

Official Journal

of the European Communities

ISSN 0378-6978

L 261

Volume 44

29 September 2001

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1899/2001 of 27 September 2001 amending Regulation (EC) No 194/1999 imposing definitive anti-dumping duties on imports of hardboard originating in Bulgaria, Estonia, Latvia, Lithuania, Poland and Russia and definitively collecting the provisional duties imposed** 1
- ★ **Council Regulation (EC) No 1900/2001 of 27 September 2001 terminating the anti-dumping review concerning the definitive anti-dumping measures imposed on imports of television camera systems originating in Japan by Council Regulation (EC) No 2042/2000** 3
- Commission Regulation (EC) No 1901/2001 of 28 September 2001 establishing the standard import values for determining the entry price of certain fruit and vegetables 10
- Commission Regulation (EC) No 1902/2001 of 28 September 2001 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid 12
- Commission Regulation (EC) No 1903/2001 of 28 September 2001 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments 14
- Commission Regulation (EC) No 1904/2001 of 28 September 2001 amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira 16
- Commission Regulation (EC) No 1905/2001 of 28 September 2001 amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals products from the Community to the Canary Islands 18
- Commission Regulation (EC) No 1906/2001 of 28 September 2001 setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira 20

Price: EUR 19,50

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Commission Regulation (EC) No 1907/2001 of 28 September 2001 setting the amounts of aid for the supply of rice products from the Community to the Canary Islands	22
Commission Regulation (EC) No 1908/2001 of 28 September 2001 fixing the import duties in the cereals sector	24
Commission Regulation (EC) No 1909/2001 of 28 September 2001 fixing the export refunds on syrups and certain other sugar products exported in the natural state	27
Commission Regulation (EC) No 1910/2001 of 28 September 2001 altering the export refunds on white sugar and raw sugar exported in the natural state	30
Commission Regulation (EC) No 1911/2001 of 28 September 2001 fixing the production refund on white sugar used in the chemical industry	32
Commission Regulation (EC) No 1912/2001 of 28 September 2001 determining the world market price for unginned cotton	34
Commission Regulation (EC) No 1913/2001 of 28 September 2001 fixing the corrective amount applicable to the refund on malt	35
Commission Regulation (EC) No 1914/2001 of 28 September 2001 fixing the corrective amount applicable to the refund on cereals	37
Commission Regulation (EC) No 1915/2001 of 28 September 2001 fixing the maximum aid for concentrated butter for the 255th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90	39
Commission Regulation (EC) No 1916/2001 of 28 September 2001 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 83rd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97	40
Commission Regulation (EC) No 1917/2001 of 28 September 2001 fixing the maximum purchasing price for butter for the 36th invitation to tender carried out under the standing invitation to tender governed by Regulation (EC) No 2771/1999	42
Commission Regulation (EC) No 1918/2001 of 28 September 2001 suspending the buying-in of butter in certain Member States	43
Commission Regulation (EC) No 1919/2001 of 28 September 2001 amending Regulation (EC) No 931/2001 on the issuing of a standing invitation to tender for the sale of common wheat of breadmaking quality held by the German intervention agency for export to certain ACP countries	44
★ Commission Regulation (EC) No 1920/2001 of 28 September 2001 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for the treatment of service charges proportional to transaction values in the harmonised index of consumer prices and amending Regulation (EC) No 2214/96 ⁽¹⁾	46
★ Commission Regulation (EC) No 1921/2001 of 28 September 2001 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for revisions of the harmonised index of consumer prices and amending Regulation (EC) No 2602/2000 ⁽¹⁾	49
★ Commission Regulation (EC) No 1922/2001 of 28 September 2001 amending for the second time Regulation (EC) No 1209/2001 derogating from Regulation (EC) No 562/2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef	52

★ Commission Regulation (EC) No 1923/2001 of 28 September 2001 amending Regulation (EC) No 174/1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products	53
Commission Regulation (EC) No 1924/2001 of 28 September 2001 fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty	54
Commission Regulation (EC) No 1925/2001 of 28 September 2001 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty	56
Commission Regulation (EC) No 1926/2001 of 28 September 2001 fixing the export refunds on rice and broken rice and suspending the issue of export licences	59
Commission Regulation (EC) No 1927/2001 of 28 September 2001 fixing the maximum purchase price for beef under the 11th partial invitation to tender pursuant to Regulation (EC) No 690/2001	62
Commission Regulation (EC) No 1928/2001 of 28 September 2001 fixing the maximum buying-in price and the quantities of beef to be bought in under the 275th partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89	63

II Acts whose publication is not obligatory

Commission

2001/707/EC:

★ Commission Decision of 21 August 2001 amending Decision 1999/71/EC accepting undertakings offered in connection with the anti-dumping proceeding concerning imports of hardboard originating in Bulgaria, Estonia, Latvia, Lithuania and Poland and terminating the proceeding without measures in respect of such imports originating in Brazil (<i>notified under document number C(2001) 2576</i>)	65
--	----

2001/708/EC:

★ Commission Decision of 28 September 2001 amending for the seventh time Decision 2001/356/EC concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom ⁽¹⁾ (<i>notified under document number C(2001) 2922</i>)	67
---	----

2001/709/EC:

★ Commission Decision of 28 September 2001 amending for the sixth time Decision 2001/327/EC concerning restrictions to the movement of animals of susceptible species with regard to foot-and-mouth disease ⁽¹⁾ (<i>notified under document number C(2001) 2923</i>)	69
--	----

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 1899/2001
of 27 September 2001**

amending Regulation (EC) No 194/1999 imposing definitive anti-dumping duties on imports of hardboard originating in Bulgaria, Estonia, Latvia, Lithuania, Poland and Russia and definitively collecting the provisional duties imposed

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 8 thereof,

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

Whereas:

A. PREVIOUS PROCEDURE

- (1) On 7 November 1997, by means of a notice published in the *Official Journal of the European Communities* ⁽²⁾, the Commission announced the initiation of an anti-dumping proceeding in respect of imports of hardboard originating, *inter alia*, in Latvia.
- (2) The proceeding resulted in anti-dumping duties being imposed by Regulation (EC) No 194/1999 ⁽³⁾ in January 1999 in order to eliminate the injurious effects of dumping.
- (3) In parallel, by Decision 1999/71/EC ⁽⁴⁾, the Commission also accepted an undertaking from, *inter alia*, one Latvian company AS 'Bolderāja' (TARIC Additional Code 8499), and imports of hardboard originating in Latvia exported to the Community by this company were exempted from the anti-dumping duty by Article 2(1) and (3) of the abovementioned Regulation.

B. VOLUNTARY WITHDRAWAL OF AN UNDERTAKING

- (4) Following changes in its trading activities, AS 'Bolderāja', advised the Commission that it wished to withdraw its undertaking. Accordingly, by Commission Decision 2001/707/EC ⁽⁵⁾, the name of this company has been deleted from the list of companies from which undertakings are accepted in Article 1(1) of Decision 1999/71/EC.

C. AMENDMENT OF REGULATION (EC) No 194/1999

- (5) In view of the above, Article 2(3) of Regulation (EC) No 194/1999 which lists the companies exempted from the anti-dumping duties should be amended accordingly,

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

⁽²⁾ OJ C 336, 7.11.1997, p. 2.

⁽³⁾ OJ L 22, 29.1.1999, p. 16.

⁽⁴⁾ OJ L 22, 29.1.1999, p. 71.

⁽⁵⁾ See page 65 of this Official Journal.

HAS ADOPTED THIS REGULATION:

Article 1

Article 2(3) of Regulation (EC) No 194/1999 shall be replaced by the following:

‘3. Imports accompanied by an undertaking invoice shall be declared under the following TARIC additional codes:

Country	Company	TARIC Additional Code
Bulgaria	Fazerles AD	8496
Bulgaria	Lessoplast AD	8497
Estonia	AS Repo Vabrikud	8498
Lithuania	JSC Grigiskės	8510
Poland	Alpex-Karlino SA	8511
Poland	Czarna Woda Zakłady Płyt Piłśniowych	8600
Poland	Ekopłyta SA	8513
Poland	Zakłady Płyt Piłśniowych SA, Przemysł	8545
Poland	Konieczpolskie Zakłady Płyt Piłśniowych SA	8546
Poland	Zakłady Płyt Piłśniowych SA w Krosnie Odrzańskim	8547

Article 2

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

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

Done at Brussels, 27 September 2001.

For the Council

The President

M. VERWILGHEN

COUNCIL REGULATION (EC) No 1900/2001

of 27 September 2001

terminating the anti-dumping review concerning the definitive anti-dumping measures imposed on imports of television camera systems originating in Japan by Council Regulation (EC) No 2042/2000

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 11(3) thereof,

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

Whereas:

A. PROCEDURE

1. Previous investigations

- (1) In April 1994, further to an anti-dumping investigation initiated in March 1993 (the original investigation), the Council, by Regulation (EC) No 1015/94 ⁽²⁾ (the original definitive Regulation), imposed a definitive anti-dumping duty on imports of television camera systems (TCS) originating in Japan. The original investigation covered the period from 1 July 1991 to 31 December 1992.
- (2) In October 1997, further to an investigation (the anti-absorption investigation) pursuant to Article 12 of Council Regulation (EC) No 384/96 (the Basic Regulation), the Council, by Regulation (EC) No 1952/97 ⁽³⁾, raised the rates of the definitive anti-dumping duty for two companies concerned, namely for Sony Corporation and Ikegami Tsushinki & Co Ltd to 108,3 % and 200,3 % respectively.
- (3) In April 1999 ⁽⁴⁾, and further to the request of the Community industry of TCS, the Commission initiated an expiry review according to Article 11(2) of the Basic Regulation (the expiry review). As a result of that review, it was concluded that the expiry of the definitive anti-dumping measures imposed would be likely to lead to a continuation or recurrence of dumping and injury. Therefore, the Council, by Regulation (EC) No 2042/2000 ⁽⁵⁾ (the present definitive Regulation) reimposed the definitive anti-dumping duties found in the original

investigation and as amended by the anti-absorption investigation on imports of TCS originating in Japan.

2. Present investigation

(i) Initiation

- (4) On 4 September 1999, the Japanese exporting producer of TCS, Hitachi Denshi Ltd (applicant), lodged a request for an interim review concerning the anti-dumping measures applicable to it, limited to the aspects of dumping pursuant to Article 11(3) of the Basic Regulation. The request alleged that the continued imposition of the anti-dumping duties on exports by the applicant to the Community was no longer necessary to counteract dumping since its normal value was substantially lower and its export prices substantially higher than those established in the original investigation leading to the existing measures.
- (5) Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of a partial interim review, the Commission initiated an investigation ⁽⁶⁾ limited in scope to the examination of dumping as far as the applicant was concerned.

(ii) Investigation

- (6) The Commission officially advised the representatives of the exporting country and the applicant of the initiation of the interim review and gave all parties directly concerned the opportunity to make their views known in writing and to request a hearing. The Commission also sent a questionnaire to the applicant and its related importer in the Community, to which both replied within the time limits set.
- (7) The Commission sought and verified all information it deemed necessary for the determination of dumping and carried out an on-the-spot investigation at the premises of the applicant, Hitachi Denshi Ltd, Tokyo, Japan and the related importer Hitachi (Europe) GmbH, Rodgau, Germany.
- (8) The investigation of dumping covered the period of 1 July 1998 to 31 December 1999 (investigation period or IP).

⁽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 111, 30.4.1994, p. 106.

⁽³⁾ OJ L 276, 9.10.1997, p. 20.

⁽⁴⁾ Notice of initiation OJ C 119, 30.4.1999, p. 11.

⁽⁵⁾ OJ L 244, 29.9.2000, p. 38. Regulation as last amended by Regulation (EC) No 198/2001 (OJ L 30, 1.2.2001, p. 1).

⁽⁶⁾ Notice of initiation (OJ C 40, 12.2.2000, p. 5).

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

1. Product under consideration

- (9) The product under investigation is the same as in the original investigation.
- (10) The products under consideration are television camera systems (TCS) currently classified under CN codes ex 8525 30 90, ex 8537 10 91, ex 8537 10 99, ex 8529 90 81, ex 8529 90 88, ex 8543 89 95, ex 8528 21 14, ex 8528 21 16 and ex 8528 21 90 originating in Japan.
- (11) As set out in the present definitive Regulation, TCS may consist of the following parts, imported either together or separately:
- a camera head with three or more sensors (12 mm or more charge-coupled pick-up devices) with more than 400 000 pixels each, which can be connected to a rear adapter, and having a specification of the signal to noise ratio of 55 dB or more at normal gain; either in one piece with the camera head and the adapter in one housing, or separate,
 - a viewfinder (diagonal of 38 mm or more),
 - a base station or camera control unit (CCU) connected to the camera by a cable,
 - an operational control panel (OCP) for camera control (i.e. for colour adjustment lens opening or iris) of single cameras,
 - a master control panel (MCP) or master set-up unit (MSU) with selected camera indication, for the over-view and for adjustment of several remote cameras.
- (12) Above TCS parts are hereinafter referred to as 'TCS components' or 'components'. Each component exists in different models.
- (13) Products not covered by the definition are:
- lenses,
 - video tape recorders,
 - camera heads with the recording unit in the same, inseparable, housing,
 - professional cameras which cannot be used for broadcast purposes,
 - professional cameras listed in the Annex to the present definitive Regulation (TARIC additional code: 8786).

2. Like product

- (14) It was found that there were no basic differences in the physical and technical characteristics and uses of the TCS manufactured by the applicant Japanese exporting producer and sold in the Community, and the product

manufactured and sold by the applicant on the domestic market of the exporting country.

- (15) Furthermore, the product concerned manufactured by the applicant and sold in the Community and the product manufactured and sold by the Community producers on the Community market use the same basic technology and both conform with worldwide applicable industry standards. These products also have the same applications and uses, they consequently have similar physical and technical characteristics, are interchangeable and compete with each other. Therefore, TCS manufactured by the applicant and sold domestically as well as in the Community and TCS manufactured and sold by the Community industry in the Community market are alike within the meaning of Article 1(4) of the Basic Regulation.

C. LIKELIHOOD OF CONTINUATION OF DUMPING

1. Preliminary remarks

- (16) The investigation has shown that during the IP, the applicant realised only four export sales to the Community. The volume of TCS exported represented less than 10 % of the volume exported by it during the original IP and represented only approximately EUR 350 000 in value. Furthermore, all TCS were resold by the related importer to the same customer, a broadcast company (user) in the Community.
- (17) Despite the fact that export sales volume was not representative and for the sake of completeness, the Commission carried out an investigation into the 'likelihood of continuation of dumping' (see recitals 18 to 46). However, and because of this unrepresentative volume, only the findings regarding the 'likelihood of recurrence of dumping' (see recitals 49 to 61) are decisive.

2. Normal value

- (18) Normal value was established according to Article 2 of the Basic Regulation. Therefore, the Commission first established whether the applicant's total domestic sales of TCS were representative in comparison with its total export sales of the product concerned to the Community. In accordance with Article 2(2) of the Basic Regulation, and since the total domestic sales volume exceeded 5 % of the total export sales volume to the Community, the applicant's domestic sales of TCS were found to be representative.

- (19) The Commission subsequently identified those models of TCS components sold domestically that were identical or directly comparable to the models sold for export to the Community. Three models sold by the applicant on its domestic market were found to be directly comparable to models sold for export to the Community. For these models, it was established that the domestic sales were sufficiently representative in accordance with Article 2(2) of the Basic Regulation, i.e. the total sales volume of the models concerned exceeded 5 % of the sales volume of the comparable model exported to the Community.
- (20) An examination was also made as to whether the domestic sales of each TCS model could be regarded as having been made in the ordinary course of trade, by establishing the proportion of the profitable sales to independent customers of the model in question. Domestic sales were considered profitable when the net sales value was equal or above the calculated cost of production of each model concerned (profitable sales).
- (21) As far as the net sales prices of TCS are concerned, the investigation revealed that TCS were sold as part of 'packages' which included also other products not subject to this investigation, like lenses, cables and tripods. Moreover, some of the products were produced by the applicant itself while others had been purchased from other suppliers. The applicant was not in a position to identify and deduct directly these components from the net sales prices so an allocation method had to be found. The applicant claimed that an allocation should be made to the product concerned on the basis of the cost of manufacturing of the individual components.
- (22) The investigation revealed however that the company used internal price lists reflecting the values of the individual components. The prices indicated in these price lists (reference or target prices) were used as a basis for the negotiation and the final price of the package was established on the basis of these lists. It was therefore considered that the allocation on the basis of the price list was the most appropriate method to reflect the actual turnover of the individual components. Furthermore, the allocation method on the basis of cost of manufacture did not appear to be historically utilised by the company.
- (23) As far as the cost of production is concerned, and in particular the selling, general and administrative costs (SG&A), in cases where these were allocated to the sales of the product concerned on the domestic market based on turnover, they had to be recalculated taking into consideration the corrected turnover. Moreover, a number of deficiencies were found in terms of wrong allocation methods and exclusion of certain costs directly linked to the sales of TCS. These deficiencies could however be corrected on the basis of the findings of the on-the-spot verification.
- (24) The cost of production of each TCS model on the domestic market was compared to its net domestic sales price. In cases where profitable sales of each model represented 80 % or more of the total sales volume, the normal value was based on the actual domestic price, calculated as a weighted average of the prices of all domestic sales of that model made during the IP, irrespective of whether all these sales were profitable or not. In cases where profitable sales represented less than 80 % but 10 % or more of the total sales volume, normal value was based on the actual domestic price, calculated as a weighted average of profitable sales only.
- (25) In cases where the volume of profitable sales of any TCS model represented less than 10 % of the total sales volume, it was considered that this particular model was sold in insufficient quantities for the domestic price to provide an appropriate basis for the establishment of the normal value.
- (26) Wherever domestic prices of a particular model sold by the applicant could not be used, normal value had to be constructed instead of using domestic sales prices of other TCS producers. This approach was selected in view of the absence of any information concerning domestic sales prices of other TCS producers and due to the number of different models and variety of factors affecting them which would have implied numerous adjustments, which would have to be based on estimates.
- (27) Consequently, normal value was constructed by adding to the manufacturing cost of the exported models, adjusted where necessary, a reasonable percentage for SG&A and a reasonable margin of profit.
- (28) The actual domestic SG&A expenses of the applicant were considered reliable, due to the fact that the domestic sales volume was representative when compared to the volume of its export sales to the Community. The domestic profit margin was determined on the basis of the applicant's domestic sales made in the ordinary course of trade. In this regard it was established that the applicant's profitable sales represented more than 10 % of the total domestic sales volume of the product concerned. Therefore, both the applicant's own SG&A and profit were used for the purpose of constructing the normal value.
- (29) Given the above, for one TCS model sold for export to the Community normal value was established on the basis of the domestic sales price of the comparable model sold on the domestic market in accordance with Article 2(2) of the Basic Regulation. For all other TCS models sold for export to the Community normal value was constructed in accordance with Article 2(3) of the Basic Regulation.

3. Export price

- (30) All export sales during the IP were made to a related importer in the Community and the export price could therefore not be considered reliable. Consequently, the export price of TCS had to be constructed in accordance with Article 2(9) of the Basic Regulation, namely on the basis of the price at which the imported products were first resold to an independent buyer.
- (31) In this regard, it was found that in some cases the resale prices reported for camera heads included the resale price of certain other parts or accessories of TCS, which were however not included in the sales price on the domestic market or were not even within the definition of the product concerned. The reported resale prices had therefore to be corrected accordingly.
- (32) In order to construct the export price, and in accordance with Article 2(9) of the Basic Regulation, the Commission took as a basis the invoice value as charged by the related importer to the independent customer, duly adjusted by all costs incurred between importation and resale of the product concerned, as well as the inland freight, handling and insurance cost incurred on the domestic market of the exporting country. Furthermore, the related importer's own margin for SG&A and a reasonable profit margin were deducted from the adjusted resale price. As regards, the SG&A, it was found that travel expenses were not included and had thus to be added to the reported costs. As regards the profit margin and in the absence of any other information available, the Commission considered that a profit margin of 5 % was reasonable for the function performed by the related importer. The same profit margin was used in the original investigation for the purpose of constructing the export price.
- (33) The applicant objected to the methodology used by the Commission and claimed that SG&A should have been allocated to the turnover of TCS as booked in the accounts of the related importer, i.e. excluding the anti-dumping duty. This had to be rejected. In accordance with the Basic Regulation, the export price was constructed on the basis of the prices paid or payable, invoiced to the customer and paid by those in the Community. SG&A were consistently allocated on these prices. The applicant could not indicate any valid reason which would have justified a departure from this methodology.
- (34) Pursuant to Article 11(10) of the Basic Regulation, where it is decided to construct the export price in accordance to Article 2(9) of the Basic Regulation, the constructed export price should be calculated with no deduction for the amount of anti-dumping duties paid when conclusive evidence was provided that the duty is duly reflected in the resale prices. In order to establish whether the anti-dumping duty was duly reflected in the resale prices, the Commission took into account the two following facts.
- (35) The evidence submitted which should have demonstrated that the anti-dumping duty had been paid during the investigation period did not show whether the full amount of the duty was indeed paid during the IP. Although the customs' documents provided showed that a certain amount of anti-dumping duty was paid during the IP, the investigation revealed that the amount of duty paid did not cover the volume of units found to have been imported and resold during the IP.
- (36) After disclosure, the applicant contested these findings and claimed that the anti-dumping duty was fully reflected in the resale prices in the Community. This claim was however not supported by any evidence and had to be rejected for the reasons detailed in recital 37.
- (37) In order to determine whether the anti-dumping duty was duly reflected in the resale prices, the Commission had to establish whether these prices sufficiently increased in comparison to the original IP, i.e. no dumping is taking place anymore. Due to the fact that the TCS technology has substantially developed since the original IP seven years ago, direct successor models of TCS components produced and sold during the original IP could not be identified. Therefore, in order to determine whether the anti-dumping duty applicable was reflected in the resale prices or not, the Commission compared the adjusted resale price of the related importer to a target price per TCS model exported which was based on the duly adjusted normal value established for these models. It was found that on an overall basis the resale prices were substantially below the calculated target price.
- (38) Consequently, in accordance with Article 11(10) the amount of the anti-dumping duty had to be deducted from the constructed export price. It should however be noted that even no deduction or only a partial deduction of the anti-dumping duty would not have changed the conclusion that dumping was still taking place, albeit at a much lower level. In any case and more importantly that would not have changed the overall outcome of the present review in particular in view of the findings as regards the likelihood of recurrence of dumping should the measures be repealed (see recitals 49 to 57).

4. Comparison

- (39) For the purpose of ensuring a fair comparison between the normal value and the export price, due allowance in the form of adjustments was made for differences in transportation, insurance, handling, loading and ancillary cost as well as credit cost and warranties, affecting price comparability in accordance to Article 2(10) of the Basic Regulation.

(i) Level of trade

- (40) The applicant claimed an adjustment for differences in the level of trade on the basis that the reconstructed export price would be at a different level of trade from the normal value. In support of this argument the applicant claimed that, when constructing the export price according to Article 2(10) of the Basic Regulation, certain costs incurred by the related importer in the Community were deducted from the resale price charged to the first independent customer. For that reason and given that on the domestic market all sales were made on the same level of trade, and that therefore an adjustment could not be quantified otherwise, the applicant claimed that in order to obtain a normal value at a comparable level of trade, the expenses incurred by the applicant's sales branches on the domestic market for the same functions performed should be deducted from the normal value, pursuant to Article 2(10)(d) of the Basic Regulation.

- (41) No material difference in the levels of trade between the domestic and the Community market was found. In both markets the product was resold to the same group of customers, namely end-users. The investigation revealed that the same pricing policy was used in the export and domestic market and that no information or evidence was submitted indicating that a distinction was made between the domestic and export market when deciding on prices. The fact that certain costs were deducted to reconstruct the export price does not, per se, warrant a similar deduction from the normal value. The fact that an exporter incurs certain costs on the domestic market due to its distribution structure which are also incurred at the export level does not automatically entitle the exporter to an adjustment. In conclusion, the applicant could not demonstrate that the price comparability was affected by consistent and distinct differences in functions and prices of the seller for the different levels of trade in the domestic market and in the exporting country.

- (42) Notwithstanding this, the Commission services also carried out a function analysis and it was found that the differences, if any, of the functions performed by the applicant's domestic sales branches and those of the related importer were negligible. In this context, Hitachi

submitted contradicting and misleading information, since in contrast to what was reported, only a minor part of Hitachi's sales branches were actually involved in the sales of TCS during the IP.

- (43) Although the applicant contested the findings, it did not submit any new information which could have altered the Commission's conclusions in this respect.
- (44) Consequently the claim for an adjustment for differences in the level of trade had to be rejected.

(ii) Sponsor fee

- (45) In certain cases, the applicant sold TCS on the domestic market under the condition that it would in return purchase advertising space from the customer concerned. It was claimed to adjust the normal value accordingly by the amount paid to the customer for the purchase of advertising space, pursuant to Article 2(10)(k) of the Basic Regulation. This had to be rejected, given that the applicant could not show whether and to what extent the sponsor fee paid was related to sales of TCS and how this affected price comparability as required by the Basic Regulation. In particular, it could not be demonstrated that customers consistently paid different prices on the domestic market because of the difference claimed.

5. Dumping margin

- (46) For the purpose of calculating the dumping margin and in accordance with Article 11(9) of the Basic Regulation, the Commission applied the same methodology as in the original investigation. According to Article 2(11) of the Basic Regulation, the ex-factory weighted average normal value per model was compared with the ex-factory weighted average export price for each corresponding TCS model at the same level of trade.

- (47) The comparison showed the existence of dumping. The dumping margin expressed as a percentage of the cif import price at the Community border is:

Hitachi Denshi Ltd: 65,8 %.

- (48) It was therefore concluded that significant dumping was found to exist albeit in small quantities.

D. LIKELIHOOD OF RECURRENCE OF DUMPING

- (49) The likelihood of recurrence of dumping in significant quantities, should the measures in question be removed, was examined.

- (50) In this regard, the request was based on the grounds that due to a change in TCS technologies from analogue to digital technology, the cost and price structure of TCS has significantly changed in comparison to those prevailing during the original IP. The applicant claimed that as a consequence, the cost of production and the constructed normal value had significantly decreased. It was further claimed that since the changes have been of a structural nature, the current situation is likely to be lasting.
- (51) The investigation did not confirm the above allegations. On the contrary, it was found that there was a likelihood of recurrence of dumping should the anti-dumping measures be repealed. This conclusion was based on the findings of:
- significant spare capacity,
 - normal values which remained at least at the same level as in the original investigation and in some cases they even increased,
 - likely decreases of export prices,
 - the applicant's existing sales infrastructure in the Community.
- (i) *The applicant has significant spare capacity*
- (52) As far as production capacity and capacity utilisation is concerned, the investigation showed that the applicant almost halved its production volume of TCS in comparison to the original IP, while the capacity remained approximately the same. Production capacity during the current IP was thus only used at half. Production volume and capacity use remained stable at these low levels since then; i.e. after the imposition of the definitive anti-dumping duty. In this context, it should be noted that the applicant was able to compensate part of its lost exports to the Community by exports to other third countries.
- (53) Further to disclosure, the applicant claimed that the assessment of the Commission as regards production capacity and utilisation did not take into account that the available assembly lines are also used for the production of other video or broadcast products. However, this argument was contradictory to what was explained in the reply to the questionnaire and during the on-the-spot verification visit, i.e. that the production capacity as reported was calculated on the basis of the maximum of camera heads produced over a five-year period, not taking into consideration other products. Other TCS elements were reported as a multiple or fraction thereof. The argument of the applicant had therefore to be rejected.
- (ii) *The normal values remained at least at the same level as in the original investigation and in some cases they even increased*
- (54) As already mentioned, the TCS models produced and sold during the original IP were technically different from those produced and sold during the current IP. A direct comparison between those models without an important number of adjustments taking into account their differences did therefore not appear to be possible. In particular as regards camera heads, by far the most important and complex component of a TCS no direct successor models could be identified. In order to establish the development of the normal value between the original and current investigation, the Commission had therefore to rely on a comparison of successor models of other components of the TCS such as the camera control unit, the operational control panel or the viewfinder, which was considered as an appropriate basis since they constitute still a fairly representative part of a TCS, i.e. approximately up to 50 % of the value of a TCS. The comparison of the normal values as established in the relevant investigations revealed that the normal values remained basically the same or even increased in the current investigation period.
- (55) Furthermore and since the normal value in both investigations was constructed on the basis of the cost of production (with exception of one model), the Commission analysed the unit costs of certain TCS components which showed that the unit cost for the different models produced and sold during the current IP were tendentially higher than the unit cost for the models produced and sold during the original IP. A structural difference in the cost of production resulting in a lower normal value, as claimed by the applicant, could therefore not be established.
- (iii) *Export prices remain unlikely at their current level*
- (56) With regard to the export price side it should be noted that, provided that the anti-dumping duty is properly paid it accounts for roughly one third of resale price charged in the Community. No convincing reasons have been found that the current price level will be maintained should the anti-dumping measures be repealed. Even if the anti-dumping duty were not to be deducted as a cost in the context of the dumping determination (see recitals 18 to 47), a significant dumping margin would reappear should the measures be repealed because it can reasonably be expected that the applicant would lower its resale prices in order to gain higher sales volumes on the Community market. Current export sales to the Community only represent a fraction of the

original sales and were only made to one customer and it should be noted that the applicant has significant spare capacities. Thus, there is no evidence to suggest that the current level of export prices is sustainable. Given that the applicant was only able to sell during a considerable time-span an insignificant quantity and only to one customer, it can only be concluded that the applicant was not in a position to re-establish itself in the Community market with the export prices shown in these few transactions.

(iv) *The applicant has the infrastructure in the Community to raise its sales*

- (57) The infrastructure to import and distribute TCS into the Community is available to the applicant. Two subsidiaries are located in the Community, which both dealt with the imports and resales of TCS on the Community market during the original IP. While, one of the subsidiaries ceased importing TCS from Japan after the imposition of definitive measures, there is no reason to believe it could not easily restart such activities.

(v) *Conclusions*

- (58) It follows from the above that the alleged structural and lasting change in circumstances leading to a decrease of the dumping margin could not be established. Furthermore, the applicant has continued to import at dumped prices (albeit in insignificant quantities) and also has the potential to increase its production and exports to the Community at significantly dumped prices.
- (59) Considering the above, it is most likely that, should the anti-dumping measures be removed or reduced, a significantly increased quantity of TCS will be exported to the Community. The export prices would in all likelihood be at or even above the level found in the previous and current investigation and thus there would be substantial dumping at similar levels to those found in the original and the current investigation.

- (60) Therefore, it was concluded that according to Article 11(3) of the Basic Regulation the need for continued imposition of measures at the existing level as far as the applicant is concerned was warranted.

E. INJURY AND COMMUNITY INTEREST

- (61) Given that the request for a review by the applicant in the current investigation was limited to an examination and possible revision of the dumping margin applicable to it under Article 11(3) of the Basic Regulation, it was not necessary to carry out an examination of injury or Community interest.

F. CONCLUSIONS

- (62) On the basis of the above, it is concluded that the interim review should be terminated and the anti-dumping measures imposed by Regulation (EC) No 2024/2000 on imports of the product concerned originating in Japan should remain in force, without changing the level of the measures for the applicant,

HAS ADOPTED THIS REGULATION:

Article 1

The review of anti-dumping measures concerning the imports of television camera systems, currently classifiable under CN codes ex 8525 30 90, ex 8537 10 91, ex 8537 10 99, ex 8529 90 81, ex 8529 90 88, ex 8543 89 95, ex 8528 21 14, ex 8528 21 16 and ex 8528 21 90 originating in Japan, is hereby terminated.

Article 2

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

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

Done at Brussels, 27 September 2001.

For the Council

The President

M. VERWILGHEN

COMMISSION REGULATION (EC) No 1901/2001
of 28 September 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 29 September 2001.

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

Done at Brussels, 28 September 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 28 September 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
0707 00 05	052	94,9
	999	94,9
0709 90 70	052	101,5
	999	101,5
0805 30 10	052	75,6
	388	70,2
	512	65,9
	524	53,3
	528	59,4
	999	64,9
0806 10 10	052	73,5
	400	216,5
	999	145,0
0808 10 20, 0808 10 50, 0808 10 90	060	34,2
	388	62,2
	400	59,2
	512	87,3
	800	196,5
	804	89,0
	999	88,1
0808 20 50	052	106,1
	999	106,1
0809 30 10, 0809 30 90	052	122,0
	624	145,1
	999	133,6
0809 40 05	052	53,2
	060	53,6
	064	79,2
	066	67,9
	624	204,4
	999	91,7

⁽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 1902/2001
of 28 September 2001
fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

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 Commission Regulation (EC) No 1666/2000 ⁽²⁾, and in particular the third subparagraph of Article 13(2) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1667/2000 ⁽⁴⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid

actions, the level of the refunds granted for these actions should be determined.

- (3) The general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.
- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.
- (5) 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 Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 October 2001.

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

Done at Brussels, 28 September 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 329, 30.12.1995, p. 18.

⁽⁴⁾ OJ L 193, 29.7.2000, p. 3.

⁽⁵⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 28 September 2001 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	17,00
1003 00 90 9000	0,00
1005 90 00 9000	30,00
1006 30 92 9100	202,00
1006 30 92 9900	202,00
1006 30 94 9100	202,00
1006 30 94 9900	202,00
1006 30 96 9100	202,00
1006 30 96 9900	202,00
1006 30 98 9100	202,00
1006 30 98 9900	202,00
1006 30 65 9900	202,00
1007 00 90 9000	30,00
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	23,00
1102 20 10 9200	34,43
1102 20 10 9400	29,51
1103 11 10 9200	0,00
1103 13 10 9100	44,26
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

COMMISSION REGULATION (EC) No 1903/2001
of 28 September 2001
amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products
from the Community to the French overseas departments

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1452/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the French overseas departments, amending Directive 72/462/EEC and repealing Regulations (EEC) No 525/77 and (EEC) No 3763/91 (Poseidom) ⁽¹⁾, and in particular Article 3(6) thereof,

Whereas:

- (1) The amounts of aid for the supply of cereals products to the French overseas departments (FOD) was settled by Commission Regulation (EEC) No 391/92 ⁽²⁾, as last amended by Regulation (EC) No 1729/2001 ⁽³⁾, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community

and on the world market, the aid for supply to the FOD should be set at the amounts given in the Annex.

- (2) 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 Annex to amended Regulation (EEC) No 391/92 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 October 2001.

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

Done at Brussels, 28 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 198, 21.7.2001, p. 11.

⁽²⁾ OJ L 43, 19.2.1992, p. 23.

⁽³⁾ OJ L 234, 1.9.2001, p. 15.

ANNEX

to the Commission Regulation of 28 September 2001 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(EUR/t)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	21,00	21,00	21,00	25,00
Barley (1003 00 90)	21,00	21,00	21,00	25,00
Maize (1005 90 00)	36,00	36,00	36,00	39,00
Durum wheat (1001 10 00)	21,00	21,00	21,00	25,00
Oats (1004 00 00)	21,00	21,00	—	—

COMMISSION REGULATION (EC) No 1904/2001
of 28 September 2001
amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals
products from the Community to the Azores and Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1453/2001 of 28 June 2001 introducing specific measures for certain agricultural products for the Azores and Madeira and repealing Regulation (EEC) No 1600/92 (Poseima) ⁽¹⁾, and in particular Article 3(6) thereof,

Whereas:

- (1) The amounts of aid for the supply of cereals products to the Azores and Madeira was settled by Commission Regulation (EEC) No 1833/92 ⁽²⁾, as last amended by Regulation (EC) No 1730/2001 ⁽³⁾, whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Azores and

Madeira should be set at the amounts given in the Annex.

- (2) 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 Annex to amended Regulation (EEC) No 1833/92 is replaced by the Annex to this present Regulation.

Article 2

This Regulation shall enter into force on 1 October 2001.

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

Done at Brussels, 28 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 198, 21.7.2001, p. 26.

⁽²⁾ OJ L 185, 4.7.1992, p. 28.

⁽³⁾ OJ L 234, 1.9.2001, p. 17.

ANNEX

to the Commission Regulation of 28 September 2001 amending Regulation (EEC) No 1833/92 fixing the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira

(EUR/t)

Product (CN code)		Amount of aid	
		Destination	
		Azores	Madeira
Common wheat	(1001 90 99)	17,00	17,00
Barley	(1003 00 90)	17,00	17,00
Maize	(1005 90 00)	33,00	33,00
Durum wheat	(1001 10 00)	17,00	17,00

COMMISSION REGULATION (EC) No 1905/2001
of 28 September 2001
amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals
products from the Community to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1454/2001 of 28 June 2001 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands and repealing Regulation (EEC) No 1601/92 ⁽¹⁾, and in particular Article 3(6) thereof,

Whereas:

- (1) The amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92 ⁽²⁾, as last amended by Regulation (EC) No 1731/2001 ⁽³⁾, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the

world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex.

- (2) 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 Annex of amended Regulation (EEC) No 1832/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 October 2001.

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

Done at Brussels, 28 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 198, 21.7.2001, p. 45.

⁽²⁾ OJ L 185, 4.7.1992, p. 26.

⁽³⁾ OJ L 234, 1.9.2001, p. 19.

ANNEX

to the Commission Regulation of 28 September 2001 amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals products from the Community to the Canary Islands

		(EUR/t)
Product (CN code)		Amount of aid
Common wheat	(1001 90 99)	17,00
Barley	(1003 00 90)	17,00
Maize	(1005 90 00)	33,00
Durum wheat	(1001 10 00)	17,00
Oats	(1004 00 00)	17,00

COMMISSION REGULATION (EC) No 1906/2001**of 28 September 2001****setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Regulation (EC) No 1449/2001 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Pursuant to Article 10 of Regulation (EEC) No 1600/92, the requirements of the Azores and Madeira for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin. This aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries.
- (2) Commission Regulation (EEC) No 1696/92 ⁽³⁾, as last amended by Regulation (EEC) No 2596/93 ⁽⁴⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Azores and Madeira. Commission Regulation (EEC) No 1983/92 of 16 July 1992 laying down detailed rules for implementation of the specific arrangements for the supply of rice

products to the Azores and Madeira and establishing the forecast supply balance for these products ⁽⁵⁾, as last amended by Regulation (EC) No 1683/94 ⁽⁶⁾, lays down detailed rules which complement or derogate from the provisions of the aforementioned Regulation.

- (3) As a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex.
- (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

Pursuant to Article 10 of Regulation (EEC) No 1600/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Azores and Madeira shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 2001.

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

Done at Brussels, 28 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 1.

⁽²⁾ OJ L 198, 21.7.2001, p. 5.

⁽³⁾ OJ L 179, 1.7.1992, p. 6.

⁽⁴⁾ OJ L 238, 23.9.1993, p. 24.

⁽⁵⁾ OJ L 198, 17.7.1992, p. 37.

⁽⁶⁾ OJ L 178, 12.7.1994, p. 53.

ANNEX

to the Commission Regulation of 28 September 2001 setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira

(EUR/t)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Milled rice (1006 30)	200,00	200,00

COMMISSION REGULATION (EC) No 1907/2001**of 28 September 2001****setting the amounts of aid for the supply of rice products from the Community to the Canary Islands**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands ⁽¹⁾, as last amended by Regulation (EC) No 1450/2001 ⁽²⁾, and in particular Article 3 thereof,

Whereas:

- (1) Pursuant to Article 3 of Regulation (EEC) No 1601/92, the requirements of the Canary Islands for rice are to be covered in terms of quantity, price and quality by the mobilisation, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin. This aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries.
- (2) Commission Regulation (EC) No 2790/94 ⁽³⁾, as last amended by Regulation (EC) No 1620/1999 ⁽⁴⁾, lays down common detailed rules for implementation of the

specific arrangements for the supply of certain agricultural products, including rice, to the Canary Islands.

- (3) As a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex.
- (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

Pursuant to Article 3 of Regulation (EEC) No 1601/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Canary Islands shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 2001.

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

Done at Brussels, 28 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 173, 27.6.1992, p. 13.

⁽²⁾ OJ L 198, 21.7.2001, p. 7.

⁽³⁾ OJ L 296, 17.11.1994, p. 23.

⁽⁴⁾ OJ L 192, 24.7.1999, p. 19.

ANNEX

**to the Commission Regulation of 28 September 2001 setting the amounts of aid for the supply of rice products
from the Community to the Canary Islands**

(EUR/t)

Product (CN code)	Amount of aid
Milled rice (1006 30)	200,00
Broken rice (1006 40)	44,00

COMMISSION REGULATION (EC) No 1908/2001
of 28 September 2001
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 2235/2000 ⁽⁴⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 October 2001.

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

Done at Brussels, 28 September 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 161, 29.6.1996, p. 125.

⁽⁴⁾ OJ L 256, 10.10.2000, p. 13.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (EUR/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00	0,00
	medium quality ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	0,00	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00	0,00
	medium quality	10,39	0,39
	low quality	26,25	16,25
1002 00 00	Rye	20,37	10,37
1003 00 10	Barley, seed	20,37	10,37
1003 00 90	Barley, other ⁽³⁾	20,37	10,37
1005 10 90	Maize seed other than hybrid	48,77	38,77
1005 90 00	Maize other than seed ⁽³⁾	48,77	38,77
1007 00 90	Grain sorghum other than hybrids for sowing	20,37	10,37

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

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

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

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

⁽³⁾ The importer may benefit from a flat-rate reduction of EUR 24 or 8 per tonne, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

(period from 14 September to 27 September 2001)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	Medium quality (*)	US barley 2
Quotation (EUR/t)	124,54	117,16	107,42	92,88	193,47 (**)	183,47 (**)	114,94 (**)
Gulf premium (EUR/t)	—	19,21	13,08	5,10	—	—	—
Great Lakes premium (EUR/t)	20,33	—	—	—	—	—	—

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

(**) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: 20,28 EUR/t; Great Lakes — Rotterdam: 31,72 EUR/t.

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

COMMISSION REGULATION (EC) No 1909/2001**of 28 September 2001****fixing the export refunds on syrups and certain other sugar products exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the second subparagraph of Article 27(5) thereof,

Whereas:

(1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(d) of that Regulation and prices for those products within the Community may be covered by an export refund.

(2) Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector ⁽²⁾, provides that the export refund on 100 kilograms of the products listed in Article 1(1)(d) of Regulation (EC) No 1260/2001 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95.

(3) Article 30(3) of Regulation (EC) No 1260/2001 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry ⁽³⁾ to the products listed in the Annex to the last mentioned Regulation;

(4) According to the terms of Article 30(1) of Regulation (EC) No 1260/2001, the basic amount of the refund on the other products listed in Article 1(1)(d) of the said

Regulation exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements.

(5) According to the terms of Article 30(4) of Regulation (EC) No 1260/2001, the application of the basic amount may be limited to some of the products listed in Article 1(1)(d) of the said Regulation.

(6) Article 27 of Regulation (EC) No 1260/2001 makes provision for setting refunds for export in the natural state of products referred to in Article 1(1)(f) and (g) and (h) of that Regulation; the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1(1)(d) of Regulation (EC) No 1260/2001 and of the economic aspects of the intended exports; in the case of the products referred to in the said Article 1(1)(f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; for the products referred to in Article 1(1)(h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95.

(7) The refunds referred to above must be fixed every month; they may be altered in the intervening period.

(8) Application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

⁽³⁾ OJ L 178, 30.6.2001, p. 63.

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(d)(f)(g) and (h) of Regulation (EC) No 1260/2001, exported in the natural state, shall be set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 2001.

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

Done at Brussels, 28 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 28 September 2001 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	A00	EUR/100 kg dry matter	42,46 ⁽²⁾
1702 60 10 9000	A00	EUR/100 kg dry matter	42,46 ⁽²⁾
1702 60 80 9100	A00	EUR/100 kg dry matter	80,67 ⁽⁴⁾
1702 60 95 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4246 ⁽¹⁾
1702 90 30 9000	A00	EUR/100 kg dry matter	42,46 ⁽²⁾
1702 90 60 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4246 ⁽¹⁾
1702 90 71 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4246 ⁽¹⁾
1702 90 99 9900	A00	EUR/1 % sucrose × net 100 kg of product	0,4246 ⁽¹⁾ ⁽³⁾
2106 90 30 9000	A00	EUR/100 kg dry matter	42,46 ⁽²⁾
2106 90 59 9000	A00	EUR/1 % sucrose × net 100 kg of product	0,4246 ⁽¹⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EC) No 2135/95). Sucrose content is determined in accordance with Article 3 of Regulation (EC) No 2135/95.

⁽²⁾ Applicable only to products referred to in Article 5 of Regulation (EC) No 2135/95.

⁽³⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

⁽⁴⁾ Applicable only to products defined under Article 6 of Regulation (EC) No 2135/95.

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).

COMMISSION REGULATION (EC) No 1910/2001
of 28 September 2001
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular the third subparagraph of Article 27(5) thereof,

Whereas:

- (1) The refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1846/2001 ⁽²⁾ as amended by Regulation (EC) No 1886/2001 ⁽³⁾.
- (2) It follows from applying the detailed rules contained in Regulation (EC) No 1846/2001 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1846/2001 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 2001.

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

Done at Brussels, 28 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 253, 21.9.2001, p. 6.

⁽³⁾ OJ L 260, 28.9.2001, p. 6.

ANNEX

to the Commission Regulation of 28 September 2001 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	A00	EUR/100 kg	39,06 ⁽¹⁾
1701 11 90 9910	A00	EUR/100 kg	38,25 ⁽¹⁾
1701 11 90 9950	A00	EUR/100 kg	⁽²⁾
1701 12 90 9100	A00	EUR/100 kg	39,06 ⁽¹⁾
1701 12 90 9910	A00	EUR/100 kg	38,25 ⁽¹⁾
1701 12 90 9950	A00	EUR/100 kg	⁽²⁾
1701 91 00 9000	A00	EUR/1 % of sucrose × net 100 kg of product	0,4246
1701 99 10 9100	A00	EUR/100 kg	42,46
1701 99 10 9910	A00	EUR/100 kg	42,46
1701 99 10 9950	A00	EUR/100 kg	42,46
1701 99 90 9100	A00	EUR/1 % of sucrose × net 100 kg of product	0,4246

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 19(4) of Council Regulation (EC) No 1260/2001.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26.9.1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21.11.1985, p. 14).

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).

COMMISSION REGULATION (EC) No 1911/2001
of 28 September 2001
fixing the production refund on white sugar used in the chemical industry

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾, and in particular Article 7(5) thereof,

Whereas:

(1) Pursuant to Article 7(3) of Regulation (EC) No 1260/2001, production refunds may be granted on the products listed in Article 1(1)(a) and (f) of that Regulation, on syrups listed in Article 1(1)(d) thereof and on chemically pure fructose covered by CN code 1702 50 00 as an intermediate product, that are in one of the situations referred to in Article 23(2) of the Treaty and are used in the manufacture of certain products of the chemical industry.

(2) Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry ⁽²⁾ lays down the rules for determining the production refunds and specifies the chemical products the basic products used in the manufacture of which attract a production refund. Articles 5, 6 and 7 of Regulation (EC) No 1265/2001 provide that the production refund applying to raw sugar, sucrose syrups and unprocessed isoglucose is to be derived from the refund fixed for white sugar in accordance with a method of calculation specific to each basic product.

(3) Article 9 of Regulation (EC) No 1265/2001 provides that the production refund on white sugar is to be fixed at monthly intervals commencing on the first day of

each month. It may be adjusted in the intervening period where there is a significant change in the prices for sugar on the Community and/or world markets. The application of those provisions results in the production refund fixed in Article 1 of this Regulation for the period shown.

(4) As a result of the amendment to the definition of white sugar and raw sugar in Article 1(2)(a) and (b) of Regulation (EC) No 1260/2001, flavoured or coloured sugars or sugars containing any other added substances are no longer deemed to meet those definitions and should thus be regarded as 'other sugar'. However, in accordance with Article 1 of Regulation (EC) No 1265/2001, they attract the production refund as basic products. A method should accordingly be laid down for calculating the production refund on these products by reference to their sucrose content.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to EUR 36,067/100 kg net.

Article 2

This Regulation shall enter into force on 1 October 2001.

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 178, 30.6.2001, p. 63.

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

Done at Brussels, 28 September 2001.

For the Commission
Franz FISCHLER
Member of the Commission

**COMMISSION REGULATION (EC) No 1912/2001
of 28 September 2001
determining the world market price for ungin­
ned cotton**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for ungin­
ned cotton is to be determined periodically from the price for ginned
cotton recorded on the world market and by reference
to the historical relationship between the price recorded
for ginned cotton and that calculated for ungin­
ned cotton. That historical relationship has been established
in Article 2(2) of Commission Regulation (EC) No 1591/
2001 of 2 August 2001 ⁽³⁾. Where the world market
price cannot be determined in this way, it is to be based
on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No
1051/2001, the world market price for ungin­
ned cotton is to be determined in respect of a product of specific
characteristics and by reference to the most favourable
offers and quotations on the world market among those

considered representative of the real market trend. To
that end, an average is to be calculated of offers and
quotations recorded on one or more European
exchanges for a product delivered cif to a port in the
Community and coming from the various supplier coun­
tries considered the most representative in terms of
international trade. However, there is provision for
adjusting the criteria for determining the world market
price for ginned cotton to reflect differences justified by
the quality of the product delivered and the offers and
quotations concerned. Those adjustments are specified in
Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world
market price for ungin­
ned cotton determined herein­
after,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for ungin­
ned cotton as referred to in Article 4
of Regulation (EC) No 1051/2001 is hereby determined as
equalling EUR 19,760/100 kg.

Article 2

This Regulation shall enter into force on 29 September 2001.

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

Done at Brussels, 28 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10.

COMMISSION REGULATION (EC) No 1913/2001
of 28 September 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 602/2001 ⁽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 1 October 2001.

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

Done at Brussels, 28 September 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 89, 29.3.2001, p. 16.

ANNEX

to the Commission Regulation of 28 September 2001 fixing the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Destination	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	-1,18	-2,36	-3,54	-4,72	-5,91
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	-1,18	-2,36	-3,54	-4,72	-5,91
1107 20 00 9000	A00	0	-1,39	-2,77	-4,16	-5,54	-6,93

(EUR/t)

Product code	Destination	6th period 4	7th period 5	8th period 6	9th period 7	10th period 8	11th period 9
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	-7,09	-8,27	-9,45	—	—	—
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	-7,09	-8,27	-9,45	—	—	—
1107 20 00 9000	A00	-8,31	-9,70	-11,09	—	—	—

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

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

COMMISSION REGULATION (EC) No 1914/2001
of 28 September 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 602/2001 ⁽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 1 October 2001.

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

Done at Brussels, 28 September 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 89, 29.3.2001, p. 16.

ANNEX

to the Commission Regulation of 28 September 2001 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 10	1st period 11	2nd period 12	3rd period 1	4th period 2	5th period 3	6th period 4
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	—	—	—	—	—	—	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	—	-0,93	-1,86	-2,79	-3,72	—	—
1002 00 00 9000	C02	-10,00	-10,00	-10,00	-10,00	-10,00	—	—
	A02	0,00	0,00	0,00	0,00	0,00	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	A00	—	-0,93	-1,86	-2,79	-3,72	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	A00	0	-0,93	-1,86	-2,79	-3,72	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	-0,93	-1,86	-2,79	-3,72	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	-1,27	-2,55	-3,82	-5,10	—	—
1101 00 15 9130	C01	0	-1,19	-2,38	-3,57	-4,76	—	—
1101 00 15 9150	C01	0	-1,10	-2,19	-3,29	-4,39	—	—
1101 00 15 9170	C01	0	-1,01	-2,03	-3,04	-4,05	—	—
1101 00 15 9180	C01	0	-0,95	-1,90	-2,85	-3,79	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	C01	0	0,00	0,00	0,00	0,00	—	—
1102 10 00 9700	C01	0	0,00	0,00	0,00	0,00	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	-1,40	-2,79	-4,19	-5,58	—	—
1103 11 10 9400	A00	0	-1,25	-2,49	-3,74	-4,98	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	-1,27	-2,55	-3,82	-5,10	—	—
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,

C02 Poland, Czech Republic, Slovak Republic, Hungary, Estonia, Latvia, Lithuania, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Slovenia, former Republic of Yugoslavia with the exception of Slovenia, Croatia and Bosnia and Herzegovina, Albania, Romania, Bulgaria, Armenia, Georgia, Azerbaijan, Moldova, Ukraine, Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan,

A05 other non-member countries.

COMMISSION REGULATION (EC) No 1915/2001**of 28 September 2001****fixing the maximum aid for concentrated butter for the 255th special invitation to tender opened under the standing invitation to tender provided for in Regulation (EEC) No 429/90**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) In accordance with Commission Regulation (EEC) No 429/90 of 20 February 1990 on the granting by invitation to tender of an aid for concentrated butter intended for direct consumption in the Community ⁽³⁾, as last amended by Regulation (EC) No 124/1999 ⁽⁴⁾, the intervention agencies are opening a standing invitation to tender for the granting of aid for concentrated butter; Article 6 of that Regulation provides that in the light of the tenders received in response to each special invitation to tender, a maximum amount of aid is to be fixed for concentrated butter with a minimum fat content of 96 % or a decision is to be taken to make no award; the end-use security must be fixed accordingly.

- (2) In the light of the tenders received, the maximum aid should be fixed at the level specified below and the end-use security determined accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 255th special invitation to tender under the standing invitation to tender opened by Regulation (EEC) No 429/90, the maximum aid and the amount of the end-use security shall be as follows:

- | | |
|---------------------|-----------------|
| — maximum aid: | EUR 105/100 kg, |
| — end-use security: | EUR 116/100 kg. |

Article 2

This Regulation shall enter into force on 29 September 2001.

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

Done at Brussels, 28 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 45, 21.2.1990, p. 8.

⁽⁴⁾ OJ L 16, 21.1.1999, p. 19.

**COMMISSION REGULATION (EC) No 1916/2001
of 28 September 2001**

fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 83rd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) The intervention agencies are, pursuant to Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽³⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁴⁾, to sell by invitation to tender certain quantities of butter that they hold and to grant aid for cream, butter and concentrated butter. Article 18 of that Regulation stipulates that in the light of the tenders received in response to each individual invitation to tender a minimum selling price shall be fixed for butter and maximum aid shall be fixed for cream, butter and concentrated butter. It is further stipulated that the price

or aid may vary according to the intended use of the butter, its fat content and the incorporation procedure, and that a decision may also be taken to make no award in response to the tenders submitted. The amount(s) of the processing securities must be fixed accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

The minimum selling prices and the maximum aid and processing securities applying for the 83rd individual invitation to tender, under the standing invitation to tender provided for in Regulation (EC) No 2571/97, shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 September 2001.

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

Done at Brussels, 28 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁴⁾ OJ L 76, 25.3.2000, p. 9.

ANNEX

to the Commission Regulation of 28 September 2001 fixing the minimum selling prices for butter and the maximum aid for cream, butter and concentrated butter for the 83rd individual invitation to tender under the standing invitation to tender provided for in Regulation (EC) No 2571/97

(EUR/100 kg)

Formula			A		B	
Incorporation procedure			With tracers	Without tracers	With tracers	Without tracers
Minimum selling price	Butter ≥ 82 %	Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Processing security		Unaltered	—	—	—	—
		Concentrated	—	—	—	—
Maximum aid	Butter ≥ 82 %		85	81	85	81
	Butter < 82 %		83	79	—	79
	Concentrated butter		105	101	105	101
	Cream		—	—	36	34
Processing security	Butter		94	—	94	—
	Concentrated butter		116	—	116	—
	Cream		—	—	40	—

COMMISSION REGULATION (EC) No 1917/2001**of 28 September 2001****fixing the maximum purchasing price for butter for the 36th invitation to tender carried out under the standing invitation to tender governed by Regulation (EC) No 2771/1999**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Commission Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Article 13 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EC) No 1614/2001 ⁽⁴⁾, provides that, in the light of the tenders received for each invitation to tender, a maximum buying-in price is to be fixed in relation to the interven-

tion price applicable and that it may also be decided not to proceed with the invitation to tender.

- (2) As a result of the tenders received, the maximum buying-in price should be fixed as set out below.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 36th invitation to tender issued under Regulation (EC) No 2771/1999, for which tenders had to be submitted not later than 25 September 2001, the maximum buying-in price is fixed at 295,38 EUR/100 kg.

Article 2

This Regulation shall enter into force on 29 September 2001.

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

Done at Brussels, 28 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 214, 8.8.2001, p. 20.

COMMISSION REGULATION (EC) No 1918/2001
of 28 September 2001
suspending the buying-in of butter in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽³⁾, as last amended by Regulation (EC) No 1614/2001 ⁽⁴⁾, and in particular Article 2 thereof,

Whereas:

- (1) Article 2 of Regulation (EC) No 2771/1999 lays down that buying-in by invitation to tender is to be opened or suspended by the Commission in a Member State, as appropriate, once it is observed that, for two weeks in succession, the market price in that Member State is below or equal to or above 92 % of the intervention price.
- (2) Commission Regulation (EC) No 1819/2001 of 14 September 2001 suspending the buying-in of butter in certain Member States ⁽⁵⁾ establishes the most recent list

of Member States in which intervention is suspended. This list must be adjusted as a result of the market prices communicated by Portugal under Article 8 of Regulation (EC) No 2771/1999. In the interests of clarity, the list in question should be replaced and Regulation (EC) No 1819/2001 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in of butter by invitation to tender as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Belgium, Luxembourg, Denmark, Germany, France, Greece, the Netherlands, Austria, Portugal, Finland, Sweden, Spain and the United Kingdom.

Article 2

Regulation (EC) No 1819/2001 is hereby repealed.

Article 3

This Regulation shall enter into force on 29 September 2001.

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

Done at Brussels, 28 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 333, 24.12.1999, p. 11.

⁽⁴⁾ OJ L 214, 8.8.2001, p. 20.

⁽⁵⁾ OJ L 246, 15.9.2001, p. 18.

COMMISSION REGULATION (EC) No 1919/2001**of 28 September 2001****amending Regulation (EC) No 931/2001 on the issuing of a standing invitation to tender for the sale of common wheat of breadmaking quality held by the German intervention agency for export to certain ACP countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (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 5 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2131/93 ⁽³⁾, as last amended by Regulation (EC) No 1630/2000 ⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies.
- (2) Commission Regulation (EC) No 931/2001 ⁽⁵⁾ issued a standing invitation to tender for the sale of common wheat of bread making quality held by the German intervention agency for export to certain ACP countries. The time limit for the last partial invitation to tender provided for in that Regulation should be fixed at a later date.
- (3) As a result of the extension of this invitation to tender, certain provisions of the invitation to tender should be adjusted and in particular a standard term of validity for export licences should be established of the current month plus four months.
- (4) The final date for the removal of cereals and the relevant provisions should also be deleted.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

Regulation (EC) No 931/2001 is hereby amended as follows:

1. Article 3(2) is replaced by the following:

‘2. The time limit for submitting tenders for the following partial invitation to tender shall be 9 a.m. (Brussels time) each Thursday.

The time limit for the partial invitation to tender shall be 9 a.m. (Brussels time) on 29 November 2001’;

2. the first indent of Article 4(1) is replaced by the following:

‘— the tenderer provides written proof from an official body in the ACP country of destination or a company having its overseas subsidiary in the said country, that he has concluded for the quantity in question a commercial supply contract for common wheat for export to an ACP State or to several States within one of the groups of ACP States listed in Annex I. Such proof shall be lodged with the competent authorities at least two working days before the date of the partial invitation to tender against which the tender is to be submitted’;

3. Article 5(2) is replaced by the following:

‘2. Export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month following’;

4. Article 7 is replaced by the following:

‘Article 7

The successful tenderer shall pay for the common wheat before removing it at the price indicated in the tender. The payment due for each of the lots to be removed shall be indivisible.’

Article 2

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

⁽¹⁾ OJ L 181, 1.7.1992, p. 21.

⁽²⁾ OJ L 193, 29.7.2000, p. 1.

⁽³⁾ OJ L 191, 31.7.1993, p. 76.

⁽⁴⁾ OJ L 187, 26.7.2000, p. 24.

⁽⁵⁾ OJ L 130, 12.5.2001, p. 12.

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

Done at Brussels, 28 September 2001.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1920/2001**of 28 September 2001****laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for the treatment of service charges proportional to transaction values in the harmonised index of consumer prices and amending Regulation (EC) No 2214/96****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2494/95 of 23 October 1995 concerning harmonised indices of consumer prices ⁽¹⁾, as last amended by Commission Regulation (EC) No 1617/1999 ⁽²⁾, and in particular Article 4 and Article 5(3) thereof,

Having regard to the opinion of the European Central Bank ⁽³⁾,

Whereas:

- (1) By virtue of Article 5(1)(b) of Regulation (EC) No 2494/95, each Member State is required to produce a harmonised index of consumer prices (HICP) starting with the index for January 1997.
- (2) Commission Regulation (EC) No 1749/96 of 9 September 1996 on initial implementing measures for Council Regulation (EC) No 2494/95 concerning harmonised indices of consumer prices ⁽⁴⁾, as last amended by Council Regulation (EC) No 1688/98 ⁽⁵⁾, defines the coverage of the HICP as those goods and services which are included in household final monetary consumption expenditure and requires coverage of COICOP/HICP class 12.5.1 'Financial services n.e.c.' in full by December 1999 without specific exclusion of charges expressed as a proportion of the transaction value.
- (3) Commission Regulation (EC) No 2214/96 of 20 November 1996 concerning harmonised indices of consumer prices: transmission and dissemination of subindices of the HICP ⁽⁶⁾, as last amended by Regulation (EC) No 1749/1999 ⁽⁷⁾, requires a harmonised subindex for COICOP/HICP expenditure class 12.6.2 'Other financial services n.e.c.' excluding interest payments and charges expressed as a proportion of the transaction value.
- (4) There is considerable scope for non-comparability by excluding service charges that are expressed as a proportion of transaction values; a harmonised methodology

for the treatment of such charges is necessary to ensure that the resulting HICPs meet the comparability requirement as laid down in Article 4 of Regulation (EC) No 2494/95.

- (5) The treatment of service charges that are expressed as a proportion of transaction values should be consistent with the treatment of goods and services in the health, education and social protection sectors as laid down in Council Regulation (EC) No 2166/1999 ⁽⁸⁾.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom ⁽⁹⁾,

HAS ADOPTED THIS REGULATION:

*Article 1***Aim**

The aim of this Regulation is to amend Annex II to Regulation (EC) No 2214/96 concerning the subindices of the harmonised indices of consumer prices, hereafter referred to as 'HICP', as regards the coverage of financial services, and to set minimum standards for the treatment of service charges proportional to transaction values in order to ensure that they are reliable and relevant and meet the comparability requirements as laid down in Article 4 of Regulation (EC) No 2494/95.

*Article 2***Definitions**

1. Interest payments and interest-like charges cover nominal interest payments and all elements included in the calculation of effective interest.

2. Where service charges are defined as a proportion of the transaction value, the purchaser prices are defined as the proportion itself, multiplied by the value of a representative unit transaction in the base or reference period.

⁽¹⁾ OJ L 257, 27.10.1995, p. 1.

⁽²⁾ OJ L 192, 24.7.1999, p. 9.

⁽³⁾ OJ C 244, 1.9.2001, p. 5.

⁽⁴⁾ OJ L 229, 10.9.1996, p. 3.

⁽⁵⁾ OJ L 214, 31.7.1998, p. 23.

⁽⁶⁾ OJ L 296, 21.11.1996, p. 8.

⁽⁷⁾ OJ L 214, 13.8.1999, p. 1.

⁽⁸⁾ OJ L 266, 14.10.1999, p. 1.

⁽⁹⁾ OJ L 181, 28.6.1989, p. 47.

Article 3

Treatment of service charges

1. The HICP subindices concerned shall be calculated using a formula which is consistent with the Laspeyres-type formula used for other subindices. They shall reflect the price change on the basis of the changed expenditure of maintaining the consumption pattern of households and the composition of the consumer population in the base or reference period.

(a) The purchaser prices of services to be used in the HICP shall be the actual charges levied directly on consumers in exchange for the service provided. The HICP shall include charges expressed as a flat fee or flat rate.

(b) Changes in purchaser prices which reflect changes in the rules determining them shall be shown as price changes in the HICP.

(c) Changes in the purchaser prices resulting from changes in the values of the representative unit transactions shall be shown as price changes in the HICP.

(d) The representative unit transactions shall be expressed in physical terms, except where this is not appropriate or possible, in which case they shall be expressed in the currency of the Member State.

(e) The change in the values of the representative unit transactions may be estimated by the change in a price index which represents appropriately the unit transactions concerned. Where they exist, HICP subindices or aggregate indices shall be deemed appropriate for this purpose.

2. Where the specification changes, prices shall be treated in accordance with the rules on specification changes, and in particular those regarding quality adjustment as laid down in Article 5 of Regulation (EC) No 1749/96.

3. Where services have been made available to consumers free of charge and subsequently an actual price is charged, the change from zero to an actual price, and vice versa, shall be reflected in the HICP.

4. Where services jointly provided with other goods or services have been made available to consumers free of an explicit charge and subsequently are charged for on a separate basis, the change shall be reflected in the HICP.

5. Where relevant, the procedure provided for in Article 5 of Commission Regulation (EC) No 2646/98⁽¹⁾ concerning tariffs shall apply *mutatis mutandis*.

⁽¹⁾ OJ L 335, 10.12.1998, p. 30.

Article 4

Financial services n.e.c.

The contents of class 12.6.2, 'Other financial services n.e.c. (S)', in Annex II to Regulation (EC) No 2214/96 concerning the subindices of the harmonised indices of consumer prices, are replaced by the following text:

'12.6.2. Other financial services n.e.c. (S)

- actual charges for the financial services of banks, post offices, saving banks, money changers and similar financial institutions,
- fees and service charges of brokers, investment counselors, tax consultants and the like.

Excludes: Interest payments and interest-like charges of any kind and administrative charges of private pension funds and the like.'

Article 5

Other services n.e.c.

The contents of class 12.7.0, 'Other services n.e.c. (S)', in Annex II to Regulation (EC) No 2214/96 concerning the subindices of the harmonised indices of consumer prices, are replaced by the following text:

'12.7.0. Other services n.e.c. (S)

- fees for legal services, employment agencies, etc.,
- charges for undertaking and other funeral services,
- payment for the services of housing agents, auctioneers, salesroom operators and other intermediaries,
- payment for photocopies and other reproductions of documents,
- fees for the issue of birth, marriage and death certificates and other administrative documents,
- payment for newspaper notices and advertisements,
- payment for the services of graphologists, astrologers, private detectives, bodyguards, matrimonial agencies and marriage guidance counsellors, public writers, miscellaneous concessions (seats, toilets, cloakrooms), etc.

Includes: Payments for services of housing agents in connection with rental transactions.

Excludes: Following the conventions of ESA 1995, excluded are contributions and dues for membership of professional associations, churches and social, cultural, recreational and sports clubs (ESA 1995, paragraph 3.77.e) and commissions to estate agents in connection with the sale or purchase of non-financial assets ("Gross fixed capital formation" according to ESA 1995, paragraphs 3.102, 3.105(a), 3.111, 3.115).'

*Article 6***Basic information**

1. The basic information shall be all purchaser prices and weights which are necessary to compute HICP subindices in accordance with the provisions of this Regulation.
2. The statistical units called upon by the Member States to cooperate in the collection or provision of basic information are obliged to give honest and complete information at the time it is requested and allow the organisations and institutions responsible for compiling official statistics, on request, to obtain information at the level of detail necessary to evaluate compliance with the comparability requirements and the quality of the HICP subindices.

*Article 7***Comparability**

HICPs constructed following the provisions of this Regulation or following other procedures which do not result in an index which differs systematically by more than one tenth of one percentage point on average over one year against the previous year from an index compiled following those procedures, shall be deemed comparable.

*Article 8***Quality control**

Member States shall provide the Commission (Eurostat) with information on the procedures developed for the treatment of services charges proportional to transaction values where these procedures differ from those specified in Article 3 of this Regulation, before such procedures are used.

*Article 9***Implementation**

The provisions of this Regulation shall be applied by the Member States in December 2001 and take effect with the index for January 2002.

*Article 10***Entry into force**

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 28 September 2001.

For the Commission

Pedro SOLBES MIRA

Member of the Commission

COMMISSION REGULATION (EC) No 1921/2001**of 28 September 2001****laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for revisions of the harmonised index of consumer prices and amending Regulation (EC) No 2602/2000****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2494/95 of 23 October 1995 concerning harmonised indices of consumer prices ⁽¹⁾, as last amended by Commission Regulation (EC) No 1617/1999 ⁽²⁾, and in particular Article 4 and Article 5(3) thereof,

Having regard to the opinion of the European Central Bank ⁽³⁾,

Whereas:

- (1) By virtue of Article 5(1)(b) of Regulation (EC) No 2494/95, each Member State is required to produce a harmonised index of consumer prices (HICP) starting with the index for January 1997.
- (2) It is particularly important to secure a high degree of credibility of the HICP which may be supported by the objective of limiting in a given context the number of HICP revisions to the minimum extent necessary.
- (3) It is generally accepted that the annual average, annual and monthly rates of change of the HICPs are important for the measurement of inflation, more particularly for assessing price convergence and informing the monetary policy of the European Central Bank.
- (4) Changes in the system of national or harmonised rules constitute valid reasons for revisions to the HICPs to the extent that they ensure or improve the comparability, reliability, or relevance of the HICPs; changes in the system of harmonised rules should not require revisions unless otherwise stated in the context of particular implementing measures.
- (5) Article 6 of Commission Regulation (EC) No 2602/2000 of 17 November 2000 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for the treatment of price reductions in the harmonised index of consumer prices ⁽⁴⁾ needs to be amended accordingly.
- (6) Revisions due to mistakes, or because of new or improved basic information are valid reasons for revisions to HICPs because they improve the comparability, reliability, or relevance of the HICPs.

- (7) There is considerable scope for procedural differences between Member States on the revision of index series. A set of harmonised rules is necessary to ensure that the resulting HICPs meet the comparability requirement of Article 4 of Regulation (EC) No 2494/95 as well as their reliability and relevance.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

*Article 1***Aim**

The aim of this Regulation is to provide information on significant effects of implementing measures under Regulation (EC) No 2494/95 and to establish harmonised rules concerning revisions to the HICP that are consistent with those measures, and sufficient to ensure their comparability, reliability, and relevance.

*Article 2***Definitions**

For the purpose of this Regulation the following definitions shall apply:

- (a) a 'revision' is an *ex-post* change in a HICP series, index level, rate of change or weight, that has been made publicly available through printed or electronic media by the Commission (Eurostat) affecting the results to one decimal place;
- (b) a 'mistake' is an unintentional breach of an established rule affecting at least one HICP series;
- (c) a 'provisional' result is a result which is, subject to revision, expected to be finalised in a later month.

*Article 3***Revisability**

1. The officially published HICP series may be revised.

⁽¹⁾ OJ L 257, 27.10.1995, p. 1.

⁽²⁾ OJ L 192, 24.7.1999, p. 9.

⁽³⁾ OJ C 244, 1.9.2001, p. 5.

⁽⁴⁾ OJ L 300, 29.11.2000, p. 16.

⁽⁵⁾ OJ L 181, 28.6.1989, p. 47.

2. Revisions to any HICP series, other than on the grounds of Articles 4, 5 or 9 of this Regulation, shall be subject to prior approval by the Commission (Eurostat). Their extent and the timing shall be coordinated with the Commission (Eurostat).

Article 4

Mistakes

1. Mistakes shall be corrected and resulting revisions shall be implemented without unnecessary delay.

2. Member States concerned shall, at their own initiative, provide the Commission (Eurostat) with information at the level of detail necessary to assess the impact on the HICP series concerned before the release of revisions on the grounds of mistakes. The Member States shall also notify the Commission (Eurostat) of the action taken to prevent similar future occurrences.

Article 5

New or improved information

Revisions resulting from new or improved basic information which are considered by Member States necessary in order to improve the accuracy of an HICP shall be implemented provided the Commission (Eurostat) does not oppose the timing of the revisions to be made.

Article 6

Changes in the system of harmonised rules

Unless otherwise stated:

1. changes in the system of harmonised rules shall not require revisions;
2. changes in definitions, methods, or practices resulting from the HICP regulatory framework shall take effect with the index for January each year in all Member States concerned;
3. the impact of any such changes shall be assessed for the 12 months starting with the index for January in which the changes take effect;
4. if the changes are likely to affect the average annual rate of change of the all-items index over the 12-month period following the change by at least one tenth of a percentage point then the impact on the all-items index shall be estimated for each of the 12 months;
5. where in addition any COICOP/HICP division, group or class index is likely to be affected respectively by at least three, four or five tenths of a percentage point calculated as in Article 6(4), the impact on the index series concerned shall be estimated for each of the 12 months.

Article 7

Estimates of the impact

1. The estimates referred to in Article 6(4) and (5) of this Regulation shall use the best available methodology in a cost-effective way. They shall be transmitted to the Commission

(Eurostat) at the latest with the HICPs to which they relate. A description of the method of estimation and appropriate comments on the accuracy of the estimates shall be included.

2. The estimates shall compare the annual rates of change of the HICP, and the sub-indices concerned, with an index which does not take account of the changes in definitions, methods, or practices.

3. The estimates referred to in Article 6(4) and (5) shall be publicly available, with appropriate notes on their quality. These estimates shall not replace the official HICP.

Article 8

Release of revisions

1. In the official HICP series released by the Commission (Eurostat), revisions shall be marked. A revision mark shall be assigned to those primary or derived series the results of which, following a revision, have changed at the level of detail released. Revision marks shall be shown on the occasion of the release of the revised series and removed the following month.

2. Revisions to the all-items HICP, other than to provisional results, shall be publicly announced together with an explanation, in close coordination between the Member State concerned and the Commission (Eurostat).

Article 9

Provisional result

When an index is published as provisional, it shall be finalised in the following month's publication.

Article 10

Quality control

In the event of a revision, other than on the grounds of Article 4 or 9, the Member State concerned shall provide the Commission (Eurostat), at its request, with information at the level of detail necessary to assess the impact on the HICP series concerned and demonstrate that the revisions are consistent with the HICP standards.

Article 11

Amendment

Article 6 of Regulation (EC) No 2602/2000 as regards minimum standards for the treatment of price reductions in the HICP is replaced by the following text:

'Where the implementation of the provisions of this Regulation affects the annual rate of change ($m/(m-12)$) of the all-items index by more than one tenth of one percentage point compared with an index which does not take account of price reductions, the index series concerned shall be revised appropriately.'

*Article 12***Implementation**

This Regulation shall be implemented by Member States in December 2001 and shall take effect with the index for January 2002.

*Article 13***Entry into force**

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Community*.

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

Done at Brussels, 28 September 2001.

For the Commission

Pedro SOLBES MIRA

Member of the Commission

COMMISSION REGULATION (EC) No 1922/2001**of 28 September 2001****amending for the second time Regulation (EC) No 1209/2001 derogating from Regulation (EC) No 562/2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1512/2001 ⁽²⁾, and in particular Article 38(2) and Article 47(8) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1209/2001 ⁽³⁾, as last amended by Regulation (EC) No 1564/2001 ⁽⁴⁾, introduces a number of derogations from Regulation (EC) No 562/2000 ⁽⁵⁾ in order to deal with the exceptional situation on the market caused by events linked to bovine spongiform encephalopathy (BSE) and the subsequent outbreak of foot-and-mouth disease.
- (2) In view of the continuing instability of the market and the expected seasonal increase in production when cattle are taken off pasture in the autumn, the derogations provided for by Regulation (EC) No 1209/2001 should be extended to the fourth quarter of 2001.
- (3) Regulation (EC) No 1209/2001 should consequently be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1209/2001 is amended as follows:

1. Article 1 is amended as follows:
 - In paragraph 3, the words ‘for the third quarter of 2001’ are deleted,
 - Paragraph 4 is replaced by the following:

‘4. Notwithstanding Article 16(2) of Regulation (EC) No 562/2000, the delivery period for the last tendering procedure in December 2001 shall end on 10 January 2002.’
2. The second paragraph of Article 2 is replaced by the following:

‘It shall apply to tendering procedures opened during the third and fourth quarters of 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, 28 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 201, 26.7.2001, p. 1.

⁽³⁾ OJ L 165, 21.6.2001, p. 15.

⁽⁴⁾ OJ L 208, 1.8.2001, p. 14.

⁽⁵⁾ OJ L 68, 16.3.2000, p. 22.

COMMISSION REGULATION (EC) No 1923/2001**of 28 September 2001****amending Regulation (EC) No 174/1999 laying down special detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds in the case of milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 31(14) thereof,

Whereas:

- (1) The second subparagraph of Article 1(1) of Commission Regulation (EC) No 174/1999 ⁽³⁾, as last amended by Regulation (EC) No 1681/2001 ⁽⁴⁾, lays down that an export licence must be presented for all exports of the products referred to in Annex I, Number II. In order to lessen the burden on the national authorities and with a view to harmonisation with other products, certain cases referred to in Article 5 of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁵⁾, as last amended by Regulation

(EC) No 1095/2001 ⁽⁶⁾, should be excluded from that obligation.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EC) No 174/1999, the second subparagraph of Article 1(1) is replaced by the following:

‘However, the first subparagraph notwithstanding, an export licence must also be presented for the products referred to in Annex I, Number II, except in the cases referred to in Article 2.’

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, 28 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 20, 27.1.1999, p. 8.

⁽⁴⁾ OJ L 227, 23.8.2001, p. 36.

⁽⁵⁾ OJ L 152, 24.6.2000, p. 1.

⁽⁶⁾ OJ L 150, 6.6.2001, p. 25.

COMMISSION REGULATION (EC) No 1924/2001**of 28 September 2001****fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the market in sugar ⁽¹⁾, and in particular Article 27(5)(a) and (15),

Whereas:

- (1) Article 27(1) and (2) of Regulation (EEC) No 1260/2001 provides that the differences between the prices in international trade for the products listed in Article 1(1)(a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation. Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty and the criteria for fixing the amount of such refunds ⁽²⁾, as last amended by Regulation (EC) No 1563/2001 ⁽³⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EC) No 1260/2001.
- (2) In accordance with Article 4(1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.
- (3) Article 27(3) of Regulation (EC) No 1260/2001 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not

exceed the refund applicable to that product when exported without further processing.

- (4) The refunds fixed under this Regulation may be fixed in advance as the market situation over the next few months cannot be established at the moment.
- (5) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardized by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.
- (6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1(1) and (2) of Regulation (EC) No 1260/2001, exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001, are fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 2001.

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

Done at Brussels, 28 September 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1.

⁽²⁾ OJ L 177, 15.7.2000, p. 1.

⁽³⁾ OJ L 208, 1.8.2001, p. 8.

ANNEX

to the Commission Regulation of 28 September 2001 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex I to the Treaty

Product	Rate of refund in EUR/100 kg	
	In case of advance fixing of refunds	Other
White sugar:	42,46	42,46

COMMISSION REGULATION (EC) No 1925/2001**of 28 September 2001****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 15 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1670/2000 ⁽²⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund. Whereas Commission Regulation (EC) No 1520/2000 of 13 July 2000 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 1563/2001 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999.

(2) In accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1520/2000, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month.

(3) Article 4(3) of Regulation (EC) No 1520/2000 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products.

(4) Article 11(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(5) Commission Regulation (EC) No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs ⁽⁵⁾, as last amended by Regulation (EC) No 635/2000 ⁽⁶⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(6) It is necessary to ensure continuity of strict management taking account of expenditure forecasts and funds available in the budget.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1520/2000 and listed in Article 1 of Regulation (EC) No 1255/1999, exported in the form of goods listed in the Annex to Regulation (EC) No 1255/1999, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 October 2001.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48.

⁽²⁾ OJ L 193, 29.7.2000, p. 10.

⁽³⁾ OJ L 177, 15.7.2000, p. 1.

⁽⁴⁾ OJ L 208, 1.8.2001, p. 8.

⁽⁵⁾ OJ L 350, 20.12.1997, p. 3.

⁽⁶⁾ OJ L 76, 25.3.2000, p. 9.

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

Done at Brussels, 28 September 2001.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

to the Commission Regulation of 28 September 2001 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)

CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	0,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	20,61
	(b) On exportation of other goods	50,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	65,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	157,25
	(c) On exportation of other goods	150,00

COMMISSION REGULATION (EC) No 1926/2001**of 28 September 2001****fixing the export refunds on rice and broken rice and suspending the issue of export licences**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1667/2000 ⁽²⁾, and in particular the second subparagraph of Article 13(3) and (15) thereof,

Whereas:

(1) Article 13 of Regulation (EC) No 3072/95 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 within the Community may be covered by an export refund.

(2) Article 13(4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other. The same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(3) Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum.

(4) Export possibilities exist for a quantity of 19 003 tonnes of rice to certain destinations. The procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation (EC) No 409/2001 ⁽⁵⁾ should be used. Account should be taken of this when the refunds are fixed.

(5) Article 13(5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated.

(6) 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.

(7) A separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets.

(8) The refund must be fixed at least once a month; whereas it may be altered in the intervening period.

(9) It follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto.

(10) For the purposes of administering the volume restrictions resulting from Community commitments in the context of the WTO, the issue of export licences with advance fixing of the refund should be restricted.

(11) 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 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1(c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

With the exception of the quantity of 19 003 tonnes provided for in the Annex, the issue of export licences with advance fixing of the refund is suspended.

Article 3

This Regulation shall enter into force on 1 October 2001.

⁽¹⁾ OJ L 329, 30.12.1995, p. 18.

⁽²⁾ OJ L 193, 29.7.2000, p. 3.

⁽³⁾ OJ L 154, 15.6.1976, p. 11.

⁽⁴⁾ OJ L 117, 24.5.1995, p. 2.

⁽⁵⁾ OJ L 60, 1.3.2001, p. 27.

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

Done at Brussels, 28 September 2001.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 28 September 2001 fixing the export refunds on rice and broken rice and suspending the issue of export licences

Product code	Destination	Unit of measurement	Amount of refunds (¹)	Product code	Destination	Unit of measurement	Amount of refunds (¹)
1006 20 11 9000	R01	EUR/t	149,00	1006 30 65 9100	R01	EUR/t	186,00
1006 20 13 9000	R01	EUR/t	149,00		R02	EUR/t	192,00
1006 20 15 9000	R01	EUR/t	149,00		R03	EUR/t	197,00
1006 20 17 9000	—	EUR/t	—		064	EUR/t	139,00
1006 20 92 9000	R01	EUR/t	149,00		A97	EUR/t	192,00
1006 20 94 9000	R01	EUR/t	149,00		021 and 023	EUR/t	192,00
1006 20 96 9000	R01	EUR/t	149,00	1006 30 65 9900	R01	EUR/t	186,00
1006 20 98 9000	—	EUR/t	—		064	EUR/t	139,00
1006 30 21 9000	R01	EUR/t	149,00		A97	EUR/t	192,00
1006 30 23 9000	R01	EUR/t	149,00	1006 30 67 9100	021 and 023	EUR/t	192,00
1006 30 25 9000	R01	EUR/t	149,00		064	EUR/t	139,00
1006 30 27 9000	—	EUR/t	—	1006 30 67 9900	064	EUR/t	139,00
1006 30 42 9000	R01	EUR/t	149,00	1006 30 92 9100	R01	EUR/t	186,00
1006 30 44 9000	R01	EUR/t	149,00		R02	EUR/t	192,00
1006 30 46 9000	R01	EUR/t	149,00		R03	EUR/t	197,00
1006 30 48 9000	—	EUR/t	—		064	EUR/t	139,00
1006 30 61 9100	R01	EUR/t	186,00		A97	EUR/t	192,00
	R02	EUR/t	192,00		064	EUR/t	139,00
	R03	EUR/t	197,00	1006 30 94 9100	R01	EUR/t	186,00
	064	EUR/t	139,00		R02	EUR/t	192,00
	A97	EUR/t	192,00		R03	EUR/t	197,00
	021 and 023	EUR/t	192,00		064	EUR/t	139,00
1006 30 61 9900	R01	EUR/t	186,00		A97	EUR/t	192,00
	A97	EUR/t	192,00		021 and 023	EUR/t	192,00
	064	EUR/t	139,00	1006 30 94 9900	R01	EUR/t	186,00
1006 30 63 9100	R01	EUR/t	186,00		A97	EUR/t	192,00
	R02	EUR/t	192,00		064	EUR/t	139,00
	R03	EUR/t	197,00	1006 30 96 9100	R01	EUR/t	186,00
	064	EUR/t	139,00		R02	EUR/t	192,00
	A97	EUR/t	192,00		R03	EUR/t	197,00
	021 and 023	EUR/t	192,00		064	EUR/t	139,00
1006 30 63 9900	R01	EUR/t	186,00		A97	EUR/t	192,00
	064	EUR/t	139,00		021 and 023	EUR/t	192,00
	A97	EUR/t	192,00	1006 30 96 9900	R01	EUR/t	186,00
					A97	EUR/t	192,00
					064	EUR/t	139,00
				1006 30 98 9100	021 and 023	EUR/t	192,00
				1006 30 98 9900	—	EUR/t	—
				1006 40 00 9000	—	EUR/t	—

(¹) The procedure laid down in Article 7(4) of Regulation (EC) No 1162/95 applies to licences applied for under that Regulation for quantities according to the destination:
 destination R01: 4 480 t,
 all destinations R02 and R03: 3 911 t,
 destinations 021 and 023: 775 t,
 destination 064: 9 537 t,
 destination A97: 300 t.

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, 28.9.200, p. 14).

The other destinations are defined as follows:

R01 Switzerland, Liechtenstein, communes of Livigno and Campione d'Italia.

R02 Morocco, Algeria, Tunisia, Malta, Egypt, Israel, Lebanon, Libya, Syria, Ex-Spanish Sahara, Cyprus, Jordan, Iraq, Iran, Yemen, Kuwait, United Arab Emirates, Oman, Bahrain, Qatar, Saudi Arabia, Eritrea, West Bank/Gaza Strip, Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovenia, Slovakia, Norway, Faroe Islands, Iceland, Russia, Belarus, Bosnia and Herzegovina, Croatia, Yugoslavia, Former Yugoslav Republic of Macedonia, Albania, Romania, Bulgaria, Georgia, Armenia, Azerbaijan, Moldova, Ukraine, Kazakstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan.

R03 Colombia, Ecuador, Peru, Bolivia, Chile, Argentina, Uruguay, Paraguay, Brazil, Venezuela, Canada, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Cuba, Bermuda, South Africa, Australia, New Zealand, Hong Kong SAR, Singapore, A40, A11 except Suriname, Guyana, Madagascar.

COMMISSION REGULATION (EC) No 1927/2001**of 28 September 2001****fixing the maximum purchase price for beef under the 11th partial invitation to tender pursuant to Regulation (EC) No 690/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 690/2001 of 3 April 2001 on special market support measures in the beef sector ⁽³⁾, as amended by Regulation (EC) No 1648/2001 ⁽⁴⁾, and in particular Article 3(1) thereof,

Whereas:

- (1) In application of Article 2(2) of Regulation (EC) No 690/2001, Commission Regulation (EC) No 713/2001 of 10 April 2001 on the purchase of beef under Regulation (EC) No 690/2001 ⁽⁵⁾, as last amended by Regulation (EC) No 1764/2001 ⁽⁶⁾, establishes the list of Member States in which the tendering is open for the 11th partial invitation to tender on 24 September 2001.
- (2) In accordance with Article 3(1) of Regulation (EC) No 690/2001, where appropriate, a maximum purchase price for the reference class shall be fixed in the light of the tenders received, taking into account the provisions of Article 3(2) of that Regulation.
- (3) Because of the need to support the market for beef in a reasonable way a maximum purchase price should be fixed in the Member States concerned. In the light of the

different level of market prices in those Member States, different maximum purchase prices should be fixed.

- (4) Due to the urgency of the support measures, this Regulation should enter into force immediately.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

Under the 11th partial invitation to tender on 24 September 2001 opened under Regulation (EC) No 690/2001 the following maximum purchase prices shall be fixed:

- Germany: EUR 151,00/100 kg,
- Ireland: EUR 186,90/100 kg,
- Spain: EUR 157,47/100 kg,
- France: EUR 209,00/100 kg,
- Luxembourg: EUR 162,00/100 kg,
- Belgium: EUR 164,70/100 kg.

Article 2

This Regulation shall enter into force on 29 September 2001.

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

Done at Brussels, 28 September 2001.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 201, 26.7.2001, p. 1.

⁽³⁾ OJ L 95, 5.4.2001, p. 8.

⁽⁴⁾ OJ L 219, 14.8.2001, p. 21.

⁽⁵⁾ OJ L 100, 11.4.2001, p. 3.

⁽⁶⁾ OJ L 239, 7.9.2001, p. 13.

COMMISSION REGULATION (EC) No 1928/2001**of 28 September 2001****fixing the maximum buying-in price and the quantities of beef to be bought in under the 275th partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 1512/2001 ⁽²⁾, and in particular Article 47(8) thereof,

Whereas:

(1) Commission Regulation (EC) No 562/2000 of 15 March 2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef ⁽³⁾, as last amended by Regulation (EC) No 1564/2001 ⁽⁴⁾, lays down buying standards. Pursuant to the above Regulation, an invitation to tender was opened under Article 1(1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying-in of beef by invitation to tender ⁽⁵⁾, as last amended by Regulation (EC) No 1853/2001 ⁽⁶⁾.

(2) Article 13(1) of Regulation (EC) No 562/2000 lays down that a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received while Article 13(2) of that Regulation states that a decision may be taken to make no award. In accordance with Article 36 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in Article 1(6) of Commission Regulation (EC) No 1209/2001 of 20 June 2001 derogating from Regulation (EC) No 562/2000 laying down detailed rules for the application of Council Regulation (EC) No 1254/1999 as regards the buying-in of beef ⁽⁷⁾, as last amended by Regulation (EC) No 1496/2001 ⁽⁸⁾, are to be accepted.

(3) Once tenders submitted in respect of the 275th partial invitation to tender have been considered pursuant to Article 47(8) of Regulation (EC) No 1254/1999, and

taking account of the requirements for reasonable support of the market and the seasonal trend in slaughtering and prices, the maximum buying-in price and the quantities which may be bought in should be fixed.

(4) Article 1(7) of Regulation (EC) No 1209/2001 also opens buying-in of carcasses and half-carcasses of store cattle and lays down special rules in addition to those laid down for the buying-in of other products. After examination of the tenders submitted it has been decided not to proceed with the tendering procedure.

(5) In the light of developments, this Regulation should enter into force immediately.

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

HAS ADOPTED THIS REGULATION:

Article 1

Under the 275th partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

(a) for category A:

- the maximum buying-in price shall be EUR 218,00/100 kg of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses, half-carcasses and forequarters accepted shall be 2 894 t;

(b) for category C:

- the maximum buying-in price is fixed at EUR 223,00/100 kg of carcasses or half-carcasses of quality R3,
- the maximum quantity of carcasses, half-carcasses and forequarters shall be 1 563 t;

(c) for carcasses or half-carcasses of store animals as referred to in Article 1(7) of Regulation (EC) No 1209/2001, no award shall be made.

Article 2

This Regulation shall enter into force on 29 September 2001.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21.

⁽²⁾ OJ L 201, 26.7.2001, p. 1.

⁽³⁾ OJ L 68, 16.3.2000, p. 22.

⁽⁴⁾ OJ L 208, 1.8.2001, p. 14.

⁽⁵⁾ OJ L 159, 10.6.1989, p. 36.

⁽⁶⁾ OJ L 253, 21.9.2001, p. 19.

⁽⁷⁾ OJ L 165, 21.6.2001, p. 15.

⁽⁸⁾ OJ L 197, 21.7.2001, p. 3.

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

Done at Brussels, 28 September 2001.

For the Commission
Franz FISCHLER
Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 August 2001

amending Decision 1999/71/EC accepting undertakings offered in connection with the anti-dumping proceeding concerning imports of hardboard originating in Bulgaria, Estonia, Latvia, Lithuania and Poland and terminating the proceeding without measures in respect of such imports originating in Brazil

(notified under document number C(2001) 2576)

(2001/707/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾, as last amended by Regulation (EC) No 2238/2000 ⁽²⁾, and in particular Article 8 thereof,

After consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) On 7 November 1997, by means of a notice published in the *Official Journal of the European Communities* ⁽³⁾, the Commission announced the initiation of an anti-dumping proceeding in respect of imports of hardboard originating, *inter alia*, in Latvia.
- (2) The proceeding resulted in anti-dumping duties being imposed by Council Regulation (EC) No 194/1999 ⁽⁴⁾ in January 1999 in order to eliminate the injurious effects of dumping.
- (3) In parallel, by Decision 1999/71/EC ⁽⁵⁾, the Commission also accepted an undertaking from, *inter alia*, one Latvian company (AS 'Bolderāja', TARIC additional code 8499), and imports of hardboard originating in Latvia exported to the Community by this company were exempted from the anti-dumping duty by Article 2(1) and (3) of Regulation (EC) No 194/1999.

B. VOLUNTARY WITHDRAWAL OF AN UNDERTAKING

- (4) Following changes in its trading activities, AS 'Bolderāja' advised the Commission that it wished to withdraw its undertaking. Accordingly, the name of this company should be deleted as soon as possible from the list of companies from which undertakings are accepted in Article 1(1) of Decision 1999/71/EC.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 257, 11.10.2000, p. 2.

⁽³⁾ OJ C 336, 7.11.1997, p. 2.

⁽⁴⁾ OJ L 22, 29.1.1999, p. 16.

⁽⁵⁾ OJ L 22, 29.1.1999, p. 71.

C. AMENDMENT OF DECISION 1999/71/EC

- (5) In view of the above, the list of companies from which undertakings are accepted in Decision 1999/71/EC should be amended accordingly.
- (6) The Advisory Committee has been consulted on the above change and has raised no objections,

HAS DECIDED AS FOLLOWS:

Article 1

Article 1(1) of Decision 1999/71/EC is replaced by the following:

'1. The undertakings offered by the producers mentioned below, in the framework of the anti-dumping proceedings concerning imports of hardboard into the Community of hardboard originating in Bulgaria, Estonia, Lithuania and Poland are hereby accepted:

Country	Company	TARIC additional code
Bulgaria	Fazerles AD	8496
Bulgaria	Lessoplast AD	8497
Estonia	AS Repo Vabrikud	8498
Lithuania	JSC Grigiskes	8510
Poland	Alpex-Karlino SA	8511
Poland	Czarna Woda Zakłady Płyt Piłśniowych	8600
Poland	Ekoplyta SA	8513
Poland	Zakłady Płyt Piłśniowych SA, Przemyśl	8545
Poland	Konieczpolskie Zakłady Płyt Piłśniowych SA	8546
Poland	Zakłady Płyt Piłśniowych SA w Krosnie Odrzańskim	8547

Article 2

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

Done at Brussels, 21 August 2001.

For the Commission

Pascal LAMY

Member of the Commission

COMMISSION DECISION
of 28 September 2001
amending for the seventh time Decision 2001/356/EC concerning certain protection measures with
regard to foot-and-mouth disease in the United Kingdom

(notified under document number C(2001) 2922)

(Text with EEA relevance)

(2001/708/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

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,

Decision 2001/356/EC is amended as follows:

1. Article 6 is replaced by the following:

'Article 6

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,

1. 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 the Annex I to other parts of the United Kingdom.

Whereas:

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.

(1) Following the reports of outbreaks of foot-and-mouth disease in the United Kingdom, the Commission adopted Decision 2001/356/EC ⁽⁴⁾ concerning certain protection measures with regard to foot-and-mouth disease in the United Kingdom, as last amended by Decision 2001/547/EC ⁽⁵⁾.

3. The prohibitions in paragraphs 1 and 2 shall not apply to:

(2) Dispatch of frozen bovine semen may be permitted under the conditions that additional guarantees are provided. Certain other adaptations are necessary to take account of the animal health situation in Northern Ireland.

(a) frozen bovine semen and embryos produced before 1 February 2001;

(3) In the light of the disease evolution it appears appropriate to prolong the measures.

(b) frozen bovine semen and embryos imported into the United Kingdom in accordance with the conditions laid down in Council Directives 88/407/EEC and 89/556/EEC respectively, and which since introduction into the United Kingdom has/have been stored and transported separately from semen and embryos not eligible for dispatch in accordance with paragraphs 1 and 2;

(4) The situation shall be reviewed at the meeting of the Standing Veterinary Committee scheduled for 9 and 10 October 2001 and the measures adapted where necessary.

(c) frozen bovine semen produced in accordance with the provisions of Directive 88/407/EEC after the date of 30 September 2001 and complying with the following additional conditions:

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

— the donor bull showed no clinical sign of foot-and-mouth disease on the day of collection of the semen,

— the donor bull has been kept for at least three months prior to collection of the semen in the approved semen collection centre, this residence period may include the isolation period of at least 30 days in an attached isolation accommodation,

— no animal has been introduced during the 30 days prior to the collection of the semen,

⁽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 125, 5.5.2001, p. 46.

⁽⁵⁾ OJ L 195, 19.7.2001, p. 61.

- the semen collection centre has been free from foot-and-mouth disease for at least three months and no case of foot-and-mouth disease has occurred within a 10 km radius around the semen collection centre for the 30 days before and after collection of semen,
- no animal in the semen collection centre has been vaccinated against foot-and-mouth disease,
- the donor bull showed a negative response to a test for antibodies against foot-and-mouth disease virus carried out at least 21 days after the collection of the last semen of the consignment and the negative test results have to be available before dispatch of the semen,
- the frozen semen was stored for a period of at least 30 days between collection and dispatch, and during this period no animal in the semen collection centre where the donor bull was kept showed any sign of foot-and-mouth disease,
- the semen is collected, processed and stored separately from semen not eligible for dispatch in accordance with paragraphs 1 and 2,
- all semen collected, processed and frozen in the collection centre is dispatched from the semen collection centre in a way that any risk of introducing foot-and-mouth disease into the centre is avoided.

Before the dispatch of the semen the United Kingdom shall provide the Commission and the other Member States with the list of centres authorized for the purpose of this paragraph.

4. The health certificate provided for in Directive 88/407/EEC 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 Directive 89/556/EEC 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”.

2. Article 10(1) is replaced by the following:

‘1. The United Kingdom shall ensure that vehicles which have been used for the transport of live animals in the areas listed in Annex I and Annex II are cleaned and disinfected after each operation, and shall furnish proof of such disinfection.’

3. In Article 11 the first sentence is replaced by the following:

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

4. Article 12(3) is replaced by the following:

‘3. Member States shall cooperate in monitoring personal luggage of passengers travelling from those parts of the United Kingdom listed in Annex I 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.’

5. In Article 12(4), first subparagraph, the words of the first sentence are replaced by the following:

‘The United Kingdom shall ensure that equidae dispatched from those parts of its territory listed in Annex I and Annex II to other parts of its territory or to another Member State are accompanied by a health certificate in accordance with the Model in Annex C of Council Directive 90/426/EEC.’

6. The date in Article 15 is replaced by ‘30 November 2001’.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 September 2001.

For the Commission

David BYRNE

Member of the Commission

COMMISSION DECISION
of 28 September 2001
amending for the sixth time Decision 2001/327/EC concerning restrictions to the movement of
animals of susceptible species with regard to foot-and-mouth disease

(notified under document number C(2001) 2923)

(Text with EEA relevance)

(2001/709/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,

Whereas:

- (1) The foot-and-mouth disease situation in certain parts of the United Kingdom continues to be liable to endanger the herds in other parts of the Community in view of the placing on the market and trade in live biungulate animals.
- (2) All Member States have implemented the restrictions to the movement of animals of susceptible species laid down in Commission Decision 2001/327/EC of 24 April 2001 concerning restrictions to the movement of animals of susceptible species with regard to foot-and-mouth disease and repealing Commission Decision 2001/263/EC ⁽³⁾, as last amended by Decision 2001/488/EC ⁽⁴⁾.

(3) It appears therefore appropriate to prolong the measures.

(4) 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 date in Article 4 of Decision 2001/327/EC is replaced by '31 December 2001'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 September 2001.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 62, 15.3.1993, p. 49.

⁽³⁾ OJ L 115, 25.4.2001, p. 12.

⁽⁴⁾ OJ L 176, 29.6.2001, p. 75.