviación Civil
Ministerio de Fomento
Paseo de la Castellana, 67
E-28071 Madrid
Tel. (34-91) 597 70 00
Fax (34-91) 597 53 57

FRANCE

Ministère de l'équipement, des transports et du logement
Direction générale de l'aviation civile
Direction des transports aériens
50, rue Henri Farman
F-75720 Paris cedex 15
Tel. (33-1) 58 09 43 21
Fax (33-1) 58 09 36 36

IRELAND

Director General for Civil Aviation
Department of Public Enterprise
44, Kildare Street
Dublin 2
Ireland
Tel. (353-1) 604 10 36
Fax (353-1) 604 11 81

ITALY

Ente Nazionale per l'Aviazione Civile (ENAC)
Via di Villa Ricotti 42
I-00161 Roma
Tel. (39-06) 44 18 52 08/44 18 52 09
Fax (39-06) 44 18 53 16

LUXEMBOURG

Directeur de l'aviation civile
Ministère des transports
19-21, boulevard Royal
L-2938 Luxembourg
Tel. (352) 478 44 12
Fax (352) 46 77 90

NETHERLANDS

Ministry of Transport, Public Works and Water Management
Directorate General of Civil Aviation
Plesmanweg 1-6
PO Box 90771
2509 LT Den Haag
Netherlands
Tel. (31-70) 351 72 45
Fax (31-70) 351 63 48

AUSTRIA

Bundesministerium für Wissenschaft und Verkehr
Zentralsektion Verkehr, Luftfahrt
Radetzkystrasse 2
A-1030 Wien
Tel. (43-1) 711 62 70 00
Fax (43-1) 711 62 70 99

PORTUGAL

Instituto Nacional da Aviação Civil
Ministério do Equipamento Social
Rua B, edifícios 4, 5, 6
Aeroporto da Portela
P-1749-034 Lisboa
Tel.: (351-21) 842 35 00
Fax: (351-21) 840 23 98
E-mail inacgeral@mail.telepac.pt

FINLAND

Civil Aviation Administration
Ilmailulaitos/Luftfartsverket
PO Box 50
FIN-01531 Vantaa/Vanda
Tel. (358-9) 82 77 20 10
Fax (358-9) 82 77 20 91

SWEDEN

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

UNITED KINGDOM

Department of Environment, Transport and the Regions
International Aviation Negotiations
Great Minster House
76, Marsham Street
London SW1P 4DR
United Kingdom
Tel. (44-207) 890 58 01
Fax (44-207) 676 21 94

EUROPEAN COMMUNITY

Commission of the European Communities
Directorate-General for External Relations
Directorate CFSP
Unit A.2/Mr A. de Vries
Rue de la Loi/Wetstraat 200
B-1049 Bruxelles/Brussel
Tel.: (32-2) 295 68 80
Fax: (32-2) 296 75 63
E-mail: anthonius-de-vries@cec.eu.int

*ANNEX III***TERRITORY OF AFGHANISTAN UNDER TALIBAN CONTROL REFERRED TO IN ARTICLE 1(3)**

ANNEX IV

POINTS OF ENTRY AND LANDING AREAS IN AFGHANISTAN REFERRED TO IN ARTICLE 6(1)

City/aerodrome	Coordinate/location	City/aerodrome	Coordinate/location
* ANDKHOY/Andkhvoy	Lat: 36° 56' 00" N Long: 65° 05' 00" E	KHOST/Khost	Lat: 33° 21' N Long: 69° 57' E
BAMYAN/Bamyan	Lat: 34° 49' N Long: 67° 49' E	KUNDUZ/Kunduz	Lat: 36° 39' 45" N Long: 68° 54' 40" E
BOST/Bost	Lat: 31° 33' N Long: 64° 22' E	MAIMAMA/Maimama	Lat: 35° 56' N Long: 64° 45' E
CHAKHCHARAN/Chakhcharan	Lat: 34° 32' N Long: 65° 16' E	MAZAR-I-SHARIF/Mazar	Lat: 36° 42' 15" N Long: 67° 12' 30" E
FARAH/Farah	Lat: 32° 20' N Long: 62° 06' E	QALA-I-NAW/Qala-I-naw	Lat: 35° 00' N Long: 63° 10' E
* GHAZNI/Ghazni	Lat: 33° 32' 00" N Long: 68° 25' 00" E	SHEBERGHAN/Sheberghan	Lat: 36° 40' N Long: 65° 55' E
* GORDEZ/Gordez	Lat: 33° 36' 00" N Long: 69° 06' 00" E	* SHINDAND/Shindand	Lat: 33° 23' 24" N Long: 62° 15' 21" E
HERAT/Herat	Lat: 34° 12' 58" N Long: 62° 13' 35" E	* TALOQAN/Taloqan	Lat: 36° 50' 00" N Long: 69° 30' 00" E
JALALABAD/Jalalabad	Lat: 34° 23' 50" N Long: 70° 29' 42" E	TEREEN/Tereen	Lat: 32° 37' N Long: 65° 52' E
KABUL/Kabul	Lat: 34° 34' 08" N Long: 69° 12' 54" E	ZARANJ/Zaranj	Lat: 31° 06' N Long: 61° 56' E
KANDAHAR/Kandahar	Lat: 31° 30' 16" N Long: 65° 50' 41" E		

Note: * These coordinates refer to the nearest city, rather than the aerodrome.

ANNEX V

List of aircraft referred to in Article 6(3)

Operator	Owner	Registration/Serial	Make	Model
Afghan Air Force	Afghan Air Force	229 SFG1008	Antonov	AN26
Afghan Air Force	Afghan Air Force	230 SFG1009	Antonov	AN26
Afghan Air Force	Afghan Air Force	231 SFG1010	Antonov	AN26
Afghan Air Force	Afghan Air Force	232 SFG1011	Antonov	AN26
Afghan Air Force	Afghan Air Force	233 SFG1012	Antonov	AN26
Afghan Air Force	Afghan Air Force	234 SFG1013	Antonov	AN26
Afghan Air Force	Afghan Air Force	235 SFG1014	Antonov	AN26
Afghan Air Force	Afghan Air Force	236 SFG1015	Antonov	AN26
Afghan Air Force	Afghan Air Force	237 SFG1016	Antonov	AN26
Afghan Air Force	Afghan Air Force	238 SFG1017	Antonov	AN26
Afghan Air Force	Afghan Air Force	239 SFG1018	Antonov	AN26
Afghan Air Force	Afghan Air Force	240 SFG1019	Antonov	AN26
Afghan Air Force	Afghan Air Force	241 SFG1020	Antonov	AN26
Afghan Air Force	Afghan Air Force	242 SFG1021	Antonov	AN26
Afghan Air Force	Afghan Air Force	243 SFG1022	Antonov	AN26
Afghan Air Force	Afghan Air Force	244 SFG1023	Antonov	AN26
Afghan Air Force	Afghan Air Force	245 SFG1024	Antonov	AN26
Afghan Air Force	Afghan Air Force	246 SFG1025	Antonov	AN26
Afghan Air Force	Afghan Air Force	247 SFG1026	Antonov	AN26
Afghan Air Force	Afghan Air Force	252 SFG1027	Antonov	AN26
Afghan Air Force	Afghan Air Force	268 SFG1028	Antonov	AN26
Afghan Air Force	Afghan Air Force	284 AN32021	Antonov	AN32
Afghan Air Force	Afghan Air Force	301 AN32053	Antonov	AN32
Afghan Air Force	Afghan Air Force	302 AN32054	Antonov	AN32
Afghan Air Force	Afghan Air Force	303 AN32055	Antonov	AN32
Afghan Air Force	Afghan Air Force	304 AN32056	Antonov	AN32
Afghan Air Force	Afghan Air Force	305 AN32057	Antonov	AN32
Afghan Air Force	Afghan Air Force	306 AN32058	Antonov	AN32
Afghan Air Force	Afghan Air Force	307 AN32022	Antonov	AN32
Afghan Air Force	Afghan Air Force	308 AN32023	Antonov	AN32
Afghan Air Force	Afghan Air Force	346 AN32059	Antonov	AN32
Afghan Air Force	Afghan Air Force	353 AN32024	Antonov	AN32
Afghan Air Force	Afghan Air Force	363 AN32060	Antonov	AN32
Afghan Air Force	Afghan Air Force	381 AN12235	Antonov	AN12
Afghan Air Force	Afghan Air Force	382 AN12236	Antonov	AN12
Afghan Air Force	Afghan Air Force	384 AN12237	Antonov	AN12
Afghan Air Force	Afghan Air Force	387 4342205	Antonov	AN12
Afghan Air Force	Afghan Air Force	388 AN12238	Antonov	AN12
Afghan Air Force	Afghan Air Force	390 AN12239		AN12

Operator	Owner	Registration/Serial	Make	Model
Afghan Air Force	Afghan Air Force	T-001 B7010105	Ilyushin	IL18
Afghan Air Force	Afghan Air Force	T-004 SFG1007	Antonov	AN26
Afghan Air Force	Afghan Air Force	T-005 SFG1006	Antonov	AN24
Ariana Afghan Airlines	Ariana Afghan Airlines	CCCP-87255 AFG01	Yakoviev	YK40
Ariana Afghan Airlines	Ariana Afghan Airlines	YA-BAG 7306602	Antonov	AN24
Ariana Afghan Airlines	Ariana Afghan Airlines	YA-BAH 17306709	Antonov	AN24
Ariana Afghan Airlines	Ariana Afghan Airlines	YA-BAL 14105	Antonov	AN26
Ariana Afghan Airlines	Ariana Afghan Airlines	YA-BAN 14304	Antonov	AN26
Ariana Afghan Airlines	Ariana Afghan Airlines	YA-BAO 14305	Antonov	AN26
Ariana Afghan Airlines	Unconfirmed CIS Operator	YA-DAA AN12353	Antonov	AN12
Ariana Afghan Airlines	Polet Russian Air Company	YA-DAB 5342801	Antonov	AN12
Ariana Afghan Airlines	Ariana Afghan Airlines	YA-DAG 87304504	Antonov	AN24
Ariana Afghan Airlines	Ariana Afghan Airlines	YA-FAU 20343	Boeing	B727
Ariana Afghan Airlines	Ariana Afghan Airlines	YA-FAW 19619	Boeing	B727
Ariana Afghan Airlines	Ariana Afghan Airlines	YA-GAX 331	De Haviland	DHC6
Caspian Airlines	Ariana Afghan Airlines	EP-CPG 748	Tupolev	T154
Ariana Afghan Airlines	Ariana Afghan Airlines	YA-DAF	Antonov	AN24
Ariana Afghan Airlines	Ariana Afghan Airlines	YA-DAJ 47309603	Antonov	AN24
Ariana Afghan Airlines	Ariana Afghan Airlines	YA-FAY 22289	Boeing	B727
Ariana Afghan Airlines	Tyumenaviatrans	YA-87486 9441438	Yakoviev	YK40

ANNEX VI

LIST OF ORGANISATIONS AND AGENCIES REFERRED TO IN ARTICLE 6(2)**Agencies and Offices of United Nations**

United Nations Special Mission to Afghanistan (UN SMA), Mr. Francesc Vendrell, Head of Mission/Special Envoy for Afghanistan, UNSMA, House No. 32, St. No. 48, F-8/4, Islamabad. Phone 92-51-2281670

The United Nations Office of the Coordinator for Afghanistan (UNOCA), Mr. Erick de Mul, Coordinator, 292, Street 55, F 10/4, Islamabad, Fax 92-51-2211475

World Food Programme, WFP Afghanistan (in Islamabad), Mr. Gerard van Dijk, Country Director, House No. 38, St. No. 86, G-6/3, Islamabad

United Nations Drug Control Programme, UNDCP, Regional Office, Mr. Bernard Frahi, Representative, Tower B, 11th floor, Saudi-Pak Towers, Blue Area, Islamabad

United Nations Children's Fund, UNICEF, Mr. Louis-Georges Arsenault, Representative, House No. 112, St. No. 37, F-10/1, Islamabad

World Health Organisation, WHO, Dr. Said Salah Youssouf, Representative, House No. 5-B1, St. No. 22, F-8/2, Islamabad

United Nations High Commissioner for refugees, UNHCR, Mr. Ahmed S. Farah, Chief of Mission, House No. 24, St. No. 89, G-6/3, Islamabad

International Labour Organisation, ILO, Mr. Johannes Lokollo, Director, ILO Office Building, G-5/2, (Near State Bank of Pakistan), Islamabad

United Nations Fund for Population Activities, UNFPA, Ms. Nuzhat Ehsan, Representative a.i, UN Offices, 61-A, Jinnah Avenue, 5th Floor, Saudi-Pak Towers, Islamabad

United Nations Industrial Development Organisation, UNIDO, Dr. Robert G. Gumen, Country Director, UN Offices, 61-A, Jinnah Avenue, 10th Floor, Saudi-Pak Towers, Islamabad

Food and Agriculture Organisation, FAO Afghanistan, Mr. Hans C. Brink, Programme Manager, House No. 8, St. No. 30, F-7/1, Islamabad

United Nations Centre for Human Settlements, UNCHS, Ms. Samantha Reynolds, House # 1A, St. 70, F-8/3, Islamabad

United Nations Office of Project Services, UNOPS, Mr. Ahmed Hussein, Acting Programme Manager, House # 2, St. # 58, F-10/3, Islamabad

Comprehensive Disabled Afghans Programme, CDAP, Peter Coleridge, Director

Agencies established by International Statute

The International Committee of the Red Cross, Alfred Grimm, Pakistan Delegate, House 12, Street 83, G 6/4, Islamabad, 051-2824780

World Bank, Mr. John W. Wall, Country Director, House # 11, St. # 1, E-7, Islamabad

International Organisation for Migration, IOM, Mr. Richard Danziger, Head of Delegation,, H # 6, Main Embassy Road, G-6/4, Islamabad

Comité international de la Croix-Rouge (CICR), 19 Avenue de la Paix, CH — 1202 Genève

Fédération internationale des Sociétés de la Croix-Rouge et du Croissant-Rouge, 17 Chemin des Crêts, Petit-Saconnex, CH — 1209 Genève

International Non-governmental Organisations and Humanitarian Organisations

ACT Netherlands (Kerken in Aktie), Postbus 8506, 3503 RM Utrecht, The Netherlands

ACTED, 33, rue Godot de Mauroy, 75008 Paris, France

Action Contre La Faim, 17-F, KKK Road, U/T, Peshawar, Pakistan; 4 RUE Niepco, 75014 Paris, France

Afghan Aid (UK), 5-B, Gul Mohar Road, University Town, Peshawar

AFGHANAID, 5B Gulmohar Road

Afghanischer Ärzteverein in Deutschland e.V., Postfach 10 12 23, 40003 Düsseldorf, Germany

Afghanistan-Hilfe, c/o Mme V. Frauenfelder, 51 Rosenbergstrasse, CH — 8212 Neuhausen am Rheinfall

Afghanistankomiteen, Solidaritetshuset, Osterhausgaten 27, 0183 Oslo, Norway

- AFRANE, 16 passage de la main d'or, 75011 Paris, France
- Aga Khan Foundation (incl. Focus), 1-3 Avenue de la Paix, CH — 1202; Chaîne du Bonheur, Case postale 132, CH-1211 Genève 8
- Aga Khan Foundation, 360 Albert Street, Ottawa, Ontario, Canada K1R 7X75
- Agency for support and coordination of Russian participation in international humanitarian operations (EMERCOM Agency), 7, 2nd Samotechny pereulok, Moscow, 103473
- Aide Médicale et Développement, 46 rue Saint Laurent, 38000 Grenoble
- Aide Médicale Internationale, 45-D, S.J. Afghani Road, University Town, GPO Box 326, Peshawar; 119 rue amandiers, 75020 Paris
- Ärzte der Welt e.V., Schönstrasse 12A, 81543 Munich, Germany
- Association of Medical Doctors of Asia (AMDA), 310-1 Naratsu, Okayama City, Okayama, 701-1202 Japan
- Association suisse des Amis de l'Afghanistan, 15 Chemin du Levant, CH-1005 Lausanne
- Australian Volunteers International, POB 350, Fitzroy, Victoria 3065, Australia
- BBC Afghan Education Projects (AEP), 8 Abdara Road, University Town, PO BOX 946, Peshawar, Pakistan
- BHN Association, 2-6-5 Shinjuku, Shinjuku-ku, Tokyo, 160-0022 Japan
- Mellemfolkeligt Samvirke, Borgergade 10-14, 1300 Copenhagen, Denmark
- CARE Canada, 6 Antares, Ottawa, Ontario, Canada K1G 4X6
- CARE International, 6, Park Lane, University Town, Peshawar
- Care International, Rodericks, 8-14 Southampton Street, London WC2E 7HA
- Centre for Peace Studies, McMaster University, Mark Vorobej University Hall, B104
- CEREDAF, 16 passage de la main d'or, 75014 Paris, France
- Children in Crisis, Sogan, 4 Calico Houce, Plantation Wharf, York Road, London SW11 3UB
- Children In Crisis-UK, 281, Street 15, Wazir Akbar Khan, Kabul, Afghanistan
- Christian Aid, Christ Church, Rathgar Road, Dublin 6, Ireland
- Christian Aid, PO Box 100, London SE1 7RT
- Christusträger Bruderschaft e.V., Kloster Triefenstein, 97855 Triefenstein, Germany
- Concern, Camden Street, Dublin 2, Ireland
- COPE International (Creating Opportunities Through Partnership & Education), 13811-117 Avenue, P.O. Box 62057, Edmonton, Alberta, Canada T5M 4B5
- Croix-Rouge Suisse, 10 Rainmattstrasse, CH-3001 Berne
- DANIDA, Royal Danish Ministry of Foreign Affairs, Asiatisk Plads 2, DK — 1448, Copenhagen K, Denmark
- Danish Afghanistan Committee (DAC), Gammel Køge Landevej 117, DK — 2500 Valby, Denmark
- Danish Committee For Aid To Afghan Refugees, 10 Gul Mohar Lane, GPO. Box 855, University Town, Peshawar
- Danish De-Mining Group, 5, Gul Town, G.O.R. Road, Adjacent Chaman Housing Scheme, Quetta
- Danish Red Cross, POB 2600, Blegdamsvej 27, DK-2100 Copenhagen Ø, Denmark
- Deutsche Welthungerhilfe, Adenauerallee 134, 53113 Bonn, Germany
- Direction du Développement et de la Coopération (DDC), (incl. Le Corps Suisse d'Aide en Cas de Catastrophe) 130 Freiburgstrasse, CH-3003 Berne
- Dutch Committee For Afghanistan, Jamrud Road, Hayatabad Chowk, UPO Box 792, Peshawar
- Emergency, Via Bagutta 12, 20121 Milano, Italy
- European Community Humanitarian Organisation, ECHO, Alain Robyns, Representative for Afghanistan, ECHO, E-7 Islamabad, Fax 92-51-22822636
- Ev.lut. Lähetsyhdistys Kylväjä, POB 188, 01301 Vantaa, Finland
- Finlands Svenska Frikyrkoråd ry, Högbergsgatan '22, 00130 Helsingfors, Finland

- Focus Canada, 789 Don Mills Road, Suite 786, Don Mills, Ontario, Canada, M3C 1T5
- Focus Europe, 205-209 Addiscombe Road, Croydon, Surrey CR0 65P
- Focus Humanitarian Assistance — Europe Foundation, 13, Street 37, Sector F 6/1, Islamabad
- Friedensdorf International (Peace-Village International), Postfach 140162, 46131 Oberhausen, Lanterstrasse 21, 45539 Dinslaken, Germany
- German Afghanistan Foundation, 315, Gul Haji Plaza, University Road, Peshawar
- German Agro Action, 31-C, Circular Road, University Town, GPO Box 135, Peshawar
- German Agro Action, 31-C, Circular Road, University Town, Peshawar
- Gesundheitshilfe Afghanistan (LEPCO) e.V., C/o Schwittek, Friedenstraße 7, 97236 Randersacker, Germany
- Halo Trust, KRC Street Shar-E-Naw, Kabul, Afghanistan
- Handicap International — Belgium, rue de Spa, 1000 Bruxelles, Belgium
- Handicap International, District 6, Kandahar City Afghanistan
- Healthnet International, 11-A, Circular Lane, University Town, P.O. Box 889, Peshawar
- HELP — Hilfe zur Selbsthilfe e.V., Kaiserplatz 3, 53113 Bonn, Germany
- International Assistance Mission, Lane 1, Street 15, Wazir Akbar Khan, P.O. Box 625, Kabul, Afghanistan
- International Centre for the Advancement of Community Based Rehabilitation (ICACBR) Queen's University, Kingston, Ontario, Canada K7L 3N6
- International Development and Relief Foundation (IDRF) 2201 Warden Ave. #L-1, Scarborough, Ontario, Canada M1T 1V5
- International Rescue Committee, 12-C, Chinar Road, University Town, GPO Box 504, Peshawar
- Italian Cooperation For Development, 80-E, Old Bara Road, UPO Box 813, University Town, Peshawar
- Japan International Cooperation Agency Shinjuku Maynds Tower 6F-13F, 2-1-1 Yoyogi, Shibuya-ku, Tokyo, 151-8558, Japan
- Japan International Friendship and Welfare Foundation (JFF): 10745-24 Uenomiya, Yuki City, Ibaraki, 307-0000 Japan;
- Japanese Red Cross Society, 1-1-3 Shibadaimon, Minato-ku, Tokyo, 105-8521 Japan
- Kirkens Nødhjelp (Norwegian Church Aid), PO Box 4544 Torshov, 0404 Oslo, Norway
- Komitee zur Förderung medizinischer und humanitärer Hilfe Afghanistan e.V., Schmittburstrasse 11, 64546 Mörfelden-Walldorf, Germany
- Leprosy Control Organisation, 2 Afzal Abad, Old Bara Road, University Town, Peshawar
- Little Sister of Jesus, 2837 Miyadera, Iruma City, Saitama, 358-0014 Japan
- Via Di Acque Salvie 2, Tre fontane I-00142, Rome, Italy
- Microyon 3, Block 28 Room No. 71, Kabul, Afghanistan
- MADERA, 3 rue Ronbo, 75011 Paris, France
- McMaster University, Hamilton, Ontario, Canada L8S 4K1
- MEDAIR (Head Office), 98 Chemin de la Fauvette, CH-1024 Ecublens, Switzerland
- MEDAIR, 98 Chemin de la Fauvette, CH-1012 Lausanne
- MEDAIR, 1107 District 4, Shar-E-Naw, Kabul, Afghanistan
- Médecins du Monde, 62 rue Marcadet, 75018 Paris, France
- Médecins du Monde, Lane Z, Street 15, Wazir Akbar Khan, P.O. Box 625, Kabul, Afghanistan
- Médecins sans Frontières, 124-132 Clerkenwell Road, London EC1 5DL
- Médecins sans Frontières — Suisse, 12 Rue du Lac, Case postale 6090, CH-1211 Genève 6
- Médecins sans Frontières (Artsen Zonder Grenzen), Max Euweplein 40, P.O. Box 10014, 1000 EA Amsterdam, The Netherlands
- Médecins sans Frontières (MSF), 8 rue Saint Sabin, 75011 Paris, France
- Médecins sans Frontières-International, 34-A, Circular Road, University Town, Peshawar

Médecins sans Frontières, 720 Spadina Ave, Toronto, Ontario, Canada M5S 2T9

Media Action International, Villa de Grand Montfleury, Versoix, Geneva 1290, Switzerland

Médecins sans Frontières Sweden (MSF-Sweden), Gotlandsgatan 84, 11638 Stockholm, Sweden

Médecins sans Frontières, Belgium, rue Dupré, 94, 1090 Brussels, Belgium

Mercy Corps International, 10, Arab Karam Khan Road, P.O. Box 314, Quetta

Ministry of Foreign Affairs of Turkey (Balgat, Ankara, Turkey)

Mission d'aide au développement des Economies rurales en Afghanistan, 53-C, Gul Mohar Lane, University Town, Peshawar

MRCA, 21 avenue Jean Moulin, 75014 Paris, France

Muslime helfen e.V., Postfach 1607, 85740 Garching, Germany

Nippon Volunteer Network Active in Disaster, 5-1-1 Kamikoushien, Nishinomiya City, Hyogo, 663-8114 Japan

Norges Røde Kors (Norwegian Red Cross), P.O. Box 1 Grønland, 0133 Oslo, Norway

Norwegian Afghanistan Committee, 20 F-A, K.K.K Road, University Town, Peshawar

Norwegian Church Aid, 7 Gulmohar Road, University Town, Peshawar

NOVIB

NRK, Leeghwaterplein 27, P.O. Box 28120, 2502 KC Den Haag, The Netherlands

Ockenden International, Constitution Hill, Woking, Surrey GU22 7UU

Ockenden Venture (UK), 43 D2 Old Jamrud Road, University Town, Peshawar

Operaatio Mobilisaatio ry, Yliopistonkatu 58 B, 33100 Tampere, Finland

Ottawa Rehabilitation Centre, 505 Smyth Road, Ottawa, Ontario, Canada K1H 8M2

OXFAM, 256, Street 51, Wazir Akbar Khan, Kabul Afghanistan

OXFAM, 274 Banbury Road, Oxford OX2 7DZ

Partners in Aviation and Communications Technology (PACTEC), John Woodberry, Afghanistan Program Director, 5/B (ii) Circular Lane, University Town, Peshawar, Pakistan. Phone/fax 92-91-840961

Peshawar-Kai, 1-10-25-307 Daimyo, Chuo-ku, Fukuoka City, Fukuoka, 810-0041 Japan; House #58-C, University Road, University Town, Peshawar, Pakistan

PMU Interlife, Box 4093, 14104 Huddinge, Sweden

SAFE, 1 Beeches Park, Glenageary, Co. Dublin, Ireland

Sandy Gall's Afghanistan Appeal, 45-D, S. J. Afghani Road, University Town, Peshawar

Saudi Red Crescent Society, 20 Gul Mohar Road, University Town, Peshawar

Save the Children — Sweden, 60-C(5), University Road, University Town, UPO Box 1424, Peshawar

Save the Children — U.S.A, 7a & B, Street 58, Sector F 7/4, Islamabad

Save the Children Fund — UK, 228, Gul Haji Plaza, UPO Box 1424, Peshawar

Save the Children Sweden, 107 88 Stockholm, Sweden

Save the Children, 17 Grove Lane, London SE5 8RD

SERVE (UK), 7 Mulberry Road University Town, Peshawar

Service de l'Action Humanitaire-ministère des affaires étrangères, 103 rue de l'Université, 75700 Paris 07 SP, France

Shelter Germany, Am Waldrand 19, 38173 Hötzum, Germany

Shelter Now International, 60-E, Canal Road, University Town, GPO Box 354 Peshawar

Society of the Red Crescent of the Islamic Republic of Iran, 147 Nejatollahi St., Tehran, Iran

Solidarité Afghanistan Belgium, ITC Building, Phase 5, Hayatabad, Peshawar UPO Box 799, rue Raikem 3, 4000 Liège, Belgium

SOLIDARITES, 105 avenue Gambetta, 75020 Paris, France

Solidarites, 46/C2, Sahib Zada A. Qayum Road, University Town, Peshawar

Spolenost Clovek v tisni (The People in Need Society), Spolenost Clovek v tisni pi Ceske televizi, o.p.s., Kavei hory, 140 70, Praha 4

Stichting Vluchteling, Stadhouderslaan 28, 2517 HZ Den Haag, The Netherlands
 Stiftung Bibliotheca Afghanistanica, Benburweg 5, CH — 4410 Liestal
 Suomen Ev.lut. Kansanlähetyks ry, 12310 Ryttylä, Finland
 Suomen Punainen Risti (Finnish Red Cross), Tehtaankatu 1a, 00140 Helsinki, Finland
 Support for Afghan Further Education (SAFE), 1 Beaches Park, Glenageary, Co. Dublin, Eire
 Swedish Committee for Afghanistan (SCA), Sturegatan 16, 11436 Stockholm, Sweden
 Swedish Committee for Afghanistan, 24-D, Chinari Road, University Town, Peshawar GPO Box 689, Peshawar
 Swedish International Development Cooperation Agency (SIDA), 105 25 Stockholm, Sweden
 Swedish Mission Council, Box 1767, 111 87 Stockholm, Sweden
 Swedish Red Cross, Box 27316, 102 54 Stockholm, Sweden
 Takarazuka Afghanistan Friendship Association: 5-45-117 Mukogawa-cho, Takarazuka City, Hyogo, 665-0844 Japan
 TEAR Australia, POB 289, Hawthorn 3122, Australia
 Tear Fund, 100 Church Road, Teddington, Middlesex TW11 8QE
 Terre des Hommes, Abdara Road 3/C, University Town, Peshawar
 Terre des Hommes, En Budron C 8, CH — 1052 Le Mont-sur-Lausanne
 THE HALO TRUST, 10 Storey's Gate, London SW1 P 3AY
 The Lighthouse International (TODAI), 161-4 Kitahonjuku, Kitamoto City, Saitama, 364-0021 Japan; 16 Sariab Road, Quetta, Pakistan; House #14, K4 Main Street Phase-3, Hayatabad, Peshawar, Pakistan
 Trócaire, 169 Booterstown Avenue, Blackrock, Co. Dublin, Ireland
 Turkish Red Crescent Society, Karanfil Sokak, No: 7, Bakanliklar, Ankara, Turkey
 Viva-Westfalen hilft e.V., Bremer Platz 9, 48155 Münster, Germany
 World Conference on Religion and Peace, Japanese Committee (WCRP/Japan): 2-6-1 Wada, Suginami-ku, Tokyo, 166-0012
 Zuflucht, 307, Street 15, Road 5, Wazir Akbar Khan, Kabul, Afghanistan

Afghan Non-governmental Organisations

Guardians, A-One-City, Housing Scheme, Haji Manan St. Plot 192, Brewery Quetta
 Ghazni Rural Support Program, 305, Street 35, D-4, Phase I, Hayatabad, Peshawar
 Mine Clearance Planning Agency, 291, Street 56, Sector F 10/4, Islamabad
 Mine Detection Dog Center 2, Park Road, University Town, Peshawar
 Orphans Refugees and Aid, F 27, K.K.K Road, University Town, Peshawar, P.O.Box 594, Peshawar
 Pamir Reconstruction Bureau, 20-D, Circular Road, University Town, Peshawar
 Development and Humanitarian Services for Afghanistan (DHSA), H. No. 95, Str. No. 6, Sector N-3, Phase-IV, Hayatabad, Peshawar
 Shuhda Organisation, Block-5, Alam Dar Road, Naseerabad, Quetta
 Agency Coordinating Body for Afghan Relief, 2-Rehman Baba Rd, UPO Box 1084, U/T, Peshawar, Afghanistan
 Afghan Development Association, 17-F-A-A, K.K.K. Rd., U/T, Peshawar
 Cooperation Center for Afghanistan, 4-P/1, Phase 4, Hayatabad, Peshawar
 Development and Humanitarian Services for Afghanistan, 60 D-III-A, S. J. Afghani Road, University Town, Peshawar
 Ibsina Public Health Programme for Afghanistan, 39/D-1, S. J. Afghani Road, University Town, Peshawar
 Shuhada Organisation, Shuhada Clinic Alamdar Road, Nasir Abad, Quetta
 Pamir Reconstruction Bureau (PRB), 20-D, Circular Road, Peshawar, Pakistan

**COUNCIL REGULATION (EC) No 468/2001
of 6 March 2001**

**imposing a definitive anti-dumping duty on imports of certain electronic weighing scales
originating in Japan**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, and in particular Article 9 and Article 11 thereof,

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

Whereas:

A. PROCEDURE

1. Measures subject to review involving Japan

- (1) In April 1993, by Regulation (EEC) No 993/93 ⁽²⁾, the Council imposed definitive anti-dumping measures on imports of certain electronic weighing scales originating in Japan.

2. Measures in force involving other countries

- (2) In October 1993, by Regulation (EEC) No 2887/93 ⁽³⁾, the Council imposed definitive anti-dumping measures on imports of certain electronic weighing scales originating in Singapore. In 1995 these measures were modified by Regulation (EC) No 2937/95 ⁽⁴⁾ following an investigation which showed that the dumping margin had increased as a result of the duties being absorbed. These measures are also subject to a review which was opened in October 1998 ⁽⁵⁾.
- (3) On 16 September 1999, the Commission published a Notice in the *Official Journal of the European Communities* ⁽⁶⁾ announcing the initiation of an anti-dumping proceeding in accordance with Article 5 of Regulation (EC) No 384/96 (hereinafter referred to as the 'basic Regulation') regarding imports into the Community of certain electronic weighing scales originating in the People's Republic of China, the Republic of Korea and Taiwan. This investigation was concluded in November 2000 by Council Regulation (EC) No 2605/2000 ⁽⁷⁾, which imposed definitive anti-dumping measures on imports of certain electronic weighing scales originating in those countries.

3. Request for review

- (4) Following the publication of a notice of impending expiry of the anti-dumping measures in force on imports of certain electronic weighing scales originating in Japan ⁽⁸⁾, the Commission received a request dated 23 January 1998 to review the measures pursuant to Article 11(2) of the basic Regulation.
- (5) The request was lodged on behalf of Community producers whose collective output constituted 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 2238/2000 (OJ L 257, 11.10.2000, p. 2).

⁽²⁾ OJ L 104, 29.4.1993, p. 4.

⁽³⁾ OJ L 263, 22.10.1993, p. 1.

⁽⁴⁾ OJ L 307, 20.12.1995, p. 30.

⁽⁵⁾ OJ C 324, 22.10.1998, p. 4.

⁽⁶⁾ OJ C 262, 16.9.1999, p. 8.

⁽⁷⁾ OJ L 301, 30.11.2000, p. 42.

⁽⁸⁾ OJ C 329, 31.10.1997, p. 6.

- (6) The request was 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 pursuant to Article 11(2) and 11(3) of the basic Regulation ⁽¹⁾. The opening of the Article 11(3) investigation by the Commission was based on the allegation in the request that dumping margins had significantly increased since the previous investigation and that the expiry of the measures would therefore result in increased dumping and injury.

4. Investigation

- (7) The Commission officially advised the Community producers supporting the review request, the exporting producers, importers and Eurocommerce (a user association representing multiple and small users in the Community) which were known to be concerned. Representatives of the exporting countries were also officially advised. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limits set out in the Notice of initiation of the review.
- (8) The Commission sent questionnaires to the parties known to be concerned and received replies from three Community producers and two Japanese producers, only one of which had exported the product concerned to the Community during the investigation period. The Commission also sent questionnaires to importers and the user association. Two importers replied. There was no response from the user association or any individual users.
- (9) The Commission sought and verified all the information it deemed necessary for the purposes of determining the likely continuation or recurrence of dumping and injury and the Community interest. Verifications were carried out at the premises of the following companies:

Exporting producers:

- Yamato Scale Co. Ltd, Akashi
- Ishida Co. Ltd, Kyoto

Applicant Community producers:

- Bizerba GmbH & Co. KG, Balingen, Germany
- GEC Avery Limited, (a subsidiary of the General Electric Company, plc), Birmingham, United Kingdom
- Testut/Lutrana SA, Béthune, France

Importers:

- Digi Nederland B.V., Purmerend, The Netherlands
- Carrin and Co. NV, Antwerp, Belgium

- (10) The investigation of continuation and recurrence of dumping covered the period from 1 April 1997 to 31 March 1998 (hereinafter referred to as the 'investigation period'). The examination of continuation and recurrence of injury covered the period from 1994 up to the end of the investigation period (hereinafter called the 'analysis period').
- (11) The present review exceeded the period of 12 months 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 the impact of the Euro-effect on the investigation (see recital 34) and the difficulties in establishing findings given the extent of non cooperation.
- (12) 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. 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.

⁽¹⁾ OJ C 128, 25.4.1998, p. 11.

B. PRODUCT CONCERNED AND LIKE PRODUCT

1. The product concerned

- (13) The product concerned is the same as in the original investigation, i.e. electronic weighing scales for use in the retail trade (hereinafter referred to as 'REWS') which incorporate a digital display of the weight, unit price and price to be paid (whether or not including a means of printing this data) falling within CN code ex 8423 81 50. REWS have different types or levels of performance and technology. In this respect, the industry defines three segments of REWS; low, mid and top ranges. These vary from stand-alone REWS, without built-in printers to more sophisticated models with pre-set key systems and the possibility of integration into computer-related control and management systems.
- (14) Although the potential use of REWS can vary, there is no significant difference in the basic physical and technical characteristics of the various types of REWS. In addition, the investigation has shown that between these three segments there are no clear dividing lines, models in neighbouring segments often being interchangeable. In line with the results of the previous investigation, they have, therefore, to be considered as one single product for the purposes of this investigation.

2. Like product

- (15) It was established that the various REWS produced and sold in Japan have, despite differences in size, life span, voltage or design, the same basic technical and physical characteristics as compared to the REWS exported from Japan to the Community and accordingly have to be considered as like products.

Likewise, apart from minor technical differences, Community-produced REWS are basically alike in all respects to the REWS exported from Japan to the Community.

C. DUMPING AND LIKELIHOOD OF RECURRENCE OF DUMPING

1. Preliminary remarks

- (16) As indicated above, this investigation is a combination of an expiry review based on Article 11(2) of the basic Regulation and an interim review based on Article 11(3), the latter having been initiated to examine information contained in the request for review indicating that the injurious dumping had increased. The Commission decided not to pursue this Article 11(3) review because the volumes sold on the Community market by the exporting producers were low and there was insufficient evidence for a lasting change in circumstances to be established. The Commission's findings are, therefore, based on those established under Article 11(2) relating to the likelihood of continuation and recurrence of injurious dumping should the existing measures be removed.
- (17) According to Eurostat, some 995 REWS from Japan were imported into the Community during the investigation period, as compared to 19 000 units in the previous investigation period on which the measures subject to review were based. The cooperation in this investigation has been very limited (a total of 35 units or less than 4 % of imports) with only partial cooperation forthcoming from two producers, Yamato Scales Co. Ltd and Ishida Co. Ltd, the latter not exporting to the Community market during the investigation period. This compares to cooperation from four exporting producers in the previous investigation.

2. Likelihood of continuation or recurrence of dumping

- (18) In accordance with Article 11(2) of the basic Regulation, the purpose of an expiry review is to determine whether, or not, the expiry of the measures would be likely to lead to a continuation or recurrence of injurious dumping.

Likelihood of continuation of dumping

- (19) In examining whether there is a likelihood of continuation of dumping if measures were removed, it is necessary to verify whether dumping exists at present and whether any such dumping is likely to continue.
- (20) Only two producers submitted comments in response to the Notice of initiation of the investigation. Both of these cooperated only partially. One had no exports to the Community during the investigation period and therefore provided no information on export prices while the other had exported but provided incomplete information on normal values. Three other producers which were involved in the previous investigation refused to cooperate altogether. In these circumstances, the Commission only had access to very limited information from the Japanese producers in order to determine the existence of dumping.
- (21) The partial cooperator, Yamato Scales Co. Ltd provided complete information on its export prices but incomplete information on normal values as the data provided only covered one third of its domestic sales of the product concerned (the remaining sales being made to related distribution companies). The company also failed to provide any data on the selling, general and administrative costs it had incurred on its domestic sales. A comparison of these export prices with the incomplete data on normal values indicated that significant dumping was taking place on this exporter's sales to the Community. Also, a comparison of these export prices with the constructed normal value established for this producer in the original investigation also indicated the existence of significant dumping.
- (22) Moreover, one Japanese exporting producer, who accounted for the vast majority of REWS imports from Japan during the investigation period, when declaring his non cooperation, admitted that he was dumping on his exports to the Community. The Commission also examined Eurostat data and the average price of all exports from Japan derived from that data supported a finding of dumping in that such price was lower than any normal value established for the partial cooperator.
- (23) In view of the significant non cooperation the above information was considered as the facts available under the terms of Article 18 of the basic Regulation. As indicated, this showed the existence of a significant dumping margin.
- (24) Given the exchange rate fluctuations of the Japanese currency since the previous investigation, the depreciation of the yen against the invoice currency, i.e. US dollar, was examined also but it was found that the increased export prices in yen was partly offset by a significant real fall in dollar export prices (as reported by Eurostat) since the original case. This was confirmed by the findings for the partial cooperator where the depreciation of the yen did not, insofar as could be deduced from the incomplete information received, result in a lower dumping margin. Moreover, there were clear signs that the depreciation of the yen may not prove lasting.
- (25) In addition to the finding of the existence of significant dumping during the investigation period, no information was submitted showing that dumping was unlikely to continue should measures be removed. In fact, the evidence available to the Commission strongly suggests that these imports would continue to be made at dumped prices for the foreseeable future should the measures be removed. In particular, it should be noted that the Community market is attractive for exporters in that, on the basis of information received from the one partial cooperator, prices there are higher than in other third country markets (Taiwan, Malaysia) to which this company also exports.
- (26) It should be furthermore noted that in Japan prices have remained systematically higher than elsewhere, a situation which has persisted over a number of years. Therefore, this situation is considered unlikely to change in the short or medium term and makes the continuation of dumping very likely.

Likelihood of recurrence of dumping

- (27) Given that measures are deemed to have resulted in significantly lower quantities being exported from Japan to the Community, the question of the effects of the removal of measures in terms of increased quantities and dumped prices to the Community, i.e. recurrence of dumping, was examined.
- (28) There are indicators which make a resumption of these imports in significant quantities from both the partially cooperating and the non cooperating companies likely. Firstly, the removal of these measures would make the Community an attractive destination for Japanese exports in that prices appear to be slightly higher there than in certain other third country markets on which the exporting producers are present. Thus, given that there are still significant Japanese exports to these other third country markets, the re-direction of at least some of these exports to the Community would be very likely. Secondly, the Community market is a very important one in terms of size and these exporters are unlikely not to take advantage of any removal of measures.
- (29) As to the price of these imports should they resume, there is no reason to consider that the prices would be any different to those charged for the current albeit low level of imports. Arguably, lower prices may be a pre-requisite for significantly increased quantities. A recurrence of dumping is also made more likely by the fact that, as indicated in recital 25, Japanese exports to third country markets which have no measures in force (Taiwan and Malaysia) are made at dumped prices. Nor is there any indication that the relatively high prices in Japan are going to alter in the short term.

D. SITUATION IN THE COMMUNITY REWS MARKET**1. Structure of the Community industry**

- (30) Since the current anti-dumping measures were imposed on imports of REWS from Japan in 1993, the Community industry has undergone a restructuring and consolidation programme in order to maintain its competitiveness. A total of ten companies cooperated in the previous investigation but following the restructuring process in the industry only six of these companies remained active in the investigation period. Three of these companies cooperated in the present investigation. It has become evident during the investigation that other Community producers restructured along similar lines.
- (31) The cooperating Community producers represent 41 % of total Community production in the investigation period and thus qualify as a major proportion of the Community production pursuant to Article 4(1) of the basic Regulation. These producers are referred to as 'Community industry' hereafter. In addition two large companies supported the review request but did not fully cooperate with the investigation. The representativity of Community production supporting the complaint was, therefore, well in excess of 50 %.
- (32) It should be noted that for the purposes of the above calculation of the representativity of Community production, in accordance with Article 4(1)(a) and (2) of the basic Regulation, any company operating in the Community related to exporting producers in countries found to be dumping, was excluded from the definition of total Community production.

2. Consumption of REWS on the Community market

- (33) Consumption in the Community has been calculated using verified sales data provided by the Community industry, figures in the review request (for sales of non cooperating Community producers) and import volumes obtained via Eurostat. Consumption was as follows during the analysis period:

Consumption of REWS in the Community

(units)				
1994	1995	1996	1997	Investigation period
174 448	161 682	172 314	177 391	184 990

- (34) The increase in consumption in 1997 and the investigation period was mainly due to a one-off increase in demand from retailers arising from the introduction of the Euro ('Euro-effect'). From 1997 onwards, retailers purchased new, Euro-compliant models in anticipation of the introduction of the Euro. As retailers were, thus, bringing forward their replacement of old REWS, an increase in demand was created within the Community market and the volume of sales increased. This improved situation will be of short-term duration and sales volumes are predicted to drop back to normal levels by 2000, fall further to below normal levels from 2001 before returning to normal again by 2004.

3. Imports concerned*Volume of imports*

- (35) Based on information from Eurostat (using TARIC code 8423 81 50 10), REWS imported from Japan during the analysis period developed as follows:

Volume of imports

(units)					
	1994	1995	1996	1997	Investigation period
Imports from Japan	1 320	474	954	1 606	995
Market share	0,8 %	0,3 %	0,6 %	0,9 %	0,5 %

Price behaviour of exporting producers

- (36) As far as prices of the imports are concerned, it was considered most appropriate to use the information provided by the sole cooperating producer which exported to the Community market during the investigation period. Given the nature of the product, it was considered representative to examine the exporting producer's price behaviour during the investigation period by comparing its export prices with those of similar models sold by the Community industry. Whilst it was deemed that these models provided a fair comparison, the low volume of exports sold by this exporting producer, inevitably makes it difficult to draw clear conclusions. On the basis of the limited number of transactions available, however, there were indications that the exporting producer concerned made sales at very low prices in comparison with those of the Community industry. It was also evident that the decrease in prices of these models during the analysis period, was roughly mirrored by a reduction in prices charged by the Community industry (quoted at recital 42).

4. Situation of the Community industry

- (37) In accordance with Article 3(5) of the basic Regulation, the examination of the impact of the dumped imports on the Community industry included an evaluation of all economic factors and indices having a bearing on the state of the industry. However, certain factors are not dealt with in detail below because they were found to be not relevant for the situation of the Community industry in the course of this investigation. It should finally be noted that none of these factors necessarily gives decisive guidance.

Production, utilisation of capacity and inventories

- (38) Production of all REWS fell over the period 1994 to 1996, but then increased in line with the Euro-effect as explained at recital 34. The capacity utilisation rate of the Community industry increased by 6 % during the analysis period.

Community industry — Production and capacity

<i>Index: 1994 = 100</i>	1994	1995	1996	1997	Investigation period
Volume all REWS produced	74 829	70 862	69 926	77 057	75 915
Capacity (all REWS)	105 446	106 770	100 338	99 888	100 625
Capacity utilisation rate (all REWS)	71 %	66 %	70 %	77 %	75 %

It was considered that the level of inventories could not be considered to have any significant effect on the situation of the Community industry because the Community industry used a production to order system whereby stocks were almost non-existent.

Sales volume

- (39) Sales of total REWS units made by the Community industry on the Community market fell over the period 1994 to 1996, but then increased in line with the Euro-effect as explained at recital 34.

Sales in units

	1994	1995	1996	1997	Investigation period
Sales of Community industry	58 245	54 307	53 485	57 794	58 002

Sales turnover

- (40) The sales turnover of total REWS made by the Community industry on the Community market fell over the period 1994 to 1997, but then increased in line with the Euro-effect as explained at recital 38.

Sales turnover in ECU*(1 000 ECU)*

	1994	1995	1996	1997	Investigation period
Sales of Community industry	87 445	80 679	77 066	74 079	77 902

Market share and growth

- (41) The market share of the Community industry fell from 33,4 % in 1994 to 31,4 % in the investigation period. Therefore, the Community industry could not benefit fully from the growth of the market.

Price development

- (42) An analysis of REWS pricing in the Community was made by reference to the sales prices of all models sold by the Community industry. The development of weighted average prices for sales to unrelated customers during the analysis period was as follows:

Development of prices of REWS*(ECU/unit)*

	1994	1995	1996	1997	Investigation period
All REWS	1 576	1 562	1 508	1 321	1 404
Index	100	99	96	84	89

Sales prices for all ranges decreased between 1994 and the investigation period by 11 %. This overall average price reduction was consistent across all model ranges of REWS.

Profitability

- (43) As evidenced by the Table below, return on net turnover was positive throughout the period but, at the beginning of the analysis period, was consistently below the rate considered necessary for the viability of the industry. The improved figures for 1997 and the investigation period were due to two factors; the abovementioned Euro effect which gave a temporary boost to sales and, to a lesser extent, the effects of large scale restructuring carried out by the industry as explained at recital 30.

Profit (return on net turnover) in the Community

	1994	1995	1996	1997	Investigation period
Community industry	2,2 %	3,1 %	1,6 %	4,9 %	9,6 %

Other performance related factors

- (44) No detailed analysis was carried out on cash flow, ability to raise capital (or investments) and return on investments because such an analysis would relate to the situation of the company as a whole. The companies' other business lines represent more than 50 % of total company turnover and, therefore, an overall analysis would not necessarily be representative for the product under consideration.

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

Productivity, employment and wages

- (45) The table below shows that during the analysis period employment in the Community industry decreased by 29 %.

Productivity per employee

	1995	1996	1997	1998	Investigation period
Number of units produced	74 829	70 862	69 926	77 057	75 915
Number of employees	1 370	1 305	1 208	1 063	978
Productivity	55	54	58	72	78

- (46) Productivity per employee increased by 42 % over the analysis period.
- (47) No detailed analysis was carried out on wages given the importance of other business lines in the overall companies' activities. Such an analysis would relate to the situation of the company as a whole and not necessarily be representative for the product under consideration.

Conclusions on the situation of the Community industry

- (48) The Community industry has undergone a major restructuring programme and has improved production and distribution techniques. However, it has continued to suffer from pricing pressures, which have squeezed margins and resulted in a loss of market share and reductions in employment. Profitability improved towards the end of the analysis period but, as mentioned at recital 34, this was mainly due to one-off benefits of the 'Euro effect', and profit levels are quickly expected to revert to those realised during the main part of the analysis period. It is thus considered that the Community industry has not fully recovered from the negative situation identified in the previous investigation.

E. LIKELIHOOD OF CONTINUATION OR RECURRENCE OF INJURY

1. Analysis of the situation of the Japanese exporting producers

- (49) The development of imports from Japan is described at recital 35. Japanese exporting producers have continued to sell on the Community market, and it was submitted by the Community industry that they have concentrated their sales in markets of certain Member States with specific models, rather than selling the full range of models. This claim was examined by the Commission, and it was clear, from sales figures submitted by importers, that imports were indeed concentrated in certain markets, where the exporters felt that they could compete, mainly on the basis of low prices, without the need for large sales and distribution networks necessary for the Community industry.
- (50) The cooperating importers submitted that the reduction in exports from Japan was due to a transfer of production to other countries, and claimed that, as this transfer was lasting, there was no likelihood of an increase of REWS output in Japan and consequent exports to the Community in the future. In this respect it should be noted that the history of anti-dumping investigations involving the product concerned suggests that production is mobile, and can be moved to countries not subject to measures with relative ease. The investigation has shown that this process was aided by the fact that, when production moved from Japan to other South East Asian countries in the past, a significant value of parts (especially electronic components) continued to be produced and supplied from Japan. On this basis the Commission considers that, if measures on imports of the product concerned are allowed to expire, contrary to the submission made by the cooperating importers, it can not be excluded that exports from Japan would quickly reach their previous levels. In view of the finding of this investigation that dumping has continued to occur, it can be expected that such imports would be at dumped prices.
- (51) In addition to the above point regarding the relative ease of relocation of production, figures obtained from the partially cooperating exporting producer show that capacity utilisation, for the existing production facilities in Japan, was only 50 % in the investigation period. This shows that there is clearly scope for increased production and exports should measures be allowed to lapse, as there are no other major markets which could absorb this additional production volume.
- (52) It should also be noted that this exporting producer also sells at low prices on other markets (Malaysia and Taiwan for example). At similar levels of sales as those to the Community market, sales to Malaysia and Taiwan were at prices around 30 % lower than the sales price (on a cif basis excluding anti-dumping duties) of the same model on the Community market. This clearly suggests that the Community market would be very attractive to Japanese exporting producers in the absence of anti-dumping measures.
- (53) It is also clear that the Community import prices of the small number of transactions observed during the investigation period are at low levels despite the anti-dumping measures in force, but given their low volume these could not exert significant downward pressure on the prices of the Community industry. If measures were allowed to lapse exporters and importers would have increased price flexibility. Exporting producers might be able to benefit from increased export prices but this increase is likely to be limited in order to increase the attractiveness of their products. However, in the absence of anti-dumping duties it is likely that import prices would decrease and thus exert pressure on the Community industry's prices.

2. Analysis of the situation of the Community industry

- (54) The Community market for REWS is predicted to remain relatively stable in the medium term, reflecting the fact that REWS are relatively mature products. During the investigation period, the Community industry was enjoying a boost in sales volume caused by the 'Euro effect', but, as explained at recital 34, this will not be a permanent phenomenon, and can be expected to be offset by losses in future sales. In the medium term sales will return to a gradual but slow decline. The Community industry can therefore expect to see no medium or long term increases in its sales

volume, but its market share can be expected to be eroded further due to pressure from imports from third countries. This situation would be made much worse if measures were allowed to lapse with respect to imports originating in Japan, because a large increase in the import volumes could be expected, as existing production capacities were more fully utilised in Japan or as production was switched back to Japan from countries it moved to after the imposition of anti-dumping duties.

- (55) Sales prices have declined on average by 10,9 % during the period 1994 to the investigation period, and it is expected that this trend will continue as the Community industry attempts to maintain its market share. The current trend in retailing away from small shops to large supermarket chains also has a downward effect on prices because of the bargaining power of these chains. The supermarket chains negotiate annual purchase contracts for REWS direct with producers. During the investigation, it became clear that these large retailers used low-priced offers from Japanese exporting producers to increase the downward pressure on prices. Bearing in mind the expected increased attractiveness of the Community market, the use of low price offers can be expected to have a serious price depressing effect and thus supports the likelihood of recurrence of injury.

3. Conclusion on recurrence of injury

- (56) In the light of the above analysis it is concluded that the expiry of the measures on these imports is likely to lead to a recurrence of injury within the meaning in Article 11(2) of the basic Regulation. In reaching this conclusion, the Commission has also taken into account the fact that the Japanese exporting producers could influence the Community market to a far greater degree than their market share during the investigation period would suggest. If anti-dumping duties are removed it is highly likely that the dumping will continue at much higher volumes of imports. This conclusion is supported further by the level of unused production capacity available in Japan, by the relative ease with which production facilities can be transferred between countries, and by the finding at recital 52 above relating to the continuing attractiveness of Community market to Japanese exporting producers.
- (57) The expiry of the measures therefore would worsen the situation of the Community industry, eventually putting at risk the viability of Community production of REWS.

F. COMMUNITY INTEREST

1. General considerations

- (58) In accordance with Article 21 of the basic Regulation it was examined whether a prolongation of the anti-dumping duties would be against the interest of the Community as a whole. The determination of Community interest was based on an appreciation of all the various interests such as, the Community industry, the importers and traders and the users of the product concerned. In order to assess the likely impact of a continuation of the measures, the Commission requested information from all interested parties mentioned above.
- (59) It should be recalled that, in the previous investigation, the adoption of measures was considered not to be against the interest of the Community. Furthermore, the present investigation is a review, thus analysing a situation in which anti-dumping measures are in place. Consequently, the timing and nature of the present investigation has allowed an assessment of any negative impact on the parties concerned by the anti-dumping measures imposed.

2. Interests of the Community industry

- (60) In view of the continuing weak economic situation of the Community industry, especially in terms of inadequate profitability (at the beginning of the analysis period and in terms of medium term outlook), employment and market share, the Commission considers that, in the absence of measures against injurious dumping, the situation of the Community industry is likely to deteriorate. The previous review investigation involving REWS from Japan expected that certain Community producers would probably cease production of REWS, and that there might be a reduction in employment levels, given the level of losses incurred by certain producers at that time. Although measures were maintained in 1993, there was still a reduction in employment due to a consolidation process involving various mergers and acquisitions.

- (61) Any further shrinking or deterioration of the Community industry would have negative implications for employment and investment in the industry itself, with knock-on effects, both on the industry's suppliers and on the related sectors of production within the Community industry. Indeed, the technologies of REWS and a whole range of other products are related. Examples of these are other types of electronic scales (such as industrial scales) and appliances used in the retail sector (such as slicing machines). Any loss of technological know-how in the REWS products will mean a global loss of competitiveness in these related sectors.
- (62) In addition, the investigation has demonstrated that the Community industry has made every effort to meet the competition from Japan and other countries. Examples of such steps are:
- (a) A progression towards greater consolidation (fewer companies).
 - (b) The closure of excess capacity.
 - (c) Greater use of modern production techniques (e.g. production to order, increased mechanisation and computerisation).
 - (d) Improvements in productivity.
 - (e) Reducing costs by contracting out the manufacturing of some components, and
 - (f) Investing in new model ranges.
- (63) Community producers have, therefore, shown a willingness and determination to maintain a competitive presence on the Community market and are capable of benefiting from the defence from unfair trade afforded by anti-dumping measures.

3. Interests of importers

- (64) The Commission considered the interests of importers in the Community and received questionnaire responses from two companies (listed at recital 9) which imported the product concerned from Japan during the investigation period. The importers considered that the measures should be removed as they were hindering their ability to sell a high quality product which was not offered for sale by the Community industry. However, the Commission considered that the model imported was similar to some of the top range models produced and sold by the Community industry, that they were in direct competition with each other and that they were, therefore, like products.
- (65) As to the importers' sales and profitability, it is evident that the removal of measures would enable importers to reduce their resale prices and increase margins. In view of the findings on dumping and injury above, this increase in profitability would be due solely to continued dumping.

4. Interests of users

- (66) The Commission sought the cooperation of a body representing the interests of retail outlets, including multiple users of the product concerned (supermarkets), in order to identify if there was any significant impact on any users.
- (67) The Commission was notified informally by this body that there was to be no response from retail users. Indeed, no other interested parties made themselves known. This lack of cooperation is no doubt due to the very small proportion of users' total costs represented by REWS. The impact of maintaining measures, in what is a highly competitive market, can be assumed to be negligible.

5. Conclusion

- (68) The low level of cooperation by users and importers clearly makes it difficult to draw conclusions on the impact in these sectors. It was concluded, however, that the impact would be negligible, particularly for the retail sector where the proportion of costs represented by REWS is very small.

- (69) It should be recalled, however, that there is likelihood of recurrence of material injury to the Community industry, which has made great efforts to remain competitive. The Community industry is temporarily benefiting from the introduction of the Euro. However, if measures lapsed, and in view of the diminishing effect of the Euro, it is likely that the Community industry will deteriorate in the future and threaten the viability of the entire Community production.
- (70) On the basis of the above, the Commission finds that there are no compelling reasons of Community interest against the maintenance of the anti-dumping measures.

G. DEFINITIVE MEASURES

- (71) It will be recalled that the current review was opened under both Article 11(2) and Article 11(3) of the basic Regulation. As explained at recital 16, the Commission decided not to pursue the Article 11(3) review. The Commission's findings are therefore based on those established under Article 11(2) relating to the likelihood of continuation and recurrence of injurious dumping should the existing measures be removed.
- (72) It follows that the existing anti-dumping duties should therefore be maintained:
- | | |
|-------------------------------|--------|
| Yamato Scale Co. Ltd, Akashi | 15,3 % |
| Tokyo Electric Co. Ltd, Tokyo | 22,5 % |
| Teraoka Seiko Co. Ltd, Tokyo | 22,6 % |
| Ishida Co. Ltd, Kyoto | 31,6 % |
| All other companies | 31,6 % |
- (73) For the reasons explained in recital 11 concerning the duration of the investigation, it is considered appropriate that the duration of the measures should be limited to four years,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of electronic weighing retail trade scales currently classifiable within CN code ex 8423 81 50 (TARIC code 8423 81 50 10) and originating in Japan.

2. The duty, calculated on the basis of the net, free-at-Community-frontier price of the product, before duty, shall be:

31,6 % (TARIC additional code 8697), with the exception for retail electronic weighing scales produced by the companies listed below, to which the following rate shall apply:

Yamato Scale Co. Ltd, Akashi (TARIC additional code 8696)	15,3 %
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Tokyo Electric Co. Ltd, Tokyo (TARIC additional code 8694)	22,5 %
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Teraoka Seiko Co. Ltd, Tokyo (TARIC additional code 8695)	22,6 %
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3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

The anti-dumping duties shall be imposed for a period of four years from the date of entry into force of this Regulation.

Article 3

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, 6 March 2001.

For the Council

The President

I. THALÉN

**COUNCIL REGULATION (EC) No 469/2001
of 6 March 2001**

**imposing a definitive anti-dumping duty on imports of certain electronic weighing scales
originating in Singapore**

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 involving Singapore

- (1) By Regulation (EEC) No 1103/93⁽²⁾ the Commission imposed a provisional anti-dumping duty on imports into the Community of certain electronic weighing scales originating in Singapore and the Republic of Korea and falling within CN code ex 8423 81 50.
- (2) In October 1993, by Regulation (EEC) No 2887/93⁽³⁾, the Council imposed definitive anti-dumping measures on imports of certain electronic weighing scales originating in Singapore and the Republic of Korea. In 1995 the measures applicable to Singaporean exporting producers were modified by Regulation (EC) No 2937/95⁽⁴⁾ which resulted in an increase in the level of the duties as it was established that the Singaporean exporting producers had been absorbing the duties in place.

2. Recent investigations involving the product concerned

- (3) In April 1993, by Regulation (EEC) No 993/93⁽⁵⁾, the Council imposed definitive anti-dumping measures on imports of certain electronic weighing scales originating in Japan. These measures are also subject to a review which was opened in April 1998⁽⁶⁾.
- (4) On 16 September 1999, the Commission published a Notice in the *Official Journal of the European Communities*⁽⁷⁾, announcing the initiation of an anti-dumping proceeding in accordance with Article 5 of Regulation (EC) No 384/96 (hereinafter referred to as the 'basic Regulation') regarding imports into the Community of certain electronic weighing scales originating in the People's Republic of China, the Republic of Korea and Taiwan. This investigation was concluded in November 2000, by Council Regulation (EC) No 2605/2000⁽⁸⁾, which imposed definitive anti-dumping measures on imports of certain electronic weighing scales originating in those countries.

3. Request for review

- (5) Following the publication of a notice of impending expiry of the anti-dumping measures in force on imports of certain electronic weighing scales originating in Singapore and the Republic of Korea⁽⁹⁾, the Commission received a request to review the measures (applicable to Singapore only) pursuant to Article 11(2) of the basic Regulation.

The request was lodged on behalf of Community producers whose collective output constituted 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 2238/2000 (OJ L 257, 11.10.2000, p. 2).

⁽²⁾ OJ L 112, 6.5.1993, p. 20.

⁽³⁾ OJ L 263, 22.10.1993, p. 1.

⁽⁴⁾ OJ L 307, 20.12.1995, p. 30.

⁽⁵⁾ OJ L 104, 29.4.1993, p. 4.

⁽⁶⁾ OJ C 128, 25.4.1998, p. 11.

⁽⁷⁾ OJ C 262, 16.9.1999, p. 8.

⁽⁸⁾ OJ L 301, 30.11.2000, p. 42.

⁽⁹⁾ OJ C 125, 23.4.1998, p. 3.

- (6) The request was 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 pursuant to Article 11(2) and 11(3) of the basic Regulation ⁽¹⁾. The opening of the Article 11(3) investigation by the Commission was based on the allegation in the request that dumping margins had significantly increased since the previous investigation and that the expiry of the measures would therefore result in increased dumping and injury.

4. Investigation

- (7) The Commission officially advised the Community producers supporting the review request, the exporting producers, importers and a user association known to be concerned, as well as the representatives of the exporting countries, and gave interested parties the opportunity to make their views known in writing and to request a hearing within the time limits set out in the Notice of initiation of the review.
- (8) The Commission sent questionnaires to the parties known to be concerned and received replies from two Community producers and one Singaporean exporting producer. The Commission also sent questionnaires to importers and Eurocommerce, the association representing multiple and small users in the Community. There was no formal response from either the importers, users or the user association.
- (9) The Commission sought and verified all the information it deemed necessary for the purposes of determining the likely continuation or recurrence of dumping and injury and the Community interest. Verifications were carried out at the premises of the following companies:

Exporting producer:

— Teraoka Weigh System PTE Ltd, Singapore

Community producers:

— Bizerba GmbH & Co. KG, Balingen, Germany

— GEC Avery Ltd, (a subsidiary of the General Electric Company, plc), Birmingham, United Kingdom

- (10) The investigation of continuation and recurrence of dumping covered the period from 1 October 1997 to 30 September 1998 (hereinafter referred to as the 'investigation period'). The examination of continuation and recurrence of injury covered the period from 1994 up to the end of the investigation period (hereinafter called the 'analysis period').
- (11) The present review exceeded the period of 12 months 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 the impact of the euro-effect (see recital 39) on the investigation.
- (12) 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. 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. The product concerned

- (13) The product concerned is the same as in the previous investigation, electronic weighing scales for use in the retail trade (hereinafter referred to as 'REWS') which incorporate a digital display of the weight, unit price and price to be paid (whether or not including a means of printing this data) falling within CN code 8423 81 50. REWS have different types or levels of performance and technology. In this respect, the industry defines three segments of REWS; low, mid and top ranges. These vary from stand-alone REWS, without built-in printers to more sophisticated models with pre-set key systems and the possibility of integration into computer-related control and management systems.

⁽¹⁾ OJ C 324, 22.10.1998, p. 4.

- (14) Although the potential use of REWS can vary, there is no significant difference in the basic physical and technical characteristics of the various types of REWS. In addition, the investigation has shown that between these three segments there are no clear dividing lines, models in neighbouring segments often being interchangeable. In line with the results of the previous investigation, they have, therefore, to be considered as one single product for the purposes of this investigation.

2. Like product

- (15) The investigation has shown that the various REWS produced in Singapore and sold on that market have, despite differences in size, life span, voltage or design, the same basic technical and physical characteristics as compared to the REWS exported from Singapore to the Community and accordingly have to be considered as like products.

Likewise, apart from minor technical differences, the range of Community-produced REWS are basically alike in all respects to the REWS exported from Singapore to the Community.

C. DUMPING AND LIKELIHOOD OF RECURRENCE OF DUMPING

1. Preliminary remarks

- (16) As indicated above, this investigation is a combination of an expiry review based on Article 11(2) of the basic Regulation and an interim review based on Article 11(3), the latter having been initiated to examine the allegation that the injurious dumping had increased. The Commission decided not to pursue this Article 11(3) review because the volumes sold on the Community market by the exporting producers were low and there was insufficient evidence for a lasting change in circumstances to be established. The Commission's findings are, therefore, based on those established under Article 11(2) relating to the likelihood of continuation and recurrence of injurious dumping should the existing measures be removed.
- (17) According to Eurostat some 449 REWS from Singapore were imported into the Community during the investigation period as compared to 4 500 units in the previous investigation period on which the measures subject to review are based.
- (18) The sole cooperating Singaporean producer, Teraoka Weigh System PTE Ltd, reported that it exported 315 units to the Community. Reference to Eurostat indicates that this represents 70 % of the exports to the Community which points to significant non-cooperation.

2. Likelihood of continuation or recurrence of dumping

- (19) In accordance with Article 11(2) of the basic Regulation, the purpose of this type of review is to determine whether, or not, the expiry of the measures would lead to a continuation or recurrence of injurious dumping.

Likelihood of continuation of dumping

- (20) In examining whether there is a likelihood of continuation of dumping if measures were removed, it is necessary to verify whether dumping exists at present and whether any such dumping is likely to continue. In this respect, the findings as set out for the Article 11(3) review for the determination of dumping apply.

Likelihood of recurrence of dumping

- (21) As the findings on the likely continuation of any dumping cannot on their own be considered as decisive on whether measures should be maintained or repealed, given that they were based on a low volume of exports to the Community of a model which is gradually being phased out, the likelihood of recurrence of dumping should measures be removed was also addressed. In this respect, there are indicators which make a resumption of these imports to the Community in significant quantities

likely. These increased sales would be likely to materialise from two sources: through the transfer of production capacity, which is relatively mobile, from units related to Singaporean exporting producers in other third country markets back to Singapore; and through a switch in some of the sales from numerous other third country markets to the Community to take advantage of the slightly higher prices on the Community market. Moreover, the existence of measures in force against Japan reinforces this likelihood.

- (22) The exporting producer argued that it was unlikely to switch any production back to Singapore which could then be sold to the Community, in particular the production of the units situated in the Community. But, these units did not cooperate with this investigation and these arguments were impossible to evaluate. In any event, the history of this product shows that production is very mobile and can be changed at relatively short notice in reaction to events such as the imposition of anti-dumping duties. For example, the units in the Community were set up after such duties were imposed.
- (23) As to the price into the Community of imports of the like product should they resume, there is good reason to believe that these would be at dumped levels in particular given that a significant quantity of Singaporean exports to other third country markets, which have no measures in force (such as United States of America, Canada, Malaysia, Indonesia, the Republic of Korea, Israel and Thailand), are made at dumped prices. If the prices charged to these other third country markets were also charged on any sales to the Community dumping would also be taking place. This would still be the case if prices were slightly higher to reflect the slightly higher prices presently prevailing in the Community, as compared to these other third countries. Moreover, there is no indication that the relatively high level of prices in Singapore is going to alter in the short term and it is therefore considered reasonable to assume, taking due account of the dumping history for this product, that any significant resumption of exports to the Community would be at prices below those in Singapore.
- (24) The exporting producer argued that there was no evidence that the sales made to these other third countries by the exporting producer were at dumped levels and in this respect produced calculations for the exports of one model as well as the profit margins of this model to the Community. But, this evidence failed to demonstrate the existence, or otherwise, of dumping on these sales, not least because the information only concerned one model and the fact that profits on sales to the Community are irrelevant. In fact, the Commission's observations on dumping to these third countries were derived from the information provided by the exporting producer, on all its sales to third countries, and this showed a distinct pattern of dumping with export prices in general being significantly lower than those charged in Singapore.

Determination of dumping under Article 11(3)

- (25) In accordance with the allegation in the review request that dumping margins would increase if measures were removed, the investigation included a review of dumping for the investigation period. In this context, only one exporting producer cooperated in the investigation and during the investigation this party claimed that it was no longer dumping on its sales to the Community and that the measures which apply to its exports should be removed.
- (26) With respect to the allegation made by the exporting producer that dumping had disappeared and that measures should be repealed, account was taken of the fact that measures were in force during the investigation period and that, therefore, any calculation of dumping could be affected by the existence of these measures, in particular in relation to the volume and prices of these imports to the Community. During the period set for this investigation the quantity exported by the exporting producer was 315 units. This was a much smaller quantity than the quantity exported during the investigation period which led to the existing measures but this level, as such, was not considered insufficient for a recalculation of a new dumping margin. However, most of these imports were made to an importer in the Netherlands which did not cooperate in this investigation but which had relations with the exporting producer which extended beyond a pure buyer and seller relationship. The non-cooperation of this party did not permit a proper examination of whether this relationship may have affected the prices of these exports in question.
- (27) Moreover, the exporting producer reported the existence of a related party in the Community which also did not cooperate in this investigation other than to submit some general information about its activities. It was therefore not possible to establish with any certainty whether this company was directly or indirectly involved in selling the like product in the Community.

- (28) In addition, the exporting producer based its claim of no dumping on a comparison of the export prices of one model to the Community when compared to the prices of a newer version of that model when sold in Singapore with the latter adjusted by over 20 % to take account of allegedly higher production costs of the model sold in Singapore.
- (29) In any event, the exporting producer did not produce any evidence that these differences affected the prices charged on the Singaporean market. For example, no evidence was given in relation to the prices of the old and new models when the latter was introduced onto the market. Sales to third countries, other than the Community, were examined to see whether these could provide a basis for any adjustment and these showed that when the two models were sold on the same market there was no clear pattern of prices which could confirm the claim. For some countries, prices of both models were approximately the same, for some countries the 'older' version had the higher price and for some countries the newer version had the higher price. An average comparison of the prices of the two models to third countries showed that the newer version commanded a higher price of about 6 %.
- (30) In these circumstances, it was observed that dumping would only disappear if the claimed adjustment for differences in physical characteristics was granted whereas if it was not, or only granted to the extent of the price difference for the two models concerned to third markets, significant dumping would remain.
- (31) Thus, the relatively low volume of imports relating to only one model which is in the process of being phased out and which had no equivalent model sold in Singapore, the non-participation in the investigation of related or associated parties in the Community, at least to an extent which extends beyond a normal buyer and seller relationship, leads to the conclusion that a reliable and lasting dumping margin cannot be established for the investigation period.
- (32) For the same reasons, the claim that measures should be increased is rejected. Measures can only be revised upwards or downwards on the basis of findings for the investigation period if these can be considered reliable and lasting. In this respect, there was no reliable evidence which could justify an increase in measures. In fact, the existence of measures appeared to be having a considerable impact in preventing dumping in significant quantities.
- (33) For those exporting producers located in Singapore, which failed to cooperate with the investigation, dumping was determined on the basis of the facts available in accordance with Article 18(1) of the basic Regulation. In this respect, it is appropriate to consider that the most reasonable facts available are those established for the previous investigation. A residual dumping margin was therefore determined, by maintaining the previous residual margin of 31,0 %, expressed as a percentage of the cif import price at the Community border.

Conclusion

- (34) The Article 11(2) review indicates that if measures were removed there would be a likelihood of continuation and/or recurrence of dumping. The Article 11(3) review could not be pursued as such a review is only justified where a lasting change in circumstances is shown.

D. SITUATION IN THE COMMUNITY REWS MARKET

1. Structure of the Community industry

- (35) Since the current anti-dumping measures were imposed on imports of REWS from Singapore in 1993, the Community industry has undergone a restructuring and consolidation programme in order to maintain its competitiveness. A total of nine companies cooperated in the previous investigation but following the restructuring process in the industry only five companies remained in the investigation period. As mentioned at recital 8 two of these companies cooperated in the present investigation. It has become evident during the investigation that other Community producers have restructured along similar lines.

- (36) The cooperating Community producers represent 39 % of Community production in the investigation period, and thus qualify as a major proportion of the Community production. These producers are referred to as 'Community industry' hereafter. In addition two large companies supported the review request but did not fully cooperate with the investigation. The representativity of Community production supporting the complaint was, therefore, well in excess of 50 %.
- (37) It should be noted that for the purposes of the above calculation of the representativity of Community production, in accordance with Article 4(1)(a) and (2) of the basic Regulation, any company operating in the Community related to exporting producers in countries found to be dumping, was excluded from the definition of total Community production.

2. Consumption of REWS on the Community market

- (38) Consumption in the Community has been calculated using verified sales data provided by the Community industry, figures in the review request (for sales of non-cooperating Community producers) and import volumes obtained via Eurostat. Consumption was as follows during the analysis period:

Consumption of REWS in the Community

(units)				
1994	1995	1996	1997	Investigation period
174 448	161 682	172 314	177 391	191 341

- (39) The increase in consumption in 1997 and the investigation period was mainly due to a one-off increase in demand from retailers arising from the introduction of the euro ('euro-effect'). From 1997 onwards, retailers realised more and more that they had to replace old REWS with euro-compliant models of REWS. This created increased demand for REWS in the Community and the volume of sales increased. This improved situation will be of short-term duration and sales volumes are predicted to drop back to normal levels by 2000, fall further to well below normal levels from 2001 before returning to normal again by 2004.
- (40) An alternative consumption figure was provided by the legal representatives of the exporting producers in Singapore. This figure was an extrapolation largely based on one Member State using 1996 figures. The Commission considered, therefore, that the information from the sources mentioned above was more accurate, complete and up to date.

3. Imports concerned

Volume of imports

- (41) Based on information from Eurostat (using the dedicated TARIC code 8423 81 50 10), the REWS imported from Singapore during the analysis period developed as follows:

Volume of imports

(units)					
	1994	1995	1996	1997	Investigation period
Imports from Singapore	1 785	3 776	863	987	449
Market share	1,0 %	2,3 %	0,5 %	0,6 %	0,2 %

- (42) The fall in volume of imports in 1996 can largely be attributed to the raising of the duty rate applicable to Teraoka Weigh System PTE Ltd following the anti-absorption review investigation which resulted in the adoption of Regulation (EC) No 2937/95.

- (43) The sales of the cooperating Singaporean exporting producer on the Community market during the investigation period involved only one model (hereinafter referred to as Model A) and were imported during the analysis period in very low volumes as follows:

Volume of imports

	1995	1996	1997	(units) Investigation period
Model A	1	487	738	315

- (44) Teraoka Weigh System PTE Ltd submitted that the low market share of Singaporean imports was *de minimis*. However, it should be noted that the *de minimis* provisions in the basic Regulation only relate to proceedings involving new cases under Article 5 rather than Article 11 reviews of existing measures. In addition, it should be expected that the existence of measures may have a decreasing effect on import volumes from that country.

Price behaviour of exporting producers

- (45) In view of the significant lack of cooperation of the exporting producers, the Commission had to assess which information was available to carry out an analysis of the pricing behaviour of the exporting producers. In this respect it was not considered appropriate to use Eurostat information because this gave no indication of the models involved. It was, therefore, considered most appropriate to use the information provided by the sole exporting producer which provided sales data for the Community market. A comparison between the prices of representative models marketed by the Community industry and the comparable model of the cooperating exporting producer was made on the basis of sales, excluding anti-dumping duties, at the same level of trade (prices to dealers/importers) during the investigation period. No adjustment for quality difference had to be made because the models used were identical in the perception of the buyer and were directly and fully comparable. Whilst it was deemed that these models provided a fair comparison, the low value of exports sold by this exporting producer inevitably makes it difficult, if not impossible, to draw clear conclusions. On the basis of the limited number of transactions available however, significant price undercutting was identified by the dumped imports concerned.
- (46) It should be pointed out here that misleading information was provided by the cooperating exporting producer concerning the status of the major importer involved in the above calculation. Initially the Commission services were informed that the importer was not related to the Singaporean exporter but at a later stage they were described as being 'part of the Teraoka group'. Although the importer did not cooperate with the investigation and its relationship with the exporting producer could, therefore, not be conclusively determined, the Commission accepted the import purchase prices as being unaffected by the possible relationship and used them as the best source of information available in accordance with Article 18 of the basic Regulation.

4. Situation of the Community industry

- (47) In accordance with Article 3(5) of the basic Regulation, the examination of the impact of the dumped imports on the Community industry included an evaluation of all economic factors and indices having a bearing on the state of the industry. However, certain factors are not dealt with in detail below because they were found to be not relevant for the situation of the Community industry in the course of this investigation. It should finally be noted that none of these factors necessarily gives decisive guidance.

Production, utilisation of capacity and inventories

- (48) Production of all REWS fell over the period 1994 to 1996, but then increased in line with the euro-effect as explained at recital 39. The capacity utilisation rate of the Community industry increased by 13 % during the analysis period.

Community industry production and capacity

<i>Index: 1994 = 100</i>	1994	1995	1996	1997	Investigation period
Volume all REWS produced	100	93	95	104	102
Capacity (all REWS)	100	101	98	98	90
Capacity utilisation rate (all REWS)	100	92	98	105	113

It was considered that the level of inventories could not be considered to have any significant effect on the situation of the Community industry because the Community industry used a production to order system whereby stocks were almost non-existent.

Sales volume

- (49) Sales of total REWS units made by the Community industry on the Community market fell over the period 1994 to 1996, but then increased in line with the euro-effect as explained at recital 39.

Sales volume in units

<i>Index: 1994 = 100</i>	1994	1995	1996	1997	Investigation period
Sales of Community industry	100	91	94	100	103

Sales turnover

- (50) The sales turnover of total REWS made by the Community industry on the Community market fell over the period 1994 to 1997, but then increased in line with the euro-effect as explained at recital 39.

Sales turnover

<i>Index: 1994 = 100</i>	1994	1995	1996	1997	Investigation period
Sales of Community industry	100	93	90	85	90

Market share and growth

- (51) The market share of the Community industry fell by 3 percentage points from 1994 to the end of the investigation period. Therefore, the Community industry could not benefit fully from the growth of the market.

Price development

- (52) An analysis of REWS pricing in the Community was made by reference to the sales prices of models from each model range sold by the Community industry. The development of weighted average prices for sales to unrelated customers during the analysis period was as follows:

Development of prices of REWS

(ECU/unit)

<i>Index: 1994 = 100</i>	1994	1995	1996	1997	Investigation period
All REWS	100	103	95	83	87

Sales prices for all ranges decreased between 1994 and the investigation period by 13 %. This overall average price reduction was consistent across all model ranges of REWS.

Profitability

- (53) The return on turnover of REWS as a whole rose from low positive levels in 1994 to over 10 % in the investigation period. At the beginning of the analysis period, the return on turnover was consistently below the rate considered necessary for the viability of the industry. The improved figures for 1997 and the investigation period were due to the abovementioned euro effect which gave a temporary boost to sales and, to a lesser extent, the effects of large scale restructuring carried out by the industry as mentioned at recital 35. In addition the existence of anti-dumping measures will also have had a positive effect.

Other performance related factors

- (54) No detailed analysis was carried out on cash flow, ability to raise capital (or investments) and return on investments because such an analysis would relate to the situation of the company as a whole. The companies' other business lines represent more than 50 % of total company turnover and, therefore, an overall analysis would not necessarily be representative for the product under consideration.

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

Productivity, employment and wages

- (55) The table below shows that during the analysis period employment in the Community industry decreased by 32 %.

Productivity per employee

<i>Index: 1995 = 100</i>	1995	1996	1997	1998	Investigation period
Number of units produced	100	93	95	104	102
Number of employees	100	94	86	75	68
Productivity per employee	100	99	111	138	150

- (56) Productivity per employee increased by 50 % over the analysis period.
- (57) No detailed analysis was carried out on wages given the importance of other business lines in the overall companies' activities. Such an analysis would relate to the situation of the company as a whole and not necessarily be representative for the product under consideration.

Conclusions on the situation of the Community industry

- (58) The Community industry has undergone a major restructuring programme and has improved production and distribution techniques in order that it can benefit from the measures in place. However, it has continued to suffer from pricing pressures, which has squeezed margins and has resulted in a loss of market share and reductions in employment. Profitability improved over the analysis period but, as mentioned at recital 39, it was only at levels sufficient to maintain the Community industry's viability, and this was mainly due to one-off benefits resulting from the euro effect and profit levels are expected to revert to those realised during the main part of the analysis period.

It is thus considered that the Community industry has not fully recovered from the negative situation in which it was found in the previous investigation.

E. LIKELIHOOD OF RECURRENCE OF INJURY

1. Analysis of the situation of the Singaporean exporting producers

- (59) The development of imports from Singapore is shown at recital 41. The application of increased anti-dumping duties following the anti-absorption investigation which came into force in December 1995 will have affected the level of imports from that date.
- (60) Although at volumes lower than before, Singaporean exporting producers have continued to sell on the Community market, and it was submitted by the complaining industry that they have concentrated their sales in markets of certain Member States with specific models, rather than selling a full range of models. This claim was examined by the Commission and it was clear from sales figures submitted by the cooperating exporting producer, that certain markets were, indeed, being targeted with specific models, where the exporters felt that they could compete, mainly on the basis of low prices, without the large sales and distribution networks necessary for the Community industry.

The Community retail sector is dominated more and more by large supermarket chains which negotiate annual purchase contracts for REWS. Therefore the REWS market is susceptible to price pressure in the form of low-priced offers to increase the downward pressure on prices. The Commission considers, therefore, that low-priced offers involving imports from Singapore could easily lead to a recurrence of injury should the anti-dumping measures in place be allowed to lapse.

- (61) The history of anti-dumping investigations involving this product has shown that production is mobile. The view of the Commission is that, if measures on imports of the product concerned expired, exports from Singapore would quickly regain their previous injurious levels and, in view of the finding of this investigation that dumping has continued to occur, at dumped prices. This is particularly pertinent here, where the main Singaporean producer is related to a producer in Japan; i.e. also a country for which a likelihood of recurrence of injurious dumping has been found.
- (62) In addition to the above point regarding production movements, figures obtained from the cooperating exporting producer were unclear in respect of capacity utilisation. We were informed that capacity utilisation was 63 % of the nameplate production and over 100 % of the attainable production levels in the investigation period. The Commission concluded, however, that the mobility of production and the ease of setting up new facilities meant that production and exports could be increased should measures lapse.
- (63) The major exporting producer submitted that production facilities had now been established in the Community, which meant that it was unlikely that exports from Singapore to the Community would increase if measures lapsed. However, these production units failed to cooperate with the investigation. It was clear from the limited amount of information supplied that a very small range of models were being produced in the Community and the Commission services concluded that, in order to offer a more complete range, that imports would be attracted in from Singapore. Indeed, should measures be allowed to lapse, it was possible that production in Europe would be moved back to Singapore.
- (64) It should also be noted that the major exporting producer also sells at low prices on other markets (the United States of America, Canada, Israel, the Republic of Korea, Indonesia and Malaysia). For a total volume of sales of 665 units to these countries, sales prices (excluding duties) were around 9 % lower than prices of the same model on the Community market. This clearly suggests that the Community market would be very attractive to Singaporean exporting producers in the absence of anti-dumping measures.
- (65) If measures lapsed, these prices would remain low and at dumped levels, and the imports would exert pressure on the Community market due to the increased volumes which would probably become involved due to the increased attractiveness of the market.

2. Analysis of the situation of the Community industry

- (66) During the investigation period, the Community industry was enjoying a boost in sales volume caused by the euro effect, but as explained at recital 39, this will not be a permanent phenomenon. Given the potential for low-priced dumped imports from Singapore should measures be repealed, it can be expected that prices and the Community industry's market share will be eroded further.
- (67) Sales prices have declined on average by 13,3 % during the period 1994 to the investigation period and it is expected that this trend will continue as the Community industry attempts to maintain its market share.

3. Conclusion on recurrence of injury

- (68) In the light of the findings at recitals 59 to 67, it is concluded that the expiry of the measures on these imports is likely to lead to a recurrence of injury as defined by the various indicators used in Article 3(5) of the basic Regulation. In reaching this conclusion, the Commission has taken into account the fact that the Community market for REWS is susceptible to price pressure as it is dominated by large users.
- (69) The Commission has taken into account the conclusion that production facilities can be transferred with relative ease between countries which increases available capacity, and recitals 59 to 65 explain the continuing attractiveness of the Community market to Singaporean exporting producers as compared to some of its third country markets.
- (70) The expiry of the measures, therefore, would be likely to lead to a recurrence of injury to the Community industry, eventually putting at risk the viability of Community production.

F. COMMUNITY INTEREST

1. General considerations

- (71) In accordance with Article 21 of the basic Regulation it was examined whether a prolongation of the anti-dumping duties would be against the interest of the Community as a whole. The determination of Community interest was based on an appreciation of all the various interests such as, the Community industry, the importers and traders and the users of the product concerned. In order to assess the likely impact of a continuation of the measures, the Commission requested information from all interested parties mentioned above.
- (72) It should be recalled that, in the previous investigation, the adoption of measures was considered not to be against the interest of the Community. Furthermore, the present investigation is a review, thus analysing a situation in which anti-dumping measures are in place. Consequently, the timing and nature of the present investigation has allowed an assessment of any negative impact on the parties concerned by the anti-dumping measures imposed.
- (73) The Commission also considered the effects of anti-dumping duties on REWS imported from Singapore in relation to the specific interests of the Community industry and other interested parties including professional end-users.

2. Interests of the Community industry

- (74) In view of the continuing weak economic situation of the Community industry, especially in terms of inadequate profitability (at the beginning of the analysis period and in terms of medium term outlook), employment and market share, the Commission considers that, in the absence of measures against injurious dumping, the situation of the Community industry is certain to deteriorate. The previous review investigation involving REWS from Singapore expected that certain Community producers would probably cease production of REWS, and that there might be a reduction in employment levels, given the level of losses incurred by certain producers at that time. Although measures were maintained in 1993, the reduction in employment did in fact happen, the companies continuing presence on the Community market being due to a consolidation process involving mergers/acquisitions.

- (75) Any further shrinking or deterioration of the Community industry would have negative implications for employment and investment in the industry itself, with knock-on effects, both on the industry's suppliers and on the related sectors of production within the Community industry. Indeed, the technologies of REWS and a whole range of other products are related. Examples of these are other types of electronic scales (such as industrial scales) and appliances used in the retail sector (such as slicing machines). Any loss of technological know-how in the REWS products will mean a global loss of competitiveness in these related sectors.
- (76) In addition, the investigation has demonstrated that the Community industry has made every effort to meet the competition from Singapore and other countries. Examples of such steps are:
- (a) A progression towards greater consolidation (fewer companies).
 - (b) The closure of excess capacity.
 - (c) Greater use of modern production techniques (e.g. production to order, increased mechanisation and computerisation).
 - (d) Improvements in productivity.
 - (e) Reducing costs by contracting out the manufacturing of some components, and
 - (f) Investing in new model ranges.
- (77) Community producers have, therefore, shown a willingness and determination to maintain a competitive presence on the Community market and are capable of benefiting from the defence from unfair trade afforded by anti-dumping measures.

3. Interests of other parties

- (78) The Commission sought the cooperation of a body representing the interests of retail outlets, including multiple users of the product concerned (supermarkets), in order to identify if there was any significant impact on any users.
- (79) The Commission was notified informally by this body that there was to be no response from retail users. Indeed, no other interested parties made themselves known. This lack of cooperation is no doubt due to the very small proportion of users' total costs represented by REWS. The impact of maintaining measures, in what is a highly competitive market, can be assumed to be negligible.
- (80) The Commission also sought the views of importers in the Community but no replies were received to our questionnaire. It is evident that the removal of measures would enable importers to reduce sales prices and increase margins. However, in view of the findings on dumping and injury above, this increase in profitability would be due solely to continued dumping.

4. Conclusion

- (81) The low level of cooperation by users and importers clearly makes it difficult to draw conclusions on the impact in these sectors. It was concluded, however, that the impact would be negligible, particularly for the retail sector where the proportion of costs represented by REWS is very small.
- (82) It should be recalled, however, that there is a likelihood of recurrence of material injury to the Community industry, which has made great efforts to remain competitive. The Community industry is temporarily benefiting from the introduction of the euro. However, if measures lapsed, and in view of the diminishing effect of the euro, it is likely that the Community industry will deteriorate in the future and threaten the viability of the entire Community production.
- (83) On the basis of the above the Commission finds that there are no compelling reasons of Community interest against the maintenance of the anti-dumping measures.

G. DEFINITIVE MEASURES

- (84) It will be recalled that the current review was opened under both Article 11(2) and Article 11(3) of the basic Regulation. The opening under Article 11(3) was initiated to investigate an allegation by the Community industry that circumstances had changed and that the expiry of the measures would result in increased dumping. In this case, the Commission decided not to pursue this Article 11(3) review for the reasons explained at recital 16. The Commission's findings are, therefore, based on those established under Article 11(2) relating to the likelihood of continuation and recurrence of injurious dumping should the existing measures be removed.
- (85) As it was concluded that the removal of measures would be likely to lead to continuation or recurrence of injurious dumping under Article 11(2) of the basic Regulation, the following anti-dumping duties should be imposed:
- | | |
|------------------------------|--------|
| Tereoka Weigh System PTE Ltd | 15,4 % |
| All non-cooperators | 31,0 % |
- (86) For the reasons explained at recital 11 concerning the duration of the investigation, it is considered appropriate that the duration of the measures should be limited to four years,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of electronic weighing scales for use in the retail trade which incorporate a digital display of the weight, unit price and price to be paid (whether or not including a means of printing these data), currently classifiable within CN code ex 8423 81 50 (TARIC code 8423 81 50 10 and originating in Singapore.

2. The duty, calculated on the basis of the net, free-at-Community-frontier price of the product, before duty, shall be:

31,0 % (TARIC additional code 8704), with the exception for electronic weighing scales produced by the company listed below, to which the following rate shall apply:

Tereoka Weigh System PTE Ltd	15,4 %
------------------------------	--------

(TARIC additional code 8703).

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

Article 2

The anti-dumping duties shall be imposed for a period of four years from the date of entry into force of this Regulation.

Article 3

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, 6 March 2001.

For the Council
The President
I. THALÉN

COMMISSION REGULATION (EC) No 470/2001
of 8 March 2001
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 9 March 2001.

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

Done at Brussels, 8 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24.12.1994, p. 66.

⁽²⁾ OJ L 198, 15.7.1998, p. 4.

ANNEX

to the Commission Regulation of 8 March 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	122,4
	204	66,3
	212	94,4
	624	120,7
	999	101,0
0707 00 05	052	197,4
	999	197,4
0709 90 70	052	113,4
	204	118,1
	624	127,6
	999	119,7
0805 10 10, 0805 10 30, 0805 10 50	052	77,4
	204	44,8
	212	47,5
	600	48,4
	624	54,3
	999	54,5
0805 30 10	600	66,0
	999	66,0
0808 10 20, 0808 10 50, 0808 10 90	388	100,2
	400	93,8
	404	76,8
	508	93,1
	512	99,8
	528	98,2
	720	104,1
	728	104,0
	999	96,3
	999	96,3
0808 20 50	388	73,3
	400	96,3
	512	75,9
	528	75,8
	720	54,6
	999	75,2

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

**COMMISSION REGULATION (EC) No 471/2001
of 8 March 2001**

amending Regulation (EEC) No 1858/93 laying down detailed rules for applying Council Regulation (EEC) No 404/93 as regards the aid scheme to compensate for loss of income from marketing in the banana sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organisation of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 216/2001 ⁽²⁾, and in particular Article 14 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1858/93 ⁽³⁾, as last amended by Regulation (EC) No 1467/1999 ⁽⁴⁾, lays down detailed rules for applying Regulation (EEC) No 404/93 as regards the aid scheme to compensate for loss of income from marketing in the banana sector. Article 7 of that Regulation sets out the timetable for submission of applications for advances on compensatory aid for bananas marketed during the two-month period preceding the month of application.
- (2) This timetable currently allows for the possibility of paying five advances. To take account of cash-flow problems on the part of producers, pending the determination of the compensatory aid and the payment of the balance, provision should be made for the possibility of payment of a sixth advance for bananas marketed during the months of November and December.
- (3) The necessary provisions should be adopted to this end and specific administrative arrangements should be laid down for aid for the year 2000.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Bananas,

HAS ADOPTED THIS REGULATION:

Article 1

Article 7(2) of Regulation (EEC) No 1858/93 is replaced by the following:

‘2. Applications shall be submitted:

- (a) in the case of advances, at the latest on 30 March, 30 May, 30 July, 30 September and 30 November of the marketing year and at the latest on 30 January of the year following that in respect of which the aid is applied for, for bananas marketed during the two-month period preceding the month of application;
- (b) in the case of payment of the balance of the aid, at the latest on 10 February of the year following that in respect of which the aid is applied for.

The balance shall comprise the adjustment to the amounts paid for bananas marketed during the periods referred to in point (a), on the basis of the definitive amount of aid.

In the case of the compensatory aid in respect of 2000, applications for advances for bananas marketed in November and December shall be submitted by 30 March 2001 and applications for payment of the balance shall be submitted by 11 April 2001.’

Article 2

This Regulation shall enter into force on the third 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, 8 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 47, 25.2.1993, p. 1.

⁽²⁾ OJ L 31, 2.2.2001, p. 2.

⁽³⁾ OJ L 170, 13.7.1993, p. 5.

⁽⁴⁾ OJ L 170, 6.7.1999, p. 7.

COMMISSION REGULATION (EC) No 472/2001**of 8 March 2001****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽¹⁾, as last amended by Regulation (EC) No 134/1999 ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 2000 to 30 June 2001 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 March 2001 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.
2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of April 2001 for 8 876,612 t.

Article 2

This Regulation shall enter into force on 11 March 2001.

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

Done at Brussels, 8 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 137, 28.5.1997, p. 10.

⁽²⁾ OJ L 17, 22.1.1999, p. 22.

COMMISSION REGULATION (EC) No 473/2001**of 8 March 2001****fixing the maximum export refund on oats in connection with the invitation to tender issued in Regulation (EC) No 2097/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Having regard to Commission Regulation (EC) No 2097/2000 of 3 October 2000 on a special intervention measure for cereals in Finland and Sweden ⁽⁵⁾, as amended by Regulation (EC) No 393/2001 ⁽⁶⁾, and in particular Article 8 thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 2 to 8 March 2001, pursuant to the invitation to tender issued in Regulation (EC) No 2097/2000, the maximum refund on exportation of oats shall be EUR 39,50/t.

Article 2

This Regulation shall enter into force on 9 March 2001.

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

Done at Brussels, 8 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 249, 4.10.2000, p. 15.

⁽⁶⁾ OJ L 58, 28.2.2001, p. 8.

COMMISSION REGULATION (EC) No 474/2001
of 8 March 2001
fixing the maximum export refund on barley in connection with the invitation to tender issued in
Regulation (EC) No 2317/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) An invitation to tender for the refund for the export of barley to all third countries except for the United States of America and Canada was opened pursuant to Commission Regulation (EC) No 2317/2000 ⁽⁵⁾.
- (2) Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 2 to 8 March 2001, pursuant to the invitation to tender issued in Regulation (EC) No 2317/2000, the maximum refund on exportation of barley shall be EUR 0,00/t.

Article 2

This Regulation shall enter into force on 9 March 2001.

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

Done at Brussels, 8 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 267, 20.10.2000, p. 23.

**COMMISSION REGULATION (EC) No 475/2001
of 8 March 2001**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 2 to 8 March 2001, pursuant to the invitation to tender issued in Regulation (EC) No 2014/2000, the maximum refund on exportation of common wheat shall be EUR 9,00/t.

Article 2

This Regulation shall enter into force on 9 March 2001.

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

Done at Brussels, 8 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 241, 26.9.2000, p. 23.

**COMMISSION REGULATION (EC) No 476/2001
of 8 March 2001**

**concerning tenders notified in response to the invitation to tender for the export of common
wheat issued in Regulation (EC) No 1701/2000**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to all third countries, with the exclusion of certain ACP States, was opened pursuant to Commission Regulation (EC) No 1701/2000 ⁽⁵⁾, as last amended by Regulation (EC) No 293/2001 ⁽⁶⁾.

- (2) Article 7 of Regulation (EC) No 1501/95 allows the Commission to decide, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 and on the basis of the tenders notified, to make no award.

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 2 to 8 March 2001 in response to the invitation to tender for the refund for the export of common wheat issued in Regulation (EC) No 1701/2000.

Article 2

This Regulation shall enter into force on 9 March 2001.

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

Done at Brussels, 8 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 195, 1.8.2000, p. 18.

⁽⁶⁾ OJ L 43, 14.2.2001, p. 10.

COMMISSION REGULATION (EC) No 477/2001
of 8 March 2001
concerning tenders notified in response to the invitation to tender for the export of rye issued in
Regulation (EC) No 1740/2000

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

and on the basis of the tenders notified, to make no award.

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95 a maximum refund should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 2 to 8 March 2001 in response to the invitation to tender for the refund for the export of rye issued in Regulation (EC) No 1740/2000.

Article 2

This Regulation shall enter into force on 9 March 2001.

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

Done at Brussels, 8 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

⁽⁵⁾ OJ L 199, 5.8.2000, p. 3.

COMMISSION REGULATION (EC) No 478/2001**of 8 March 2001****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1666/2000⁽²⁾, and in particular Article 13(2) thereof,

Whereas:

- (1) Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2513/98⁽⁴⁾.
- (3) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed in Regulation (EC) No 1501/95.

- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 March 2001.

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

Done at Brussels, 8 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

ANNEX

**to the Commission Regulation of 8 March 2001 fixing the export refunds on cereals and on wheat or rye flour,
groats and meal**

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 11 9000	—	EUR/t	—
1001 10 00 9400	—	EUR/t	—	1101 00 15 9100	C01	EUR/t	12,25
1001 90 91 9000	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	11,50
1001 90 99 9000	C01	EUR/t	0	1101 00 15 9150	C01	EUR/t	10,75
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9170	C01	EUR/t	9,75
1003 00 10 9000	—	EUR/t	—	1101 00 15 9180	C01	EUR/t	9,25
1003 00 90 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1004 00 00 9200	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1004 00 00 9400	—	EUR/t	—	1102 10 00 9500	C01	EUR/t	53,50
1005 10 90 9000	—	EUR/t	—	1102 10 00 9700	C01	EUR/t	42,25
1005 90 00 9000	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1007 00 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0 ⁽¹⁾
1008 20 00 9000	—	EUR/t	—	1103 11 10 9400	A00	EUR/t	0 ⁽¹⁾
				1103 11 10 9900	—	EUR/t	—
				1103 11 90 9200	A00	EUR/t	0 ⁽¹⁾
				1103 11 90 9800	—	EUR/t	—

⁽¹⁾ No refund is granted when this product contains compressed meal.

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

The other destinations are as follows:

C01 All destinations except for Poland.

COMMISSION REGULATION (EC) No 479/2001
of 8 March 2001
fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13 (8) thereof,

Whereas:

- (1) Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, allows for the fixing of a corrective amount for the products listed in Article 1(1) (c) of Regulation (EEC) No 1766/92; that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 9 March 2001.

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

Done at Brussels, 8 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

ANNEX

to the Commission Regulation of 8 March 2001 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8	6th period 9
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	0	0,00	0,00	0,00	0,00	—	—
1002 00 00 9000	A00	0	0,00	0,00	0,00	-35,00	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	0	-1,00	-2,00	-2,00	0,00	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	0,00	0,00	0,00	-35,00	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	-1,00	-2,00	-3,00	-4,00	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	0,00	0,00	0,00	-5,00	—	—
1101 00 15 9130	C01	0	0,00	0,00	0,00	-5,00	—	—
1101 00 15 9150	C01	0	0,00	0,00	0,00	-5,00	—	—
1101 00 15 9170	C01	0	0,00	0,00	0,00	-5,00	—	—
1101 00 15 9180	C01	0	0,00	0,00	0,00	-5,00	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	C01	0	0,00	0,00	0,00	-50,00	—	—
1102 10 00 9700	C01	0	0,00	0,00	0,00	-45,00	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	-1,50	-3,00	-3,00	0,00	—	—
1103 11 10 9400	A00	0	-1,34	-2,68	-2,68	0,00	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	-1,37	-2,74	-2,74	0,00	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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

The numeric destination codes are set out in Commission Regulation (EC) No 2032/2000 (OJ L 243, 28.9.2000, p. 14).

The other destinations are as follows:

C01 All destinations except for Poland.

COMMISSION REGULATION (EC) No 480/2001
of 8 March 2001
fixing the corrective amount applicable to the refund on malt

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 organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1666/2000 ⁽²⁾, and in particular Article 13(8),

Whereas:

- (1) Article 13(8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2513/98 ⁽⁴⁾, allows for the fixing of a corrective amount for the malt referred to

in Article 1(1)(c) of Regulation (EEC) No 1766/92. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 13(4) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 9 March 2001.

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

Done at Brussels, 8 March 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 147, 30.6.1995, p. 7.

⁽⁴⁾ OJ L 313, 21.11.1998, p. 16.

ANNEX

to the Commission Regulation of 8 March 2001 fixing the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Destination	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	-1,27	-2,54	-3,81	-5,08	-6,35
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	-1,27	-2,54	-3,81	-5,08	-6,35
1107 20 00 9000	A00	0	-1,49	-2,98	-4,47	-5,96	-7,45

(EUR/t)

Product code	Destination	6th period 9	7th period 10	8th period 11	9th period 12	10th period 1	11th period 2
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	-7,62	—	—	—	—	—
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	-7,62	—	—	—	—	—
1107 20 00 9000	A00	-8,94	—	—	—	—	—

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

The numeric destination codes are set out in Commission Regulation (EC) No 2032/2000 (OJ L 243, 28.9.2000, p. 14).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 22 February 2001

laying down the sampling plans and diagnostic methods for the detection and confirmation of certain fish diseases and repealing Decision 92/532/EEC

(notified under document number C(2001) 426)

(Text with EEA relevance)

(2001/183/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, as last amended by Directive 98/45/EC ⁽²⁾, and in particular Article 15 thereof,

Whereas:

- (1) The sampling plans and diagnostic methods for the detection and confirmation of certain fish diseases have been laid down in Commission Decision 92/532/EEC ⁽³⁾, as amended by Commission Decision 96/240/EC ⁽⁴⁾.
- (2) Since the time of adoption of Decision 92/532/EEC, new practical and scientific developments have taken place and Directive 91/67/EEC has been amended. This requires the sampling plans and diagnostic methods to be updated.
- (3) Such updating relates to the examination and identification of viruses causing viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN) and to changes in accordance with the last amendments of Directive 91/67/EEC.
- (4) The Community reference laboratory for fish diseases, established by Council Directive 93/53/EEC ⁽⁵⁾, has been consulted.
- (5) The sampling plans and diagnostic methods for the detection and confirmation of certain fish diseases intro-

duced by Decision 92/532/EEC must be repealed for the sake of clarity.

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

HAS ADOPTED THIS DECISION:

Article 1

The sampling plans and diagnostic methods for the detection and confirmation of viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN) are laid down in the Annex.

Article 2

The present Decision shall repeal Decision 92/532/EEC.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 22 February 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 46, 19.2.1991, p. 1.

⁽²⁾ OJ L 189, 3.7.1998, p. 12.

⁽³⁾ OJ L 337, 21.11.1992, p. 18.

⁽⁴⁾ OJ L 79, 29.3.1996, p. 19.

⁽⁵⁾ OJ L 175, 19.7.1993, p. 23.

ANNEX

SAMPLING PLANS AND DIAGNOSTIC METHODS FOR THE DETECTION AND CONFIRMATION OF VIRAL HAEMORRHAGIC SEPTICAEMIA (VHS) AND INFECTIOUS HAEMATOPOIETIC NECROSIS (IHN)

INTRODUCTION

This Annex:

- (a) provides for guidelines and minimum requirements on sampling plans and diagnostic methods for the detection and confirmation of the presence of viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN);
- (b) integrates the provisions of Annexes B and C to Directive 91/67/EEC for the approval of and the maintenance of status of zones and of farms in non-approved zones;
- (c) sets out provisions aiming at the proper diagnosis of VHS and IHN and at the official recognition of the status of zones and of farms in non-approved zones in accordance with Articles 5 and 6 of Directive 91/67/EEC;
- (d) is directed towards both the authorities responsible for the control of VHS and IHN and the laboratory personnel performing the tests with regards to these diseases. Accordingly, emphasis is put on the sampling procedures, principles and applications of laboratory tests and evaluation of their results, as well as on detailed laboratory techniques. However, when appropriate the laboratories may apply modifications to the tests described in this Annex or use different tests, provided that an equal sensitivity and specificity can be demonstrated.

Part I includes sampling plans and diagnostic methods for the surveillance of VHS and IHN in order to obtain and maintain approved status of a zone or a farm in a non-approved zone.

Part II describes the diagnostic procedures for the confirmation of VHS and IHN in the event of a suspicion.

Part III sets out the criteria and guidelines for an official health inspection programme, documenting historical freedom from VHS and/or IHN.

Part IV gives recommendations on the procedure for VHS and IHN virus titration to verify the susceptibility of the cell cultures to infection.

Acronyms and abbreviations are listed in Part V.

PART I

Sampling plans and diagnostic methods for VHS and IHN surveillance in order to obtain and maintain approved status of a zone or a farm in a non-approved zone***1. Inspections and sampling***

1. *General provisions on clinical health inspections, collection and selection of samples for surveillance of zones or farms in non-approved zones in order to achieve or maintain approved status for VHS and/or IHN*

The clinical health inspections and the sampling of fish tissue and/or ovarian fluid to be carried out in zones or in farms in non-approved zones in order to achieve or maintain approved status for VHS and/or IHN in accordance with Annexes B and C to Directive 91/67/EEC are summarised in Tables 1A, 1B and 1C. Further details are laid down in Parts I.I.2 to I.I.4. Tables 1A and 1B shall not be applicable to new farms and farms which recommence their activities with fish, eggs or gametes from an approved zone or an approved farm in a non-approved zone, provided that they comply with the requirements laid down in Directive 91/67/EEC, Annex C, Part I.A.6(a) or I.A.6(b) or II.A.3(a) or II.A.3(b).

The clinical inspections must be carried out during the period October to June or whenever the water temperature is below 14 °C. When farms are to be clinically inspected twice per year, the intervals between the inspections must be at least four months. All production units (ponds, tanks, net-cages, etc.) must be inspected for the presence of dead, weak or abnormally behaving fish. Particular attention has to be paid to the water outlet area where weak fish tend to accumulate because of the water current.

Fish to be sampled shall be selected as follows.

- If rainbow trout are present, only fish of that species shall be selected for sampling. If rainbow trout are not present, the sample has to be obtained from fish of all other species present whenever these species are susceptible to VHSV and/or IHNV (as listed in Annex A to Directive 91/67/EEC). The species have to be proportionally represented in the sample.
- If more than one water source is utilised for fish production, fish representing all water sources must be included for sampling.
- If weak, abnormally behaving or freshly dead (not decomposed) fish are present, primarily such fish shall be selected. If such fish are not present, the fish selected must include normally appearing, healthy fish collected in such a way that all parts of the farm as well as all year classes are proportionally represented in the sample.

2. *Specific provisions, including collection of samples, for surveillance of zones or farms in non-approved zones in order to achieve or maintain approved status for VHS and/or IHN*

1. A zone or a farm in a non-approved zone that is placed under the supervision of the official services can obtain an approved status for VHS and/or IHN subject to either:

(a) Model A — two-year surveillance programme

Following at least two years of absence of any clinical or other sign of VHS and/or IHN, all farms in the zone or any farm in a non-approved zone which are to be approved must be health-inspected twice per year for two years. During this two-year control period, which precedes achievement of approved status, the absence of clinical or other signs of VHS and/or IHN must have continued and samples must be collected for examination in accordance with Table 1A. Further, the samples must be selected, prepared and examined as described in Parts I.I to I.IV and the laboratory examinations must have produced negative results for VHS and/or IHN; or

(b) Model B — two-year surveillance programme with reduced sample size

Following an official health inspection programme documenting the historical freedom from VHS and/or IHN for at least four years, all farms in the zone or any farm in a non-approved zone which are to be approved must be health-inspected twice per year for two years. During this two-year control period, which precedes achievement of approved status, the absence of clinical or other signs of VHS and/or IHN must have continued and samples must be collected for examination in accordance with Table 1B. Further, the samples must be selected, prepared and examined as described in Parts I.I to I.IV and the laboratory examinations must have produced negative results for VHS and/or IHN. In order that a health inspection programme might be recognised by the official services for documentation of freedom with regards to VHS and/or IHN, it must fulfil the criteria and guidelines set out in Part III.

2. Special provisions for approval of new farms and farms which recommence their activities with fish, eggs or gametes from an approved zone or an approved farm in a non-approved zone

New farms and farms which recommence their activities with fish, eggs or gametes from an approved zone or an approved farm in a non-approved zone may obtain status in accordance with the requirements laid down in Directive 91/67/EEC, Annex C, I.A.6a/b or II.A.3.a/b. Accordingly, the sampling provisions laid down in Models A and B above (Parts I.I.2.1.a and I.I.2.1.b) shall not be applicable to such farms.

3. Surveillance programme for maintenance of approved status for VHS and/or IHN

In order to maintain approved status of a zone or a farm in a non-approved zone for VHS and/or IHN, inspections and sampling for examination must be carried out in accordance with Table 1C. The samples must be selected, prepared and examined as described in Parts I.I. to I.IV and the laboratory examinations must be negative as regards to the agents of VHS and/or IHN.

3. *Preparation and shipment of samples from fish*

Before shipment or transfer to the laboratory pieces of the organs to be examined must be removed from the fish with sterile dissection tools and transferred to sterile plastic tubes containing transport medium, i.e. cell culture medium with 10 % calf serum and antibiotics. The combination of 200 iu penicillin, 200 µg streptomycin, and 200 µg kanamycin per millilitre (ml) can be recommended, but other antibiotics of proven efficiency may be used as well. The tissue material to be examined is spleen, anterior kidney, and, in addition, either heart or encephalon. In some cases, ovarian fluid must be examined (Tables 1A to C).

Ovarian fluid or organ pieces from a maximum of 10 fish (Tables 1A to C) may be collected in one sterile tube containing at least 4 ml transport medium and represent one pooled sample. The tissue in each sample should weigh a minimum of 0,5 gram (g).

The tubes should be placed in insulated containers (for instance thick-walled polystyrene boxes) together with sufficient ice or 'freeze blocks' to ensure chilling of the samples during transportation to the laboratory. Freezing must be avoided. The temperature of a sample during transit should never exceed 10 °C and ice should still be present in the transport box at receipt or one or more freeze blocks must still be partly or completely frozen.

The virological examination must be started as soon as possible and not later than 48 hours after the collection of the samples. In exceptional (!) cases the virological examination may be started at the latest within 72 hours after the collection of the material, provided that the material to be examined is protected by transport medium and that the temperature requirements during transportation can be fulfilled (Part I.I.3, paragraph 3).

Whole fish may be sent to the laboratory if the temperature requirements during transportation can be fulfilled. Whole fish may be wrapped up in paper with absorptive capacity and must finally be shipped in a plastic bag, chilled as mentioned. Live fish can be shipped as well.

All packaging and labelling must be performed in accordance with present national and international transport regulations as appropriate.

4. Collection of supplementary diagnostic material

According to agreement with the involved diagnostic laboratory, other fish tissues may be collected as well and prepared for supplementary examinations.

II. Preparation of samples for virological examination

1. Freezing in exceptional cases

Where practical difficulties arise (e.g. bad weather conditions, non-working days, laboratory problems, etc.) which make it impossible to inoculate cells within 48 hours after the collection of the tissue samples it is acceptable to freeze the tissue specimens in cell culture medium at - 20 °C or below and carry out virological examination within 14 days. The tissue, however, must be frozen and thawed only once before examination. Records must be kept with details on the reason for each freezing of tissue samples (such as storm, cell lines died, etc.)

2. Homogenisation of organs

In the laboratory the tissue in the tubes must be completely homogenised (either by stomacher, blender or mortar and pestle with sterile sand) and subsequently suspended in the original transport medium.

If a sample consisted of whole fish less than 4 cm long, these should be minced with sterile scissors or scalpel after removal of the body behind the gut opening. If a sample consisted of whole fish with body length between 4 cm and 6 cm, the viscera including kidney should be collected. If a sample consisted of whole fish more than 6 cm long, tissue specimens should be collected as described in Part I.I.3. The tissue specimens should be minced with sterile scissors or scalpel and homogenised as described above and suspended in transport medium.

The final ratio between tissue material and transport medium must be adjusted in the laboratory to 1:10.

3. Centrifugation of homogenate

The homogenate is centrifuged in a refrigerated centrifuge at 2 °C to 5 °C at 2 000 to 4 000 × g for 15 minutes and the supernatant collected and treated for either four hours at 15 °C or overnight at 4 °C with antibiotics, e.g. gentamicin 1 mg/ml may be useful at this stage.

If shipment of the sample has been made in a transport medium (i.e. with exposure to antibiotics) the treatment of the supernatant with antibiotics may be omitted.

The antibiotic treatment aims at controlling bacterial contamination in the samples and makes filtration through membrane filters unnecessary.

If the collected supernatant is stored at -80 °C within 48 hours after the sampling it may be reused only once for virological examination.

(!) In exceptional cases e.g. when fish are collected in very remote areas with no possibility of daily mailing.

Where practical difficulties arise (e.g. incubator breakdown, problems with cell cultures, etc.) which make it impossible to inoculate cells within 48 hours after the collection of the tissue samples, it is acceptable to freeze the supernatant at -80°C and carry out virological examination within 14 days.

Prior to the inoculation of the cells the supernatant is mixed with equal parts of a suitably diluted pool of antisera to the indigenous serotypes of IPN virus and incubated with this for a minimum of one hour at 15°C or a maximum of 18 hours at 4°C . The titre of the antiserum must be at least 1/2000 in a 50 % plaque neutralisation test.

Treatment of all inocula with antiserum to IPN virus (a virus which in some parts of Europe occurs in 50 % of fish samples) aims at preventing CPE due to IPN virus from developing in inoculated cell cultures. This will reduce the duration of the virological examinations as well as the number of cases in which occurrence of CPE would have to be considered potentially indicative of VHSV or IHNV.

When samples come from production units, which are considered free from IPN, treatment of inocula with antiserum to IPN virus may be omitted.

III. *Virological examination*

1. *Cell cultures and media*

BF-2 or RTG-2 and either EPC or FHM cells are grown at 20°C to 30°C in suitable medium, e.g. Eagle's MEM (or modifications thereof) with a supplement of 10 % foetal bovine serum and antibiotics in standard concentrations.

When the cells are cultivated in closed vials, it is recommended to buffer the medium with bicarbonate. The medium used for cultivation of cells in open units may be buffered with Tris-HCl (23 mM) and Na-bicarbonate (6 mM). The pH must be $7,6 \pm 0,2$.

Cell cultures to be used for inoculation with tissue material should be young (4 to 48 hours old) and actively growing (not confluent) at inoculation.

2. *Inoculation of cell cultures*

Antibiotic-treated organ suspension is inoculated into cell cultures in two dilutions, i.e. the primary dilution and, in addition, a 1:10 dilution thereof, resulting in final dilutions of tissue material in cell culture medium of 1:100 and 1:1 000, respectively, (in order to prevent homologous interference). At least two cell lines have to be inoculated (See Part I. III.1). The ratio between inoculum size and volume of cell culture medium should be about 1:10.

For each dilution and each cell line a minimum of about 2 cm² cell area, corresponding to one well in a 24-well cell culture tray, has to be utilised. Use of cell culture trays is recommended, but other units of similar or bigger growth area are acceptable as well.

3. *Incubation of cell cultures*

Inoculated cell cultures are incubated at 15°C for 7 to 10 days. If the colour of the cell culture medium changes from red to yellow indicating medium acidification, pH adjustment with sterile bicarbonate solution or equivalent substances has to be performed to ensure cell susceptibility to virus infection.

At least every six months or if decreased cell susceptibility is suspected, titration of frozen stocks of VHSV and IHNV is performed to verify the susceptibility of the cell cultures to infection. A recommended procedure is presented in Part IV.

4. *Microscopy*

Inoculated cell cultures must be inspected regularly (at least three times a week) for the occurrence of CPE at 40 to 150 $\times$ magnification. If obvious CPE is observed, virus identification procedures according to Part I.IV have to be initiated immediately.

5. *Subcultivation*

If no CPE has developed after the primary incubation for 7 to 10 days, subcultivation is performed to fresh cell cultures utilising a cell area similar to that of the primary culture.

Aliquots of medium (supernatant) from all cultures/wells constituting the primary culture are pooled according to cell line 7 to 10 days after inoculation. The pools are then inoculated into homologous cell cultures undiluted and diluted 1:10 (resulting in final dilutions of 1:10 and 1:100, respectively, of the supernatant) as described in Part I.III.2. Alternatively aliquots of 10 % of the medium constituting the primary culture is inoculated directly into a well with fresh cell culture (well to well subcultivation). The inoculation may be preceded by preincubation of the dilutions with the antiserum to IPN virus at appropriate dilution as described in Part I.II.3.

The inoculated cultures are then incubated for 7 to 10 days at 15 °C with observation as in Part I.III.4.

If toxic CPE occurs within the first three days of incubation, subcultivation may be performed at that stage, but the cells must then be incubated for seven days' and subcultivated again with a further seven days' incubation. When toxic CPE develops after three days, the cells may be passed once and incubated to achieve the total of 14 days from the primary inoculation. There should be no evidence of toxicity in the final seven days of incubation.

If bacterial contamination occurs despite treatment with antibiotics, subcultivation must be preceded by centrifugation at 2 000 to 4 000 × g for 15 to 30 min at 2 to 5 °C, and/or filtration of the supernatant through a 0,45 µm filter (low protein-binding membrane). In addition to this, subcultivation procedures are the same as for toxic CPE.

IV. *Virus identification*

1. *Virus identification tests*

If evidence of CPE has been observed in a cell culture, medium (supernatant) is collected and examined by one or more of the following techniques: neutralisation, IF, ELISA. If these tests have not allowed definitive identification of the virus within one week, the supernatant must be forwarded to a national reference laboratory or to the EU reference laboratory for fish diseases for immediate identification.

2. *Neutralisation*

Remove cells from the collected supernatant by centrifugation (2 000 to 4 000 × g) or membrane filtration (0,45 µm) with a low protein binding membrane and dilute the supernatant 1:100 and 1:10 000 in cell culture medium.

Aliquots of the two supernatant dilutions are mixed and incubated for 60 minutes at 15 °C with equal parts of the following reagents separately:

- serum containing group specific antibody against VHSV at a 1:50 (vol:vol) dilution ⁽¹⁾
- serum containing group specific antibody against IHNV at a 1:50 (vol:vol) dilution ⁽¹⁾
- pool of antisera against the indigenous serotypes of IPNV at a 1:50 (vol:vol) dilution ⁽¹⁾
- medium alone (positive control)

From each virus supernatant-serum mixture at least two cell cultures are inoculated with 50 µl each and then incubated at 15 °C. Development of CPE is checked as described in Part I.III.4.

Some VHSV strains do not react in neutralisation tests. Such isolates must be identified by IF or ELISA.

Other neutralisation tests of proven efficiency may be used alternatively.

3. *IF*

For each virus isolate to be identified, at least eight coverglasses or equivalent are seeded with cells at a density leading to about 60 % to 90 % confluence after 24 hours of cultivation. EPC cells are recommended for this purpose because of their strong adherence to glass surfaces but other cell lines such as BF-2, RTG-2 or FHM may be used as well.

When the cells have sedimented onto the glass surface (about one hour after seeding), or when the cultures have been incubated for up to 24 hours, the virus to be identified is inoculated. Four cultures are inoculated at a volume-to-volume ratio to 1:10, and four cultures at a ratio of 1:1 000. These are then incubated at 15 °C for 20 to 30 hours.

After incubation, the cultures are rinsed twice in Eagle's MEM without serum, fixed in 80 % ice cold acetone and then stained by means of a two-layer IFAT. The first reagent layer consists of polyclonal or monoclonal antibodies of reference quality. The second reagent layer is a fluorochrome-conjugated antiserum to the immunoglobulin used in the first layer. For each of the antisera tested at least one high-dose and one low-dose inoculated culture have to be stained. Proper negative and positive controls have to be included in the test. Fluorochromes such as FITC or TRITC are recommended.

Mount stained cultures using glycerol saline. Examine under incident ultraviolet (UV) light. Use 10 × or 12 × eyepieces and × 25 or × 40 objective lens with numerical apertures > 0,7 and > 1,3, respectively.

The above IF technique is given as an example. Other IF techniques (with regard to cell cultures, fixation and antibodies of reference quality) of proven efficiency may be used alternatively.

⁽¹⁾ Or as specified by the reference laboratory with regard to the possible cytotoxicity of the antisera.

4. ELISA

Wells in microtitre plates are coated overnight with recommended dilutions of purified immunoglobulin fractions of antibodies of reference quality.

After rinsing of wells with PBS-Tween-20 buffer, the virus to be identified is added to the wells in two- or four-fold dilution steps and allowed to react with the coating antibody for 60 minutes at 37 °C. Following rinsing with PBS-Tween-20 buffer, biotinylated antibodies of a specificity corresponding to that of the coating antibodies are added and allowed to react for 60 minutes at 20 °C. Following another rinse as above, HRP-conjugated streptavidin is added and allowed to react for one hour at 20 °C. After a last rinse, bound enzyme is visualised using appropriate ELISA substrates (OPD or others).

The above biotin-avidin based ELISA version is given as an example. Other ELISA versions of proven efficiency may be used instead.

TABLE 1A

Inspection and sampling scheme for zones and for farms in non-approved zones for the two-year control period which precedes achievement of approved status for VHS and/or IHN

(in accordance with Directive 91/67/EEC, Annexes B and C and the provisions set out in Part I of this Annex)

	Number of clinical inspections per year (two years)	Number of laboratory examinations per year (two years)	Laboratory examination for presence of virus ⁽¹⁾	
			Number of growing fish (Organ material)	Number of broodstock fish (Ovarian fluid)
Continental zones and farms				
(a) Farms with broodstock	2	2	120 (first inspection) ⁽²⁾ 150 (second inspection)	30 (first inspection) ⁽³⁾ 0 (second inspection)
(b) Farms with broodstock only	2	1	0	150 (first or second inspection) ⁽³⁾
(c) Farms without broodstock	2	2	150 (first and second inspections)	0
Coastal zones and farms				
(a) Farms with broodstock	2	2	120 (first inspection) 150 (second inspection)	30 (first inspection) ⁽³⁾ 0 (second inspection)
(b) Salmonid farms without broodstock	2	2	30 (first and second inspections) ⁽⁴⁾	0
(c) Non-salmonid farms without broodstock	2	2	150 (first and second inspections)	0

Maximum number of fish per pool: 10

⁽¹⁾ Alternatively, a reduced sample size as listed in Table 1B may be used if requirements as described in the text Parts II.1, I.I.2.1.b and III are fulfilled.

⁽²⁾ Clinical inspections.

⁽³⁾ In exceptional circumstances, if it is impossible to obtain ovarian fluid, organs may be sampled instead.

⁽⁴⁾ The samples have to be collected no sooner than three weeks after transfer of fish from fresh to saltwater.

TABLE 1B

Inspection and sampling scheme for the two-year control period which precedes achievement of approved status for VHS and/or IHN in zones and farms in non-approved zones with an officially recognised documented history of freedom from these diseases

(in accordance with Directive 91/67/EEC, Annexes B and C and the provisions set out in Parts I and III of this Annex)

	Number of clinical inspections per year (two years)	Number of laboratory examinations per year (two years)	Laboratory examination for presence of virus	
			Number of growing fish (Organ material)	Number of broodstock fish (Ovarian fluid)
Continental zones and farms				
(a) Farms with broodstock	2	2	0 (first inspection) ⁽¹⁾ 30 (second inspection)	30 (first inspection) ⁽²⁾ 0 (second inspection)
(b) reine Brutanlagen	2	1	0	30 (first or second inspection) ⁽²⁾
(c) Farms without broodstock	2	2	30 (first and second inspections)	0
Coastal zones and farms				
(a) Farms with broodstock	2	2	0 (first inspection) 30 (second inspection)	30 (first inspection) ⁽²⁾ 0 (second inspection)
(b) Salmonid farms without broodstock	2	2	30 (first and second inspections) ⁽³⁾	0
(c) Non-salmonid farms without broodstock	2	2	30 (first and second inspections)	0

Maximum number of fish per pool: 10

⁽¹⁾ Clinical inspections.

⁽²⁾ In exceptional circumstances, if it is impossible to obtain ovarian fluid, organs may be sampled instead.

⁽³⁾ The samples have to be collected no sooner than three weeks after transfer of fish from fresh to saltwater.

TABLE 1C

Inspection and sampling scheme for zones and farms in non-approved zones in order to maintain approved status for VHS and/or IHN

(in accordance with Directive 91/67/EEC, Annexes B and C and the provisions set out in Part I of this Annex)

	Number of clinical inspections per year	Number of fish in sample group for laboratory examination ⁽¹⁾	
		Number of growing fish (Organ material)	Number of broodstock fish (Ovarian fluid)
Continental zones and farms			
(a) Farms with broodstock	2	20 (first or second inspection)	10 (first or second inspection) ⁽²⁾

	Number of clinical inspections per year	Number of fish in sample group for laboratory examination ⁽¹⁾	
		Number of growing fish (Organ material)	Number of broodstock fish (Ovarian fluid)
(b) Farms with broodstock only	2	0	30 (first or second inspection) ⁽²⁾
(c) Farms without broodstock	2	30	0
Coastal zones and farms			
(a) Farms with broodstock	2	20 (first or second inspection)	10 (first or second inspection) ⁽²⁾
(b) Farms without broodstock	1	30 ⁽³⁾	0

Maximum number of fish per pool: 10

⁽¹⁾ In approved zones samples only have to be collected by rotation in 50 % of the fish farms each year. In approved farms in non-approved zones samples have to be collected every year.

⁽²⁾ In exceptional circumstances, if it is impossible to obtain ovarian fluid, organs may be sampled instead.

⁽³⁾ The samples have to be collected no sooner than three weeks after transfer of fish from fresh to saltwater.

PART II

Diagnostic procedures for the confirmation of VHS and IHN in suspected outbreaks

One or more of the following techniques shall be carried out for the diagnosis of VHS and IHN:

- A. conventional virus isolation with subsequent serological virus identification,
- B. virus isolation with simultaneous serological virus identification,
- C. other diagnostic techniques (IFAT, ELISA).

The confirmation of the first case of VHS and/or IHN in farms in approved zones must not be based on method C alone. Either method A or B must also be used.

The tissue material meant for virological examination may in some cases have to be accompanied by supplementary material for bacteriological, parasitological, histological or other examination to allow for a differential diagnosis.

A. Conventional virus isolation with subsequent serological virus identification

I.1. Selection of samples

At least 10 fish showing typical signs of IHN or VHS must be selected for examination.

I.2. Preparation and shipment of samples from fish

As laid down in Part I.I.3

I.3. Collection of supplementary diagnostic material

As laid down in Part I.I.4

II. Preparation of samples for virological examination

As laid down in Part I.II

III. Virological examination

As laid down in Part I.III

IV. Virus identification

As laid down in Part I.IV

B. Virus isolation with simultaneous serological virus identification

I.1. Selection of samples

As laid down in Part II.A.I.1

I.2. Preparation and shipment of samples from fish

As laid down in Part I.I.3

I.3. Collection of supplementary diagnostic material

As laid down in Part I.I.4

II.1. Homogenisation of organs

As laid down in Part I.II.2

II.2. Centrifugation of homogenate

The homogenate is centrifuged in a refrigerated centrifuge at 2 °C to 5 °C at 2 000 to 4 000 × g for 15 minutes and the supernatant collected and treated for four hours at 15 °C with antibiotics, e.g. gentamicin 1 mg/ml, or membrane filtered (0,45 µm) through a low protein binding membrane.

II.3. Treatment of supernatant with diagnostic antisera

The antibiotic treated or membrane filtered organ suspension is diluted 1:10 and 1:1 000 in cell culture medium and aliquots mixed and incubated for 60 minutes at 15 °C with equal parts of the reagents listed in Part I.IV.2.

III.1. Cell cultures and media

As laid down in Part I.III.1

III.2. Inoculation of cell cultures

From each virus-serum mixture (prepared as laid down in Part II.B.II.3) at least two cell cultures per cell line are inoculated with 50 µl each.

III.3. Incubation of cell cultures

As laid down in Part I.III.I

III.4. Microscopy

Inoculated cell cultures are inspected daily for the occurrence of CPE at 40 to 150 × magnification. If CPE is prevented by one of the antisera used, the virus can be considered to be identified accordingly.

If CPE is not prevented by any of the antisera, virus identification procedures according to Part I.IV have to be performed.

III.5. Subcultivation

If no CPE has occurred after 7 to 10 days, subcultivation has to be performed from cultures inoculated with supernatant plus medium (Part II.B.II.3) according to Part I.III.5.

C. Other diagnostic techniques

Supernatant prepared as described in Part I.II.2 can be submitted to IFAT or ELISA according to Part I.IV.3 or Part I.IV.4 respectively. These rapid techniques have to be supplemented with a virological examination according to either A or B within 48 hours after sampling, if:

- (a) a negative result is obtained; or
- (b) a positive result is obtained with material representing the first case of IHN or VHS in an approved zone.

Tissue material may be subjected to other diagnostic techniques such as RT-PCR, IF on frozen sections immunohistochemistry on formaline fixed tissue material. These techniques must always be accompanied by inoculation of non-fixed tissue material on cell cultures.

PART III

Documented history of freedom from VHS and/or IHN in zones or farms in non-approved zones

Guidelines and criteria for an official health inspection programme

1. A health inspection programme can only be initiated either:
 - after an officially recognised eradication programme for VHSV and/or IHN including removal of all fish in the farm, cleaning, disinfection and fallowing before restocking with fish from approved farms, or
 - on fish farms with no history of VHSV or IHN infection.
2. The health inspection programme must be based on both clinical inspections and laboratory examinations.
3. The programme must include two annual clinical health inspections according to the guidelines given in Part I.

4. At least at one of the inspections carried out each year, 30 fish tissue and/or ovarian fluid samples shall be collected from each farm. The samples shall be selected, prepared and subjected for laboratory examination according to Parts I, II and IV.
5. The health inspection programme shall be conducted for at least four years in all farms in the zone or in the farm (in a non-approved zone) to be approved.
6. For the official recognition of the programme, no cases of VHS or IHN shall occur or be detected (no clinical infections or virus isolations).

PART IV

Procedure for titration to verify the susceptibility of the cell cultures to infection

Recommended procedures for titration referred to in Part LIII.3 are given below.

At least two VHSV isolates and one isolate of IHNV should be used. The isolates should represent the major group of viruses within the EU, e.g. for VHSV one pathogenic isolate from rainbow trout in freshwater and one marine isolate pathogenic for turbot and for IHNV one rainbow trout pathogenic strain from Europe. Well-defined isolates from the Member States should be used. Reference isolates are available from the EU reference laboratory for fish diseases.

Batches of virus in low cell culture passage numbers are propagated in cell culture flasks on BF-2 or RTG-2 cells for VHSV and on EPC or FHM cells for IHNV. Cell culture medium with at least 10 % serum should be used. Use low MOI for inoculation (< 1).

At total CPE, virus is harvested by centrifugation of cell culture supernatant at $2\,000 \times g$ for 15 minutes, filter sterilised through $0,45 \mu\text{m}$ membrane filter and distributed in labelled cryotubes. The virus is kept at -80°C .

One week after freezing, three replicate vials with each virus are thawed under cold water and titrated on their respective cell lines. At least every six months, or if it is suspected that the susceptibility of a cell line has decreased, each virus isolate is thawed and titrated.

Titration procedures must be described in detail and the same procedure followed each time.

Titration by end point dilution should include at least six replicates at each dilution step. The titres are compared with previously obtained titres. If the titre of any of the three virus isolates drops by a factor of 2 logs or more, compared with the initial titre, the cell line should no longer be used for surveillance purposes.

If different cell lines are kept in the laboratory each line should be examined separately.

Records should be kept for at least 10 years.

PART V

Acronyms and abbreviations

BF-2	Bluegill fry -2 (cell line)
CPE	Cytopathic effect
CRL	Community reference laboratory for fish diseases
ELISA	Enzyme-linked immunosorbent assay
EPC	<i>Epithelioma papulosum cyprini</i> (cell line)
FHM	Fathead minnow (cell line)
FITC	Fluorescein isothiocyanate
Hepes	N-2-hydroxyethylpiperazine-N'-2-ethane sulphonic acid
HRP	Horseradish peroxidase
IF	Immunofluorescence
IFAT	Indirect fluorescent antibody test
IHN(V)	Infectious haematopoietic necrosis (virus)
IPN	Infectious pancreatic necrosis (virus)
MEM	Minimum essential medium

MOI	Multiplicity of infection (ratio of number of infectious virus particles added to a known number of cells in a culture)
OPD	Ortho phenylene diamine
PBS	Phosphate buffered saline
RTG-2	Rainbow trout gonad (cell line)
RT-PCR	Reversed transcriptase polymerase chain reaction
Tris-HCl	Tris (hydroxymethyl) aminomethane — HCl
TRITC	Tetramethyl-rhodamine-isothiocyanate
VHS(V)	Viral haemorrhagic septicaemia (virus)

COMMISSION DECISION

of 27 February 2001

amending Decision 92/452/EEC establishing lists of embryo collection teams and embryo production teams approved in third countries for export of bovine embryos to the Community

(notified under document number C(2001) 451)

(Text with EEA relevance)

(2001/184/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and imports from third countries of embryos of domestic animals of the bovine species ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 8 thereof,

Whereas:

- (1) Commission Decision 92/452/EEC ⁽²⁾, as last amended by Decision 2000/557/EC ⁽³⁾ establishes a list of embryo collection teams and embryo production teams approved in third countries for the export of embryos of domestic animals of the bovine species to the Community.

- (2) The competent veterinary services of Canada have forwarded a request for amendment to the list of teams officially approved in their territories for the export of embryos of domestic animals of the bovine species to the Community. It is therefore necessary to amend the list of approved teams. Guarantees regarding compliance with the requirements specified in Article 8 of Directive 89/556/EEC have been received by the Commission.
- (3) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

In the Annex to Decision 92/452/EEC, in the list concerning Canada the following teams are added:

CA		E 1535		Optimum Genetics Ltd 4246 Albert St Regina, Saskatchewan S4S 3R9	Dr Duncan K. Hockley
CA		E 1375		Clinique vétérinaire Frampton Ent 112 rue Audet Frampton, Québec GOR 1MO	Dr Clermont Roy

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 February 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1989, p. 1.

⁽²⁾ OJ L 250, 29.8.1992, p. 40.

⁽³⁾ OJ L 235, 19.9.2000, p. 30.

COMMISSION DECISION
of 27 February 2001
amending for the third time Decision 96/233/EC establishing the list of approved fish farms in
Denmark

(notified under document number C(2001) 453)

(Text with EEA relevance)

(2001/185/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, as last amended by Directive 98/45/EC ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) Commission Decision 93/74/EEC ⁽³⁾, as last amended by Decision 1999/489/EC ⁽⁴⁾, recognises the entire territory of Denmark as an approved zone with regard to infectious hematopoietic necrosis (IHN).
- (2) The Member States may obtain the status of approved farms free of viral haemorrhagic septicaemia (VHS) for fish farms located in zones which are non-approved in respect of VHS.
- (3) The list of approved fish farms in Denmark was established by Commission Decision 96/233/EC ⁽⁵⁾, as last amended by Decision 1999/512/EC ⁽⁶⁾.
- (4) Denmark has submitted justifications to the Commission to obtain for two additional fish farms the status of approved farms located in zones which are non-approved in respect of VHS, as well as the national provisions ensuring compliance with the rules on maintenance of approval.
- (5) The Commission and the Member States have examined the justifications submitted by Denmark for those farms.

- (6) That examination has shown that the farms concerned meet the requirements of Article 6 of Directive 91/67/EEC.
- (7) Therefore, those farms should accordingly qualify for the status of approved farms in non-approved zones.
- (8) Those farms should be added to the list of approved farms.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 96/233/EC is replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 February 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 46, 19.2.1991, p. 1.

⁽²⁾ OJ L 189, 3.7.1998, p. 12.

⁽³⁾ OJ L 27, 4.2.1993, p. 35.

⁽⁴⁾ OJ L 190, 23.7.1999, p. 41.

⁽⁵⁾ OJ L 77, 27.3.1996, p. 33.

⁽⁶⁾ OJ L 195, 28.7.1999, p. 37.

ANNEX

FISH FARMS IN DENMARK APPROVED WITH REGARD TO VHS

1. Vork Dambrug
DK-6040 Egtved
 2. Egebæk Dambrug
DK-6880 Tarm
 3. Søstremosegaard
DK-4400 Kalundborg
 4. Bækkelund Dambrug
DK-6950 Ringkøbing
 5. Borups Geddeopdræt
DK-6950 Ringkøbing
 6. Bornholms Lakseklækkeri
DK-3730 Nexø
 7. Langes Dambrug
DK-6940 Lem St.
 8. Braenderingaardens Dambrug
DK-6971 Spjald
 9. Siglund Fiskeopdraet
DK-4780 Stege
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COMMISSION DECISION
of 27 February 2001
approving the scheme submitted by the United Kingdom for the withdrawal of all fish in Scottish
farms infected with infectious salmon anaemia (ISA)

(notified under document number C(2001) 457)

(Text with EEA relevance)

(2001/186/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 93/53/EEC of 24 June 1993, introducing minimum Community measures for the control of certain fish diseases ⁽¹⁾, as last amended by Directive 2000/27/EC ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) Directive 93/53/EEC, Article 6, point (a), first indent, lays down that, in order to control an outbreak of infectious salmon anaemia (ISA), all fish in an infected farm shall be withdrawn in accordance with a scheme established by the official service and approved by the Commission.
- (2) Experience gained has shown that under certain conditions it is possible to extend the withdrawal over a period of time without impairing the efforts to eradicate the disease.
- (3) During 1998 and 1999, outbreaks of this disease have occurred in Scotland, involving a number of sites being infected or suspected of being infected.
- (4) The United Kingdom (UK) has submitted a withdrawal scheme to be applied in case of the detection of ISA in Scotland.
- (5) The Commission and the Member States have examined the scheme submitted by the UK in the light of the current state of scientific and technical evidence.
- (6) The withdrawal of fish shall be carried out in a way in which the aim is to eradicate the disease from infected farms and prevent further spread of the disease to other

farms and to the wild population susceptible to this infection.

- (7) The withdrawal of fish must be based on a case-by-case analysis of the risks for further spread of the disease, including the seriousness of the outbreak and other circumstances influencing the risks, and must take into account current practical experience and scientific evidence.
- (8) This examination shows that the scheme submitted fulfils the requirements for such a scheme and therefore it shall be approved.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The scheme submitted by the United Kingdom for the withdrawal of all fish in Scottish farms infected with infectious salmon anaemia (ISA) is hereby approved.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 February 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 175, 19.7.1993, p. 23; Directive as amended by the Act of Accession of Austria, Finland and Sweden.

⁽²⁾ OJ L 114, 13.5.2000, p. 28.

COMMISSION DECISION
of 27 February 2001
amending Decision 98/357/EC establishing the list of approved fish farms in Italy

(notified under document number C(2001) 459)

(Text with EEA relevance)

(2001/187/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, as last amended by Directive 98/45/EC ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) The Member States may obtain the status of approved free of infectious haematopietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS) for fish farms located in zones that are non-approved in respect of IHN and VHS.
- (2) The list of approved fish farms in Italy was established by Commission Decision 98/357/EC ⁽³⁾.
- (3) Italy has submitted to the Commission the justifications for obtaining the status of approved farm in a non-approved zone in respect of IHN and VHS for two additional fish farms in the autonomous province of Trento, as well as the national rules ensuring compliance with the requirements for maintenance of the approved status.
- (4) The Commission and the Member States examined the justifications notified by Italy for each farm.

- (5) The result of this examination is that these two farms meet the requirements of Article 6 of Directive 91/67/EEC.
- (6) Therefore, these farms are eligible for the status of approved farm situated in a non-approved zone.
- (7) The two farms of concern should be added to the list of farms, which have already been approved.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 98/357/EC is hereby replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 February 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 46, 19.2.1991, p. 1.

⁽²⁾ OJ L 189, 3.7.1998, p. 12.

⁽³⁾ OJ L 162, 5.6.1998, p. 42.

ANNEX

FISH FARMS IN ITALY APPROVED AS REGARDS IHN AND VHS

REGION: PROVINCIA AUTONOMA DI TRENTO

Farms located in Noce basin

Ass. Pescatori Solandri (Loc. Fucine)
Cavizzana

Farms located in Brenta basin

Campestrin Giovanni
Telve Valsugana (Fontane)
Ittica Resenzola Serafini
Grigno
Ittica Resenzola Selva
Grigno
Leonardi F.lli
Levico Terme (S. Giuliana)
Dellai Giuseppe-Trot. Valsugana
Grigno (Fontana Secca, Maso Puele)

Farms located in Adige basin

Celva Remo
Pomarolo
Margonar Domenico
Ala (Pilcante)
Degiuli Pasquale
Mattarello (Regole)
Tamanini Livio
Vigolo Vattaro
Troticoltura Istituto Agrario di S. Michele a/A.
S. Michele all'Adige

Farms located in Sarca basin

Ass. Pescatori Basso Sarca
Ragoli (Pez)
Stab. Giudicariese La Mola
Tione (Delizia d'Ombra)
Azienda Agricola La Sorgente s.s.
Tione (Saone)
Fonti del Dal s.s.
Lomaso (Dasindo)
Comfish Srl (ex Paletti)
Preore (Molina)
Ass. Pescatori Basso Sarca
Tenno (Pranzo)
Troticoltura 'La Fiana'
Di Valenti Claudio (Bondo)

Farms located in Chiese basin

Facchini Emiliano
Pieve di Bono (Agrone)

COMMISSION DECISION
of 28 February 2001
amending for the sixth time Decision 95/124/EC establishing the list of approved fish farms in
Germany

(notified under document number C(2001) 454)

(Text with EEA relevance)

(2001/188/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products ⁽¹⁾, as last amended by Directive 98/45/EC ⁽²⁾, and in particular Article 6 thereof,

Whereas:

- (1) The Member States may obtain the status of approved free of infectious haematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS) for fish farms located in zones which are non-approved in respect of IHN and VHS.
- (2) The list of approved fish farms in Germany was established by Commission Decision 95/124/EC ⁽³⁾, as last amended by Decision 2000/302/EC ⁽⁴⁾.
- (3) Germany has submitted to the Commission the justifications for obtaining the status of approved farm in a non-approved zone in respect of IHN and VHS for certain fish farms, as well as the national rules ensuring compliance with the requirements for maintenance of the approved status.
- (4) The Commission and the Member States examined the justifications notified by Germany for each farm.
- (5) The result of this examination is that three of the farms concerned meet the requirements of Article 6 of Directive 91/67/EEC.

(6) Therefore, these three farms are eligible for the status of approved farm situated in a non-approved zone.

(7) These three farms should be added to the list of farms which have already been approved. The three farms to be approved are situated in Saxony and Baden-Württemberg.

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 95/124/EEC is hereby replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 February 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 46, 19.2.1991, p. 1.

⁽²⁾ OJ L 189, 3.7.1998, p. 12.

⁽³⁾ OJ L 84, 14.4.1995, p. 6.

⁽⁴⁾ OJ L 100, 20.4.2000, p. 51.

ANNEX

I. FARMS IN LOWER SAXONY

1. **Jochen Moeller**
Fischzucht Harkenbleck
D-30966 Hemmingen-Harkenbleck
2. **Versuchsgut Rellehausen der Universität Göttingen**
(hatchery only)
D-37586 Dassel
3. **Dr. R. Rosengarten**
Forellenzucht Sieben Quellen
D-49124 Georgsmarienhütte
4. **Klaus Kröger**
Fischzucht Klaus Kröger
D-21256 Handeloh Wörme
5. **Ingeborg Riggert-Schlumbohm**
Forellenzucht W. Riggert
D-29465 Schnega
6. **Volker Buchtmann**
Fischzucht Nordbach
D-21441 Garstedt
7. **Sven Kramer**
Forellenzucht Kaierde
D-31073 Delligsen
8. **Hans-Peter Klusak**
Fischzucht Grönegau
D-49328 Melle
9. **F. Feuerhake**
Forellenzucht Rheden
D-31039 Rheden

II. FARMS IN THURINGIA

1. **Firma Tautenhahn**
D-98646 Trostadt
2. **Thüringer Forstamt Leinefelde**
Fischzucht Worbis
D-37327 Leinefelde
3. **Fischzucht Salza GmbH**
D-99734 Nordhausen-Salza
4. **Fischzucht Kindelbrück GmbH**
D-99638 Kindelbrück
5. **Reinhardt Strecker**
Forellenzucht Orgelmühle
D-37351 Dingelstadt

III. FARMS IN BADEN-WÜRTTEMBERG

1. **Heiner Feldmann**
Riedlingen/Neufra
D-88630 Pfullendorf
2. **Walter Dietmayer**
Forellenzucht Walter Dietmayer, Hettingen
D-72501 Gammertingen
3. **Heiner Feldmann**
Bad Waldsee
D-88630 Pfullendorf
4. **Heiner Feldmann**
Bergatreute
D-88630 Pfullendorf
5. **Oliver Fricke**
Anlage Wuchzenhofen, Boschenmühle
D-87764 Mariasteinbach Legau 13 1/2
6. **Peter Schmaus**
Fischzucht Schmaus, Steinental
D-88410 Steinental/Hauerz
7. **Josef Schnetz**
Fenkenmühle
D-88263 Horgenzell
8. **Erwin Steinhart**
Quellwasseranlage Steinhart, Hettingen
D-72513 Hettingen
9. **Hugo Strobel**
Quellwasseranlage Otterswang, Sägmühle
D-72505 Hausen am Andelsbach
10. **Reinhard Lenz**
Forsthaus, Gaimühle
D-64759 Sensbachtal
11. **Peter Hofer**
Sulzbach
D-78727 Aistaig/Oberndorf
12. **Stephan Hofer**
Oberer Lautenbach
D-78727 Aistaig/Oberndorf
13. **Stephan Hofer**
Unterer Lautenbach
D-78727 Aistaig/Oberndorf
14. **Stephan Hofer**
Schelklingen
D-78727 Aistaig/Oberndorf
15. **Hubert Schuppert**
Brutanlage: Obere Fischzucht
Mastanlage: Untere Fischzucht
D-88454 Unteressendorf
16. **Johannes Dreier**
Brunnentobel
D-88299 Leutkich/Hebrachhofen
17. **Peter Störk**
Wagenhausen
D-88348 Saulgau
18. **Erwin Steinhart**
Geislingen/St.
D-73312 Geislingen/St.

19. **Joachim Schindler**
Forellenzucht Lohmühle
D-72275 Alpirsbach
20. **Heribert Wolf**
Forellenzucht Sohnius
D-72160 Horb-Diessen
21. **Claus Lehr**
Forellenzucht Reinerzau
D-72275 Alpirsbach-Reinerzau
22. **Hugo Hager**
Bruthausanlage
D-88639 Walbertsweiler
23. **Hugo Hager**
Waldanlage
D-88639 Walbertsweiler
24. **Gumpper und Stöll GmbH**
Forellenhof Rössle, Honau
D-72805 Liechtenstein
25. **Ulrich Ibele**
Pfrungen
D-88271 Pfrungen
26. **Hans Schmutz**
Brutanlage 1, Brutanlage 2, Brut- und Setzlingsanlage 3
(Hausanlage)
D-89155 Erbach
27. **Wilhelm Draefn**
Obersimonswald
D-77960 Seelbach
28. **Wilhelm Draefn**
Brutanlage Seelbach
D-77960 Seelbach
29. **Franz Schwarz**
Oberharmersbach
D-77784 Oberharmersbach
30. **Meinrad Nuber**
Langenenslingen
D-88515 Langenenslingen
31. **Anton Spieß**
Höhmühle
D-88353 Kießleg
32. **Karl Servay**
Osterhofen
D-88339 Bad Waldsee
33. **Kreissportfischereiverein Biberach**
Warthausen
D-88400 Biberach
34. **Hans Schmutz**
Gossenzugen
D-89155 Erbach
35. **Reinhard Rösch**
Haigerach
D-77723 Gengenbach
36. **Harald Tress**
Unterlauchringen
D-79787 Unterlauchringen
37. **Alfred Tröndle**
Tiefenstein
D-79774 Albbruck
38. **Alfred Tröndle**
Unteralpfen
D-79774 Unteralpfen
39. **Peter Hofer**
Schenkenbach
D-78727 Aistaig/Oberndorf
40. **Heiner Feldmann**
Bainders
D-88630 Pfullendorf
41. **Andreas Zordel**
Fischzucht Im Gänsebrunnen
D-75305 Neuenbürg
42. **Hans Fischböck**
Forellenzucht am Kocherursprung
D-73447 Oberkochen
43. **Hans Fischböck**
Fischzucht
D-73447 Oberkochen
44. **Josef Dürr**
Forellenzucht Igersheim
D-97980 Bad Mergentheim
45. **Kurt Englerth und Sohn GBR**
Anlage Berneck
D-72297 Seewald
46. **A. J. Kisslegg**
Anlage Rohrsee
47. **Staatliches Forstamt Wangen**
Anlage Karsee
48. **Simon Phillipson**
Anlage Weissenbronnen
D-88364 Wolfegg
49. **Hans Klaiber**
Anlage Bad Wildbad
D-75337 Enzklösterle
50. **Josef Hönig**
Forellenzucht Hönig
D-76646 Bruchsal-Heidelsheim
51. **Werner Baur**
Blitzenreute
D-88273 Fronreute-Blitzenreute
52. **Gerhard Weihmann**
Mägerkingen
D-72574 Bad Urach-Seeburg

IV. FARMS IN NORTH RHINE-WESTPHALIA

1. **Wolfgang Lindhorst-Emme**
Hirschquelle
D-33758 Schloss Holte-Stukenbrock
2. **Wolfgang Lindhorst-Emme**
Am Oelbach
D-33758 Schloss Holte-Stukenbrock
3. **Hugo Rameil und Söhne**
Sauerländer Forellenzucht
D-57368 Lennestadt-Gleierbrück
4. **Peter Horres**
Ovenhausen, Jätzer Mühle
D-37671 Hörter

V. FARMS IN BAVARIA

1. **Gerstner Peter**
(Forellenzuchtbetriebe Juraquell)
Wellheim
D-97332 Volkach
2. **Werner Ruf**
Fischzucht Wildbad
D-86925 Fuchstal-Leeder
3. **Rogg**
Fisch Rogg
D-87751 Heimertingen

VI. FARMS IN SAXONY

1. **Anglerverband Südsachsen 'Mulde/Elster' e.V.**
Forellenanlage Schlettau
D-09487 Schlettau
-

COMMISSION DECISION
of 28 February 2001
providing for a compulsory beef labelling system in Germany

(notified under document number C(2001) 467)

(Only the German text is authentic)

(2001/189/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products which repealed Council Regulation (EC) No 820/97 ⁽¹⁾, and in particular Article 13(4) thereof,

Whereas:

- (1) Article 13(3) of Regulation (EC) No 1760/2000 provides for the possibility, up until 31 December 2001, that Member States where sufficient details are available in the identification and registration system for bovine animals, may decide that for beef from animals born, fattened and slaughtered in the same Member State, supplementary items of information must also be indicated on labels.
- (2) Germany has applied to the Commission for approval for such a compulsory beef labelling system in accord-

ance with Article 13(4) of Regulation (EC) No 1760/2000,

HAS ADOPTED THIS DECISION:

Article 1

The German request, as summarised in the Annex, for the introduction of a compulsory labelling system for beef from animals born, fattened and slaughtered on its territory, is approved in accordance with Article 13(4) of Regulation (EC) No 1760/2000.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 28 February 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Labelling of beef and beef products with an indication of German origin

Beef and beef products from bovine animals born, raised and slaughtered in Germany shall be labelled with an indication of German origin.

The indication of German origin shall be given as either 'Origin: Germany' or as an indication that the animal, from which the beef was derived, was born, raised and slaughtered in Germany.

Criteria to qualify for German origin

The indication of German origin shall not be obligatory for beef that is derived from animals which are not registered in the German national bovine database as having been born, reared and slaughtered in Germany, or for which the identification number of the mother of the animal is unknown and the holding of birth has not been proven.

⁽¹⁾ OJ L 204, 11.8.2000, p. 1.

COMMISSION DECISION
of 8 March 2001
amending Decision 2001/172/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom
(notified under document number C(2001) 720)
(Text with EEA relevance)
(2001/190/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽³⁾, as last amended by Directive 92/118/EEC, and in particular Article 9 thereof,

Whereas:

- (1) Outbreaks of foot-and-mouth disease have been declared in the United Kingdom.
- (2) The foot-and-mouth disease situation in the United Kingdom is liable to endanger the herds of other Member States in view of the placing on the market and trade in live biungulate animals and certain of their products.
- (3) The United Kingdom has taken measures in the framework of Council Directive 85/511/EEC of 18 November 1985 introducing Community measures for the control of foot-and-mouth disease ⁽⁴⁾, as last amended by Commission Decision 92/380/EEC ⁽⁵⁾, and furthermore has introduced further measures within the affected areas, in particular a ban on movement of susceptible animals applied in Great Britain.
- (4) The disease situation in the United Kingdom requires reinforcing the control measures for foot-and-mouth disease taken by the United Kingdom by adopting additional Community protective measures.
- (5) In collaboration with the Member State concerned the Commission adopted Decision 2001/172/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom ⁽⁶⁾.
- (6) Certain categories of treated products of animal origin do not present a risk of spreading the disease, it appeared therefore appropriate to include provisions allowing trade in such products under the conditions that adequate certification is ensured.
- (7) Taking account of the particular epidemiological situation caused by movement of small ruminants from the United Kingdom to other Member States during the period of 1 to 21 February 2001, it appears appropriate to lay down additional precautionary measures for a period sufficient to avoid possible spread of disease in other Member States.
- (8) In order to adapt the measures to the current epidemiological situation, it is necessary to amend Decision 2001/172/EC.
- (9) The situation shall be reviewed at the meeting of the Standing Veterinary Committee scheduled for 20 March 2001 and the measures adapted where necessary.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 395, 30.12.1989, p. 13.

⁽⁴⁾ OJ L 315, 26.11.1985, p. 11.

⁽⁵⁾ OJ L 198, 17.7.1992, p. 54.

⁽⁶⁾ OJ L 62, 2.3.2001, p. 22.

HAS ADOPTED THIS DECISION:

Article 1

1. Articles 1 to 11 of Decision 2001/172/EC are replaced by the following:

'Article 1

Without prejudice to the measures taken by the United Kingdom within the framework of Council Directive 85/511/EEC, the United Kingdom shall ensure that:

1. no live animals of the bovine, ovine, caprine and porcine species and other biungulates move between those parts of its territory listed in **Annex I** and **Annex II**.
2. no live animals of the bovine, ovine, caprine and porcine species and other biungulates are dispatched from or moved through those parts of its territory listed in **Annex I** and **Annex II**.

Without prejudice to the ban on movement of susceptible animals within and through Great Britain applied by the competent authorities of the United Kingdom, and derogating from the provisions in the first paragraph the competent authorities may authorise the direct and uninterrupted transit of biungulate animals through the areas listed in **Annex I** and **Annex II** on main roads and railway lines;

3. the health certificates provided for in Council Directive 64/432/EEC ⁽¹⁾, as last amended by Directive 2000/20/EC ⁽²⁾, accompanying live bovine and porcine animals and in Council Directive 91/68/EEC ⁽³⁾, as last amended by Commission Decision 94/953/EC ⁽⁴⁾, accompanying live ovine and caprine animals consigned from parts of the territory of the United Kingdom not listed in **Annex I** and **Annex II** to other Member States shall bear the following words:

"Animals conforming to Commission Decision 2001/172/EC of 1 March 2001 concerning certain protective measures with regard to foot-and-mouth disease in the United Kingdom";

4. the health certificates accompanying biungulates, other than those covered by the certificates mentioned in paragraph 3, consigned from parts of the territory of the United Kingdom not listed in **Annex I** and **Annex II** to other Member States shall bear the following words:

"Live biungulates conforming to Commission Decision 2001/172/EC of 1 March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom";

5. the movement to other Member States of animals accompanied by an animal health certificate referred to in paragraphs 3 or 4 shall only be allowed following three days advance notification dispatched by the local veterinary authority to the central and local veterinary authorities in the Member State of destination.

Article 2

1. The United Kingdom shall not dispatch fresh meat of the bovine, ovine, caprine and porcine species and other biungulates coming from those parts of its territory listed in the **Annex I** or obtained from animals originating in those parts of the United Kingdom.

2. The prohibitions provided for in paragraph 1 shall not apply to:

- (a) fresh meat obtained before **1 February 2001** provided that the meat is clearly identified, and since this date has been transported and stored separately from meat which is not destined for dispatch outside the areas mentioned in **Annex I**;
- (b) fresh meat obtained from animals reared outside the areas listed in **Annex I** and **Annex II** and transported in derogation to Article 1(1) directly and under official control in sealed means of transport to a slaughterhouse situated in the area listed in **Annex I** outside the protection zone for immediate slaughter. Such meat shall only be placed on the market in the United Kingdom;

⁽¹⁾ OJ 121, 29.7.1964, p. 1977/64.

⁽²⁾ OJ L 163, 4.7.2000, p. 35.

⁽³⁾ OJ L 46, 19.2.1991, p. 19.

⁽⁴⁾ OJ L 371, 31.12.1994, p. 14.

(c) fresh meat obtained from cutting plants situated in the area listed in **Annex I** under the following conditions:

- only fresh meat as described in subparagraphs (a) and (b) or fresh meat obtained from animals reared and slaughtered outside the area listed in **Annex I** will be processed in this establishment,
- all such fresh meat must bear the health mark in accordance with Chapter XI of Annex I to Council Directive 64/433/EEC ⁽¹⁾ on animal health problems affecting intra-Community trade in fresh meat,
- the plant will be operated under strict veterinary control,
- the fresh meat must be clearly identified, and transported and stored separately from meat which is not destined for dispatch outside the areas mentioned in **Annex I**,
- the control of the compliance with the above listed conditions shall be carried out by the competent veterinary authority under the supervision of the central veterinary authorities who will communicate to the other Member States and the Commission a list of those establishments which they have approved in application of these provisions.

3. Meat consigned from the United Kingdom to other Member States shall be accompanied by a certificate from an official veterinarian. The certificate shall bear the following words:

“Meat conforming to Commission Decision 2001/172/EC of 1 March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

Article 3

1. The United Kingdom shall not dispatch meat products of animals of the bovine, ovine, caprine and porcine species and other biungulates coming from those parts of the United Kingdom listed in **Annex I** or prepared using meat obtained from animals originating in those parts of the United Kingdom.

2. The restrictions described in paragraph 1 shall not apply to meat products which have undergone one of the treatments laid down in Article 4(1) of Council Directive 80/215/EEC ⁽²⁾, as last amended by Council Directive 91/687/EEC ⁽³⁾, or to meat products as defined in Council Directive 77/99/EEC ⁽⁴⁾, as last amended by Directive 97/76/EC ⁽⁵⁾, on animal health problems affecting intra-Community trade in meat products which have been subjected during preparation uniformly throughout the substance to a pH value of less than 6.

3. The prohibitions described in paragraph 1 shall not apply to:

(a) meat products prepared from meat derived from biungulate animals slaughtered before **1 February 2001** provided that the meat products are clearly identified, and since this date have been transported and stored separately from meat products which are not destined for dispatch outside the areas mentioned in **Annex I**;

(b) meat products prepared in establishments under the following conditions:

- all fresh meat used in the establishment must conform to the conditions of Article 2(2),
- all meat products used in the final product will conform to the conditions of paragraph (a) or be made from fresh meat obtained from animals reared and slaughtered outside the area listed in the **Annex I**,
- all meat products must bear the health mark in accordance with Chapter VII of Annex A to Directive 77/99/EEC,
- the establishment will be operated under strict veterinary control,
- the meat products must be clearly identified and transported and stored separately from meat and meat products which are not destined for dispatch outside the areas mentioned in **Annex I**,

⁽¹⁾ OJ L 121, 29.7.1964, p. 2012/64. Directive updated by Directive 91/497/EEC (OJ L 268, 24.9.1991, p. 69) and last amended by Directive 95/23/EC (OJ L 243, 11.10.1995 p. 7).

⁽²⁾ OJ L 47, 21.2.1980, p. 4.

⁽³⁾ OJ L 377, 31.12.1991, p. 16.

⁽⁴⁾ OJ L 26, 31.1.1977, p. 85. Directive updated by Directive 92/5/EEC (OJ L 57, 2.3.1992, p. 1) and last amended by Directive 92/45/EEC (OJ L 268, 14.9.1992, p. 35).

⁽⁵⁾ OJ L 10, 16.1.1998, p. 25.

- the control of the compliance with the above listed conditions shall be carried out by the competent authority under the responsibility of the central veterinary authorities who will communicate to other Member States and the Commission a list of those establishments which they have approved in application of these provisions;
- (c) meat products prepared in the parts of the territory which are not included in **Annex I** using meat obtained before **1 February 2001** from parts of the territory included in **Annex I** provided that the meat and meat products are clearly identified and transported and stored separately from meat and meat products which are not destined for dispatch outside the areas mentioned in **Annex I**.
- 4. Meat products consigned from the United Kingdom to other Member States shall be accompanied by an official certificate. The certificate shall bear the following words:

“Meat products conforming to Commission Decision 2001/172/EC of 1 March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.
- 5. Derogating from the provisions in paragraph 4 it shall be sufficient in the case of meat products which conform to the requirements of paragraph 2 and are consigned in hermetically sealed containers or have been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded that compliance with the conditions required for the treatment laid down in paragraph 2 is stated in the commercial document accompanying the consignment, endorsed in accordance with Article 9.

Article 4

1. The United Kingdom shall not dispatch milk intended or not intended for human consumption from those parts of its territory listed in **Annex I**.
2. The prohibitions described in paragraph 1 shall not apply to milk intended or not intended for human consumption which has been subjected to at least:
 - (a) an initial pasteurisation in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex I to Directive 92/118/EEC, followed by a second heat treatment by high temperature pasteurisation, UHT, sterilisation or by a drying process which includes a heat treatment with an equivalent effect to one of the above; or
 - (b) an initial pasteurisation in accordance with the norms defined in paragraph 3(b) of Chapter 1 in Annex I to Directive 92/118/EEC, combined with the treatment by which the pH is lowered below 6 and held there for at least one hour.
3. The prohibitions described in paragraph 1 shall not apply to milk prepared in establishments situated in the areas listed in **Annex I** under the following conditions:
 - (a) all milk used in the establishment must either conform to the conditions of paragraph 2 or be obtained from animals outside the area listed in **Annex I**,
 - (b) the establishment will be operated under strict veterinary control,
 - (c) the milk must be clearly identified and transported and stored separately from milk and milk products which are not destined for dispatch outside the areas mentioned in **Annex I**,
 - (d) transport of raw milk from holdings situated outside the areas mentioned in Annex I to the establishments referred to above is carried out in vehicles which were cleaned and disinfected prior to operation and had no subsequent contact with holdings in the areas mentioned in Annex I keeping animals of species susceptible to foot-and-mouth disease,
 - (e) the control of the compliance with the above listed conditions shall be carried out by the competent veterinary authority under the supervision of the central veterinary authorities who will communicate to other Member States and the Commission a list of those establishments which they have approved in application of these provisions.
4. Milk consigned from the United Kingdom to other Member States shall be accompanied by an official certificate. The certificate shall bear the following words:

“Milk conforming to Commission Decision 2001/172/EC of 1 March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

5. Derogating from the provisions in paragraph 4 it shall be sufficient in the case of milk which conforms to the requirements of paragraph 2(a) or (b) and is consigned in hermetically sealed containers or has been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded that compliance with the conditions required for the treatment laid down in paragraph 2(a) or (b) is stated in the commercial document accompanying the consignment, endorsed in accordance with Article 9.

Article 5

1. The United Kingdom shall not dispatch milk products intended or not intended for human consumption from those parts of its territory listed in **Annex I**.

2. The prohibitions described in paragraph 1 shall not apply to milk products intended or not intended for human consumption:

(a) produced before **1 February 2001**;

(b) prepared from milk complying with the provisions in Article 4(2) or (3);

(c) subject to a heat treatment at a temperature of at least 72 °C for at least 15 seconds, on the understanding that such treatment was not necessary for finished products the ingredients of which comply with the respective animal health conditions laid down in this Decision;

(d) for export to a third country where import conditions permit such products to be subject to treatment other than laid down in this Decision.

3. The prohibitions described in paragraph 1 shall not apply to:

(a) milk products prepared in establishments situated in the areas listed in **Annex I** under the following conditions:

- all milk used in the establishment will either conform to the conditions of Article 4(2) or be obtained from animals outside the area listed in Annex I,
- all milk products used in the final product will either conform to the conditions of paragraph 2 or be made from milk obtained from animals outside the area listed in Annex I,
- the establishment will be operated under strict veterinary control,
- the milk products must be clearly identified and transported and stored separately from milk and milk products which are not destined for dispatch outside the areas mentioned in Annex I,
- the control of the compliance with the above listed conditions shall be carried out by the competent authority under the responsibility of the central veterinary authorities who will communicate to other Member States and the Commission a list of those establishments which they have approved in application of these provisions;

(b) milk products prepared in the parts of the territory outside the areas mentioned in Annex I using milk obtained before **1 February 2001** from parts of the territory mentioned in Annex I provided that the milk products are clearly identified and transported and stored separately from milk products which are not destined for dispatch outside the areas mentioned in Annex I.

4. Milk products consigned from the United Kingdom to other Member States shall be accompanied by an official certificate. The certificate shall bear the following words:

“Milk products conforming to Commission Decision 2001/172/EC of 1 March 2001 concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom”.

5. Derogating from the provisions in paragraph 4 it shall be sufficient in the case of milk products which conform to the requirements of paragraph 2 and are consigned in hermetically sealed containers or have been processed in an establishment operating HACCP and an auditable standard operating procedure which ensures that standards for treatment are met and recorded that compliance with the conditions laid down in paragraph 2 is stated in the commercial document accompanying the consignment, endorsed in accordance with Article 9.

Article 6

1. The United Kingdom shall not send semen, ova and embryos of the bovine, ovine, caprine and porcine species and other biungulates from those parts of its territory listed in **Annex I** to other parts of the United Kingdom.
2. The United Kingdom shall not dispatch semen, ova and embryos of the bovine, ovine, caprine and porcine species and other biungulates from those parts of its territory listed in **Annex I** and **Annex II**.
3. This prohibition shall not apply to frozen bovine semen and embryos produced before **1 February 2001**.

4. The health certificate provided for in Council Directive 88/407/EEC ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and accompanying frozen bovine semen consigned from the United Kingdom to other Member States shall bear the following words:

“Frozen bovine semen conforming to Commission Decision 2001/172/EC of 1 March 2001 on certain protective measures with regard to foot-and-mouth disease in the United Kingdom”.

5. The health certificate provided for in Council Directive 89/556/EEC ⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and accompanying bovine embryos consigned from the United Kingdom to other Member States shall bear the following words:

“Bovine embryos conforming to Commission Decision 2001/172/EC of 1 March 2001 on certain protective measures with regard to foot-and-mouth disease in the United Kingdom”.

Article 7

1. The United Kingdom shall not dispatch hides and skins of bovine, ovine, caprine and porcine species and other biungulates from those parts of its territory listed in **Annex I**.
2. This prohibition shall not apply to hides and skins which were produced before **1 February 2001** or which conform to the requirements of paragraph 1 (A) indents 2 to 5 or paragraph 1 (B), indents 3 and 4 of Chapter 3 of Annex 1 to Directive 92/118/EEC. Care must be taken to separate effectively treated hides and skins from untreated hides and skins.
3. The United Kingdom shall ensure that hides and skins of bovine, ovine, caprine and porcine species and other biungulates to be sent to other Member States shall be accompanied by a certificate which bears the following words:

“Hides and skins conforming to Commission Decision 2001/172/EC of 1 March 2001 on certain protective measures with regard to foot-and-mouth disease in the United Kingdom”.

4. Derogating from the provisions in paragraph 3 it shall be sufficient in the case of hides and skins which conform to the requirements of paragraph 1 (A) indents 2 to 5 of Chapter 3 of Annex I to Directive 92/118/EEC to be accompanied by a commercial document stating compliance with the conditions required for the treatment laid down in paragraph 1 (A) indents 2 to 5 of Chapter 3 of Annex I to Directive 92/118/EEC.

5. Derogating from the provisions in paragraph 3 it shall be sufficient in the case of hides and skins which conform to the requirements of paragraph 1 (B) indents 3 and 4 of Chapter 3 of Annex I to Directive 92/118/EEC that compliance with the conditions required for the treatment laid down in paragraph 1 (B) indents 3 and 4 of Chapter 3 of Annex I to Directive 92/118/EEC is stated in the commercial document accompanying the consignment, endorsed in accordance with Article 9.

Article 8

1. The United Kingdom shall not dispatch animal products of the bovine, ovine, caprine and porcine species and other biungulates not mentioned in Articles 2, 3, 4, 5, 6 and 7 produced after **1 February 2001** from those parts of its territory listed in **Annex I**.

The United Kingdom shall not dispatch dung and manure from those parts of its territory listed in Annex I.

⁽¹⁾ OJ L 194, 22.7.1988, p. 10.

⁽²⁾ OJ L 302, 19.10.1989, p. 1.

2. The prohibitions mentioned in paragraph 1 first subparagraph shall not apply to:
 - (a) animal products referred to in paragraph 1 first subparagraph which have been subjected to:
 - heat treatment in a hermetically sealed container with a F_0 value of 3,00 or more, or
 - heat treatment in which the centre temperature is raised to at least 70 °C;
 - (b) blood and blood products as defined in Chapter 7 of Annex I to Directive 92/118/EEC which have been subject to at least one of the following treatments:
 - heat treatment at a temperature of 65 °C for at least three hours, followed by an effectiveness check,
 - irradiation at 2,5 megarads or gamma rays followed by an effectiveness check,
 - change of pH to pH 5 or lower for at least two hours, followed by an effectiveness check;
 - (c) lard and rendered fats which have been subject to the heat treatment prescribed in paragraph 2 (A) of Chapter 9 of Annex I to Directive 92/118/EEC;
 - (d) animal casings to which the provisions in paragraph B Chapter 2 of Annex I to Directive 92/118/EEC apply *mutatis mutandis*;
 - (e) sheep wool, ruminant hair and pigs bristles which have undergone factory washing or have been obtained from tanning and unprocessed sheep wool, ruminant hair and pigs bristles which are securely enclosed in packaging and dry;
 - (f) semi-moist and dried petfood conforming to the requirements of paragraphs 2 and 3 respectively of Chapter 4 of Annex I to Directive 92/118/EEC;
 - (g) composite products which are not subject to further treatment containing products of animal origin on the understanding that the treatment was not necessary for finished products the ingredients of which comply with the respective animal health conditions laid down in this Decision;
 - (h) game trophies in accordance with paragraph 2(b) of part B in Chapter 13 of Annex I to Directive 92/118/EEC.
3. The United Kingdom shall ensure that the animal products mentioned in paragraph 2 to be sent to other Member States shall be accompanied by an official certificate which bears the following words:

“Animal products conforming to Commission Decision 2001/172/EC of 1 March 2001 concerning certain protective measures with regard to foot-and-mouth disease in the United Kingdom”.
4. Derogating from the provisions in paragraph 3 it shall be sufficient in the case of products mentioned in paragraphs 2(b), (c) and (d) that compliance with the conditions for the treatment stated in the commercial document required in accordance with the respective Community legislation is endorsed in accordance with Article 9.
5. Derogating from the provisions in paragraph 3 it shall be sufficient in the case of products mentioned in paragraph 2(e) to be accompanied by a commercial document stating either the factory washing or origin from tanning or compliance with the conditions laid down in paragraphs 2 and 4 of Chapter 15 of Annex I to Directive 92/118/EEC.
6. Derogating from the provisions in paragraph 3 it shall be sufficient in the case of products mentioned in paragraphs 2(g) which have been produced in an establishment operating HACCP and an auditable standard operating procedure which ensures that pre-processed ingredients comply with the respective animal health conditions laid down in this Decision and that this is stated on the commercial document accompanying the consignment, endorsed in accordance with Article 9.

Article 9

Where reference is made to this Article, the competent authorities of the United Kingdom shall ensure that the commercial document required by Community legislation for intra-Community trade be endorsed by the attachment of a copy of an official certificate stating that the production process has been audited and found in compliance with the appropriate requirements in Community legislation and suitable to destroy the foot-and-mouth disease virus or that the products concerned have been produced from pre-processed materials which had been certified accordingly, and provisions are in place to avoid possible re-contamination with the foot-and-mouth disease virus after treatment.

Such verifying certification of the production process shall bear a reference to this Decision, shall be valid for 30 days, shall state the expiry date and shall be renewable after inspection of the establishment.

Article 10

1. The United Kingdom shall ensure that vehicles which have been used for the transport of live animals are cleaned and disinfected after each operation, and shall furnish proof of such disinfection.
2. The United Kingdom shall ensure that operators of ports of exit in the United Kingdom ensure that the tyres of road vehicles departing from the United Kingdom are exposed to disinfectant.

Article 11

The restrictions laid down in Articles 3, 4, 5 and 8 shall not apply to the dispatch from the parts of the territory of the United Kingdom listed in Annex I of the products referred to in Articles 3, 4, 5 and 8, if such products were:

- either not produced in the United Kingdom and remained in their original packaging indicating the country of origin of the products, or
- produced in an approved establishment situated in the parts of the territory of the United Kingdom listed in Annex I from pre-processed products not originating from these areas, which have been since introduction onto the territory of the United Kingdom transported, stored and processed separately from products which are not destined for dispatch outside the areas mentioned in Annex I and are accompanied by a commercial document or official certificate as required by this Decision.

Article 11a

1. Member States other than the United Kingdom shall not send live animals of susceptible species to the part of the territory of the United Kingdom listed in **Annex I**.
2. Without prejudice to the measures already taken by Member States, Member States other than the United Kingdom shall take any precautionary measure, including the isolation of susceptible animals and preventive killing of sheep, goats, farmed game of cloven-hoofed species and camelides dispatched from the United Kingdom between 1 and 21 February 2001.

The precautionary measures referred to in the first subparagraph above shall be taken without prejudice to the provisions of Article 6 of Council Decision 90/424/EEC ⁽¹⁾, as last amended by Decision 2001/12/EC ⁽²⁾.

3. Member States other than the United Kingdom shall ensure that transport of animals of susceptible species is prohibited.

This prohibition shall not apply to transports of animals of susceptible species from the holding of dispatch:

- directly to a slaughterhouse for immediate slaughter, subject to authorisation by the competent authorities, or

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 3, 6.1.2001, p. 27.

— to another holding, subject to authorisation by the competent authorities, under the condition that:

- (a) during transport such animals do not come into contact with animals not of the same holding of dispatch, and
- (b) vehicles which have been used for the transport of live animals are cleaned and disinfected after each operation, and shall furnish proof of such disinfection, and
- (c) transports to other Member States of such animals shall only be allowed following 24 hours advance notification dispatched by the local veterinary authority to the central and local veterinary authorities in the Member State of destination.

4. Member States shall cooperate in monitoring personal luggage of passengers travelling from the United Kingdom and in information campaigns carried out to prevent introduction of products of animal origin onto the territory of Member States other than the United Kingdom.'

2. In Article 14 the date '9 March 2001' is replaced by '27 March 2001'.

Article 2

Member States shall amend the measures which they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 8 March 2001.

For the Commission

David BYRNE

Member of the Commission

ANNEX I

United Kingdom

ANNEX II

United Kingdom
