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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 831/2005
of 31 May 2005
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⁾, 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 1 June 2005.

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

Done at Brussels, 31 May 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 1947/2002 (OJ L 299, 1.11.2002, p. 17).

ANNEX

to Commission Regulation of 31 May 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	76,7
	204	91,4
	999	84,1
0707 00 05	052	61,2
	999	61,2
0709 90 70	052	88,8
	999	88,8
0805 50 10	052	88,7
	388	61,9
	524	56,8
	528	57,8
	624	62,9
	999	65,6
0808 10 80	388	78,2
	400	100,1
	404	68,3
	508	59,4
	512	65,4
	524	66,9
	528	67,7
	720	67,0
	804	99,0
0809 20 95	999	74,7
	052	269,4
	220	108,0
	400	545,6
	999	307,7

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 832/2005**of 31 May 2005****on the determination of surplus quantities of sugar, isoglucose and fructose for the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

Having regard to Commission Regulation (EC) No 60/2004 of 14 January 2004 laying down transitional measures in the sugar sector by reason of the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia⁽¹⁾, and in particular the first subparagraph of Article 6(1) thereof,

Whereas:

(1) In order to avoid a disruption on the markets in the sugar sector following the accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (new Member States) to the European Union on 1 May 2004, Article 6(2) of Regulation (EC) No 60/2004 provides that quantities of sugar as such or in processed products, isoglucose and fructose exceeding the quantity considered as being normal carry-over stock at 1 May 2004 have to be eliminated from the market in the form of sugar as such or isoglucose at the expense of the new Member State concerned.

(2) In order to determine those surplus quantities, Article 8(2) of Regulation (EC) No 60/2004 provides that new Member States shall communicate to the Commission relevant information on quantities of production, consumption, stocks, export and import, as well as information on the system established for the identification of surplus quantities.

(3) In general, surplus quantities of sugar are considered to result from the development of production plus import minus export for the period from 1 May 2003 to 30 April 2004, compared to the average of the same quantities for the same period of the three previous years. Specific circumstances of stock-piling were also taken into consideration as provided for in Article 6(1)(c) of Regulation (EC) No 60/2004, especially the decrease in the level of stocks during that period.

(4) On the basis of the communications of the new Member States, sugar surplus quantities should be determined only for Estonia, Cyprus, Latvia, Malta and Slovakia in accordance with that method.

(5) For the determination of surplus quantities of isoglucose and fructose, the same method was applied. As a result, no surplus quantities of fructose and isoglucose need to be determined.

(6) The Management Committee for Sugar has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities of sugar, in the form of sugar as such or in processed products, exceeding the quantity considered as being normal carry-over stock at 1 May 2004 and which have to be eliminated from the Community market in accordance with Article 6(2) of Regulation (EC) No 60/2004 are the following:

— Estonia: 91 464 tonnes,

— Cyprus: 40 213 tonnes,

— Latvia: 10 589 tonnes,

— Malta: 2 452 tonnes,

— Slovakia: 10 225 tonnes.

⁽¹⁾ OJ L 9, 15.1.2004, p. 8. Regulation as last amended by Regulation (EC) No 651/2005 (OJ L 108, 29.4.2005, p. 3).

Article 2

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

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

Done at Brussels, 31 May 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

COMMISSION REGULATION (EC) No 833/2005
of 31 May 2005
concerning the permanent authorisation of additives in feedingstuffs
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Regulation (EC) No 1831/2003. Those applications are therefore to continue to be treated in accordance with Article 4 of Directive 70/524/EEC.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs ⁽¹⁾, and in particular Articles 3 and 9d(1) thereof,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽²⁾, and in particular Article 25 thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition.
- (2) Article 25 of Regulation (EC) No 1831/2003 lays down transitional measures for applications for the authorisation of feed additives submitted in accordance with Directive 70/524/EEC before the date of application of Regulation (EC) No 1831/2003.
- (3) The applications for authorisation of the additives listed in the Annexes to this Regulation were submitted before the date of application of Regulation (EC) No 1831/2003.
- (4) Initial comments on those applications, as provided for in Article 4(4) of Directive 70/524/EEC, were forwarded to the Commission before the date of application of

- (5) The use of the enzyme preparation of endo-1,3(4)-beta-glucanase produced by *Trichoderma longibrachiatum* (ATCC 2106) and endo-1,4-beta-xylanase produced by *Trichoderma longibrachiatum* (IMI SD 135) and alpha-amylase produced by *Bacillus amyloliquefaciens* (DSM 9553) was provisionally authorised for the first time for weaned piglets, by Commission Regulation (EC) No 2690/1999 ⁽³⁾. New data were submitted in support of an application for authorisation without a time limit of that enzyme preparation. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that enzyme preparation, as specified in the Annex, should be authorised without a time limit.

- (6) The use of the enzyme preparation of endo-1,3(4)-beta-glucanase produced by *Trichoderma longibrachiatum* (ATCC 2106), endo-1,4-beta-xylanase produced by *Trichoderma longibrachiatum* (IMI SD 135), alpha-amylase produced by *Bacillus amyloliquefaciens* (DSM 9553) and polygalacturonase produced by *Aspergillus aculeatus* (CBS 589.94) was provisionally authorised for the first time for weaned piglets, by Regulation (EC) No 2690/1999. New data were submitted in support of an application for authorisation without a time limit of that enzyme preparation. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that enzyme preparation, as specified in the Annex, should be authorised without a time limit.

- (7) The use of the enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma longibrachiatum* (ATCC 2105) and subtilisin produced by *Bacillus subtilis* (ATCC 2107) was provisionally authorised for the first time for weaned piglets, by Commission Regulation (EC) No 1636/1999 ⁽⁴⁾. New data were submitted in support of an application for authorisation without a time limit of that enzyme preparation. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that enzyme preparation, as specified in the Annex, should be authorised without a time limit.

⁽¹⁾ OJ L 270, 14.12.1970, p. 1. Directive as last amended by Commission Regulation (EC) No 1800/2004 (OJ L 317, 16.10.2004, p. 37).

⁽²⁾ OJ L 268, 18.10.2003, p. 29.

⁽³⁾ OJ L 326, 18.12.1999, p. 33.

⁽⁴⁾ OJ L 194, 27.7.1999, p. 17.

- (8) The use of the enzyme preparation of endo-1,3(4)-beta-glucanase produced by *Trichoderma longibrachiatum* (ATCC 2106) and endo-1,4-beta-xylanase produced by *Trichoderma longibrachiatum* (ATCC 2105) was provisionally authorised for the first time for pigs for fattening, by Regulation (EC) No 1636/1999. New data were submitted in support of an application for authorisation without a time limit of that enzyme preparation. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that enzyme preparation, as specified in the Annex, should be authorised without a time limit.
- (9) The use of the enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma longibrachiatum* (ATCC 2105) was provisionally authorised for the first time for chickens for fattening, by Commission Regulation (EC) No 1411/1999 ⁽¹⁾. New data were submitted in support of an application for authorisation without a time limit of that enzyme preparation. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that enzyme preparation, as specified in the Annex, should be authorised without a time limit.
- (10) The use of the enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma longibrachiatum* (ATCC 2105) and endo-1,3(4)-beta-glucanase produced by *Trichoderma longibrachiatum* (ATCC 2106) was provisionally authorised for the first time for chickens for fattening, by Commission Regulation (EC) No 418/2001 ⁽²⁾. New data were submitted in support of an application for authorisation without a time limit of that enzyme preparation. The assessment shows that the conditions laid down in Article 3a of Directive 70/524/EEC for such authorisation are satisfied. Accordingly, the use of that enzyme preparation, as specified in the Annex, should be authorised without a time limit.
- (11) The assessment of those applications shows that certain procedures should be required to protect workers from exposure to the additives set out in the Annexes. Such protection should be assured by the application of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work ⁽³⁾.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- The preparations belonging to the group 'Enzymes', as specified in the Annex, are authorised for use without a time limit as additives in animal nutrition under the conditions laid down in that Annex.
- Article 2*
- This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 31 May 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 164, 30.6.1999, p. 56.

⁽²⁾ OJ L 62, 2.3.2001, p. 3.

⁽³⁾ OJ L 183, 29.6.1989, p. 1. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

ANNEX

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					Units of activity/kg of complete feedingsuff			
Enzymes								
E 1624	Endo-1,3(4)-beta-glucanase EC 3.2.1.6 Endo-1,4-beta-xylanase EC 3.2.1.8 Alpha-amylase EC 3.2.1.1	Preparation of endo-1,3(4)-beta-glucanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 2106), endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (IMI SD 135) and alpha-amylase produced by <i>Bacillus amyloliquefaciens</i> (DSM 9553) having a minimum activity of: Endo-1,3(4)-beta-glucanase: 250 U ⁽¹⁾ /g Endo-1,4-beta-xylanase: 400 U ⁽²⁾ /g Alpha-amylase: 1 000 U ⁽³⁾ /g	Piglets (weaned)	—	endo-1,3(4)-beta-glucanase: 250 U endo-1,4-beta-xylanase: 400 U alpha-amylase: 1 000 U	— — —	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. Recommended dose per kg of complete feedingsuff: endo-1,3(4)-beta-glucanase: 250 U endo-1,4-beta-xylanase: 400 U alpha-amylase: 1 000 U. 3. For use in compound feed containing cereals rich in starch and non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 35 % barley. 4. For use in weaned piglets until approximately 35 kg in weight.	Without a time limit

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					Units of activity/kg of complete feedingstuff			
E 1625	Endo-1,3(4)-beta-glucanase EC 3.2.1.6	Preparation of endo-1,3(4)-beta-glucanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 2106), endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (IMI SD 135), alpha-amylase produced by <i>Bacillus amyloliquefaciens</i> (DSM 9553) and polygalacturonase produced by <i>Aspergillus aculeatus</i> (CBS 589.94) having a minimum activity of: Endo-1,3(4)-beta-glucanase: 150 U ⁽¹⁾ /g Endo-1,4-beta-xylanase: 4 000 U ⁽²⁾ /g Alpha-amylase: 1 000 U ⁽³⁾ /g Polygalacturonase: 25 U ⁽⁴⁾ /g	Piglets (weaned)	—	endo-1,3(4)-beta-glucanase: 150 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: endo-1,3(4)-beta-glucanase: 150 U endo-1,4-beta-xylanase: 4 000 U alpha-amylase: 1 000 U polygalacturonase: 25 U. 3. For use in compound feed containing cereals rich in starch and non-starch polysaccharides (mainly arabinoxylans and beta-glucans), e.g. containing more than 20 % barley and 35 % wheat. 4. For use in weaned piglets until approximately 35 kg in weight.	Without a time limit
	Endo-1,4-beta-xylanase EC 3.2.1.8				endo-1,4-beta-xylanase: 4 000 U	—		
	Alpha-amylase EC 3.2.1.1				alpha-amylase: 1 000 U	—		
	Polygalacturonase EC 3.2.1.15				polygalacturonase: 25 U	—		
E 1626	Endo-1,4-beta-xylanase EC 3.2.1.8 Subtilisin EC 3.4.21.62	Preparation of endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 2105) and subtilisin produced by <i>Bacillus subtilis</i> (ATCC 2107) having a minimum activity of: Endo-1,4-beta-xylanase: 5 000 U ⁽²⁾ /g Subtilisin: 500 U ⁽³⁾ /g	Piglets (weaned)	—	endo-1,4-beta-xylanase: 5 000 U subtilisin: 500 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: endo-1,4-beta-xylanase: 5 000 U subtilisin: 500 U. 3. For use in compound feed e.g. containing more than 40 % wheat. 4. For use in weaned piglets until approximately 35 kg in weight.	Without a time limit

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					Units of activity/kg of complete feedstuff			
E 1627	Endo-1,3(4)-beta-glucanase EC 3.2.1.6	Preparation of endo-1,3(4)-beta-glucanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 2106) and endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 2105) having a minimum activity of: Endo-1,3(4)-beta-glucanase: 800 U ⁽¹⁾ /g Endo-1,4-beta-xylanase: 800 U ⁽²⁾ /g	Pigs for fattening	—	endo-1,3(4)-beta-glucanase: 400 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: endo-1,3(4)-beta-glucanase: 400 U endo-1,4-beta-xylanase: 400 U. 3. For use in compound feed rich in non-starch polysaccharides (mainly beta-glucans and arabinoxylans) e.g. containing more than 65 % barley.	Without a time limit
	Endo-1,4-beta-xylanase EC 3.2.1.8				endo-1,4-beta-xylanase: 400 U	—		
E 1628	Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 2105) having a minimum activity of: Powder form: Endo-1,4-beta-xylanase: 2 000 U ⁽²⁾ /g Liquid form: Endo-1,4-beta-xylanase: 5 000 U/ml	Chickens for fattening	—	endo-1,4-beta-xylanase: 500 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting. 2. Recommended dose per kg of complete feedingstuff: endo-1,4-beta-xylanase: 500-2 500 U. 3. For use in compound feed rich in non-starch polysaccharides (mainly arabinoxylans), e.g. containing more than 55 % wheat or 60 % rye.	Without a time limit

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					Units of activity/kg of complete feedingsstuff			
E 1629	Endo-1,4-beta-xylanase EC 3.2.1.8	Preparation of endo-1,4-beta-xylanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 2105) and endo-1,3(4)-beta-glucanase produced by <i>Trichoderma longibrachiatum</i> (ATCC 2106) having a minimum activity of: Endo-1,4-beta-xylanase: 5 000 U ⁽²⁾ /ml Endo-1,3(4)-beta-glucanase: 50 U ⁽¹⁾ /ml	Chickens for fattening	—	endo-1,4-beta-xylanase: 1 250 U	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. Recommended dose per kg of complete feedingsstuff: endo-1,4-beta-xylanase: 1 250-2 500 U endo-1,3(4)-beta-glucanase: 12-25 U. 3. For use in compound feed rich in non-starch polysaccharides (mainly beta-glucans and arabinoxylans), e.g. containing more than 20 % barley and 40 % wheat.	Without a time limit
	Endo-1,3(4)-beta-glucanase EC 3.2.1.6				endo-1,3(4)-beta-glucanase: 12 U	—		

⁽¹⁾ 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (glucose equivalents) from barley beta-glucan per minute at pH 5,0 and 30 °C.

⁽²⁾ 1 U is the amount of enzyme which liberates 1 micromole of reducing sugars (xylose equivalents) from oat spelt xylan per minute at pH 5,3 and 50 °C.

⁽³⁾ 1 U is the amount of enzyme which hydrolyses 1 micromole of glucosidic linkages from a water insoluble cross linked starch polymer substrate per minute at pH 6,5 and 37 °C.

⁽⁴⁾ 1 U is the amount of enzyme which liberates 1 micromole of reducing material (galacturonic acid equivalents) from a poly D-galacturonic substrate per minute at pH 5,0 and 40 °C.

⁽⁵⁾ 1 U is the amount of enzyme which liberates 1 microgram of phenolic compound (tyrosine equivalents) from a casein substrate per minute at pH 7,5 and 40 °C.

COMMISSION REGULATION (EC) No 834/2005**of 31 May 2005****amending 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 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(8) thereof,

Whereas:

- (1) The corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 820/2005 ⁽²⁾.
- (2) On the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered.

- (3) The corrective amount must be fixed according to the same procedure as the refund. It may be altered in the period between fixings,

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1784/2003 which is applicable to the export refunds fixed in advance in respect of the products referred to, except for malt, is hereby altered to the amounts set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 June 2005.

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

Done at Brussels, 31 May 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 137, 31.5.2005, p. 3.

ANNEX

to the Commission Regulation of 31 May 2005 amending the corrective amount applicable to the refund on cereals

(EUR/t)								
Product code	Destination	Current 5	1st period 6	2nd period 7	3rd period 8	4th period 9	5th period 10	6th period 11
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	A00	0	0	0	0	0	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	0	– 20,00	– 20,00	– 20,00	– 20,00	—	—
1002 00 00 9000	A00	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	C02	0	– 30,00	– 30,00	– 30,00	– 30,00	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	C03	0	– 45,00	– 45,00	– 45,00	– 45,00	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	– 25,00	– 25,00	– 25,00	– 25,00	—	—
1101 00 15 9130	C01	0	– 25,00	– 25,00	– 25,00	– 25,00	—	—
1101 00 15 9150	C01	0	– 25,00	– 25,00	– 25,00	– 25,00	—	—
1101 00 15 9170	C01	0	– 25,00	– 25,00	– 25,00	– 25,00	—	—
1101 00 15 9180	C01	0	– 25,00	– 25,00	– 25,00	– 25,00	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
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 Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

C01: All third countries with the exception of Albania, Bulgaria, Romania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, Lichtenstein and Switzerland.

C02: Algeria, Saudi Arabia, Bahrain, Egypt, United Arab Emirates, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Lybia, Morocco, Mauritania, Oman, Qatar, Syria, Tunisia and Yemen.

C03: All third countries with the exception of Bulgaria, Norway, Romania, Switzerland and Lichtenstein.

COMMISSION REGULATION (EC) No 835/2005**of 31 May 2005****fixing the production refund on white sugar used in the chemical industry for the period from 1 to 30 June 2005**

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 fifth indent of 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⁾ provides that these refunds shall be determined according to the refund fixed for white sugar.

- (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.
- (4) 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 33,848 EUR/100 kg net for the period from 1 to 30 June 2005.

Article 2

This Regulation shall enter into force on 1 June 2005.

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

Done at Brussels, 31 May 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 178, 30.6.2001, p. 63.

COMMISSION REGULATION (EC) No 836/2005**of 31 May 2005****fixing the import duties in the cereals sector applicable from 1 June 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾,

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 ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EC) No 1784/2003 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 (EC) No 1784/2003, 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 Regulation (EC) No 1784/2003 as regards import duties in the cereals sector.

- (4) The import duties are applicable until new duties are fixed and enter into force.

- (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 Annex I to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EC) No 1784/2003 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 June 2005.

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

Done at Brussels, 31 May 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 1 June 2005

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	35,55
1005 10 90	Maize seed other than hybrid	58,29
1005 90 00	Maize other than seed ⁽²⁾	58,29
1007 00 90	Grain sorghum other than hybrids for sowing	35,55

⁽¹⁾ 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/t, where the port of unloading is on the Mediterranean Sea, or
- EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24/t, 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 16.5.2005-27.5.2005

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2 (14 %)	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	112,48 (***)	67,62	161,42	151,42	131,42	88,19
Gulf premium (EUR/t)	—	9,86	—			—
Great Lakes premium (EUR/t)	21,84	—	—			—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight/cost: Gulf of Mexico–Rotterdam: 26,25 EUR/t; Great Lakes–Rotterdam: 38,28 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).

II

(Acts whose publication is not obligatory)

COUNCIL

Information relating to the entry into force of the Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation

The Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation ⁽¹⁾ entered into force on 1 May 2005, the procedure provided for in Article 21 of the Agreement having been completed on 23 March 2005.

⁽¹⁾ OJ L 124, 17.5.2005, p. 43.

Information relating to the entry into force of the Cooperation Agreement between the European Community and the Principality of Andorra ⁽¹⁾

The procedures necessary for the entry into force of the Cooperation Agreement between the European Community and the Principality of Andorra, signed in Brussels on 15 November 2004, having been completed on 10 May 2005, this Agreement will enter into force, in conformity with its Article 14, on 1 July 2005.

⁽¹⁾ OJ L 359, 4.12.2004, p. 33.

COMMISSION

COMMISSION DECISION

of 11 November 2003

declaring a concentration compatible with the common market and the EEA Agreement

(Case COMP/M.2621 — SEB/Moulinex)

(notified under document number C(2003) 4157)

(Only the French text is authentic)

(Text with EEA relevance)

(2005/408/EC)

On 11 November 2003 the Commission adopted a decision in a merger case pursuant to Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings ⁽¹⁾, and in particular Article 8(2) of that Regulation. A non-confidential version of the full decision can be found in the authentic language of the case and in the working languages of the Commission on the website of the Directorate-General for Competition, at the following address: http://europa.eu.int/comm/competition/index_en.html

- (1) The case concerns the acquisition by the company SEB of control of certain assets of the company Moulinex (brands, some production plants and some marketing subsidiaries); the transaction was notified to the Commission pursuant to Article 4 of Regulation (EEC) No 4064/89 on 13 November 2001.
- (2) SEB and Moulinex are two French undertakings operating in the small electrical household appliances sector. Both operate worldwide in the sector. SEB markets its products mainly under two world brands, 'Tefal' and 'Rowenta' and Moulinex markets its products mainly under the international brands 'Moulinex' and 'Krupps'.
- (3) The acquisition of Moulinex's assets by SEB took place within the framework of receivership proceedings involving the Moulinex group. The Commission adopted two Decisions on the merger on 8 January 2002. In the first, the Commission referred examination of the effects of the merger on competition in France to the French competition authorities, pursuant to Article 9 of the merger Regulation. In the second, pursuant to Article 6(2) of the merger Regulation, it authorised the merger in the other countries subject to the licensing of the Moulinex trade mark to independent third parties in nine countries of the European Economic Area (Belgium, Norway, the Netherlands, Germany, Austria, Portugal, Sweden, Denmark and Greece). The Court of First Instance of the European Communities annulled the authorising Decision as regards the countries for which no commitments had been given, namely Spain, Finland, Ireland, Italy and the United Kingdom ⁽²⁾. This new Decision re-examines the competitive impact of the transaction in those five countries.

⁽¹⁾ OJ L 395, 30.12.1989, p. 1. Regulation as last amended by Regulation (EC) No 1310/97 (OJ L 180, 9.7.1997, p. 1).

⁽²⁾ Judgment of the Court of First Instance in Case T-114/02 *Babyliiss SA v Commission of the European Communities*.

- (4) On 3 November 2003, at its 120th meeting, the Advisory Committee on Concentrations unanimously delivered a favourable opinion on the Commission's draft authorising Decision.
- (5) In a report drawn up on 4 November 2003, the Hearing Officer concluded that the right of the parties to be heard had been complied with.

I. DEFINITION OF THE RELEVANT MARKETS

- (6) The Decision defines the product markets in terms of categories of small electrical household appliances corresponding to a specific use and a specific function. There are 13 product markets: deep fryers, mini ovens, toasters, sandwich makers and waffle makers, appliances for informal meals, electric barbecues and indoor grills, rice cookers and steam cookers, electric filter coffee makers, kettles, espresso machines, blenders and food preparation appliances, irons/ironing stations and personal care appliances.
- (7) The relevant geographic markets are national. However, market conditions in the United Kingdom and Ireland are uniform. Since brands and prices are identical in the two countries, suppliers cannot pursue an autonomous pricing policy in either country without seeing orders transferred to the other country. The two countries are therefore considered to form one and the same geographic market for the relevant products.

II. MARKET ANALYSIS

- (8) SEB's competitive position is examined in the following countries or areas: Spain, Finland, Italy and the United Kingdom/Ireland.

The competitive potential represented by Moulinex

- (9) Moulinex's sales fell sharply in 2001 and 2002 compared with 2000 as a result of difficulties created by the insolvency of the group. The Commission examined whether the decline was structural or whether Moulinex had the capacity to recover its previous positions.
- (10) The market survey shows that Moulinex's capacity to recover its lost market shares will depend not only on the value of the brands brought in by the merger, but also on other factors such as the innovative, commercial and financial capacities of its new owner. The recovery potential to be taken into account in the competitive analysis is thus reduced by the impact of these other factors, since they do not involve any direct causal link with the merger.
- (11) Furthermore, the Commission takes the view that where the Moulinex brand is no longer being used, it is very unlikely to be able to recover the market shares it had in 2000. The same applies where its market shares have been taken by competitors who are already strong on the small electrical household appliances markets, such as Philips, Braun or DeLonghi, and/or where distributors do not consider Moulinex or Krups a must have brand.

Methods of analysis

- (12) For each of the relevant markets, the Commission established market shares on the basis of the declared sales of most of the competitors operating on the market.
- (13) In each of the countries or areas examined, the Decision looks at the effects of the transaction both from the horizontal point of view (effects of the combined strength of the new entity market by market) and from the non-horizontal point of view (effect of the combined strength of the new entity in the small electrical household appliances sector as a whole, even where there is no overlap on a particular market).
- (14) For the combination of SEB and the Moulinex assets taken over to have harmful non-horizontal effects on competition, the following conditions must be met:
- the new entity must have a range of brands that gives it a significant competitive advantage in the small electrical household appliances sector as a whole,
 - the combined entity must have positions of strength on some markets that it could exploit to create or strengthen dominant positions on other markets. Such positions of strength might be created by the transaction itself, or might already be held by one or other party.
- (15) As regards examination of the horizontal effects, the Commission has structured its Decision as follows: (i) markets where the parties have a combined market share of less than 25 %; (ii) markets with non-significant overlaps, and (iii) markets with significant overlaps and a combined market share in excess of 25 %.
- (16) This approach gives the following table.

	Markets where the parties have a market share of less than 25 %	Markets with non-significant overlaps	Markets with a combined market share in excess of 25 %
Spain	Espressos machines, filter coffee makers, barbecues/grills, steam cookers, sandwich/waffle makers, deep fryers, irons/ironing stations, personal care appliances.	Food preparation appliances, informal meal appliances.	Toasters, kettles, mini ovens.
Finland	Irons/ironing stations, steam cookers, toasters, filter coffee makers, deep fryers, informal meal appliances, personal care appliances.	Espresso machines, barbecues/grills, food preparation appliances.	Mini ovens, kettles, sandwich/waffle makers.
Italy	Espresso machines, deep fryers, mini ovens, toasters, personal care appliances.		Kettles, informal meal appliances, sandwich/waffle makers, steam cookers, food preparation appliances, irons/ironing stations, filter coffee makers, barbecues/grills.
United Kingdom/Ireland	Toasters, kettles, mini ovens, filter coffee makers, sandwich/waffle makers, barbecues/grills, food preparation appliances, personal care appliances.	Espresso machines, irons/ironing stations.	Informal meal appliances, steam cookers, deep fryers.

- (17) For the purposes of this summary, only the markets belonging to the third category are commented on in detail. The Decision concludes that there is no risk of the creation or strengthening of a dominant position on the markets where the parties have a market share of less than 25 % and on the markets where the addition of market shares will not be significant.

A. The Spanish markets

- (18) On the small electrical household appliances markets, the supply side comprises competitors with a strong international presence such as Philips ([15-20] % of sales on the small electrical household appliances markets), SEB [10-20] %* (*), Braun [15-20] %, BSH [0-5] % and DeLonghi [0-5] %. Local operators account for a more modest overall market share: these are Taurus [5-10] %, Jata, Solac and Fagor ([0-5] % each).
- (19) The demand side is fairly concentrated and stems from the following forms of distribution: hypermarkets (Carrefour, Auchan, Hipercor), department stores (El Corte Ingles), specialist stores (Media Markt) and traditional small traders, most of whom have organised themselves into purchasing groups (Densa, Gestesa, Segesa).
- (20) Moulinex's sales fell significantly across the board between 2000 and 2002. The fall amounted to at least 20 % of sales on each of the relevant markets. Even if the image of the Krups and Moulinex brands has hardly suffered in the eyes of the final consumer, their potential for recovery is limited by the success of the new entity's competitors in consolidating their positions on the markets.
- (21) The risk of creating or strengthening dominant positions may be dismissed on the following markets (where the combined market share is in excess of 25 % and there is a significant overlap): toasters, kettles and mini ovens.
- (22) On the markets in toasters and kettles, SEB will hold market shares of [20 to 30] %*. The merger will not result in the combining of must-have brands (only Moulinex is a must-have brand for toasters, and only Tefal is a must-have brand for kettles). The merged entity of SEB and Moulinex will face competitors with sizeable market shares (between [15 and 20] % at most) and having reputable brands. Consequently, it is unlikely that Moulinex will recover the competitive potential it had in 2000. At all events, with a maximum combined market share of [25-35] %, in the absence of non-horizontal effects and owing to the presence of well established competitors, the risk that the merger might result in the creation or strengthening of a dominant position on these markets can be dismissed.
- (23) On the market in mini ovens, SEB's position is stronger. The figures show that the new entity would have a share of [30-40] % of the Spanish market. Its main competitors are DeLonghi [20-25] %, Jata [5-10] %, Ufesa and Severin ([5-10] % each). Although they have smaller market shares than the new entity, these operators none the less have must-have brands and a broad range covering all the capacities available on the market (10/12 litres, 18/20 litres, 26/28 litres). Moreover, prices are tending to fall on this market, there is regular innovation and entry barriers are low. Lastly, although not included in the relevant market, microwave ovens with grill pose a not inconsiderable competitive constraint, and the Moulinex brand has limited potential for recovering the position it held in 2000.

(*) Parts of this text have been edited to ensure that confidential information is not disclosed; those parts are enclosed in square brackets and marked with an asterisk.

- (24) The merger will not allow the new entity to exploit non-horizontal effects. Its range of brands and its positions of strength on certain markets are not sufficient to give it any leverage, particularly in view of the position held by its competitors as regards these two aspects.
- (25) In the light of the above, the notified operation is not likely to create or strengthen a dominant position as a result of which effective competition would be significantly impeded on the various markets in small electrical household appliances in Spain.

B. The Finnish markets

- (26) Overall, SEB ([5-10] %* of sales on the markets in small electrical household appliances) is only the third largest operator on the Finnish markets after Braun [10-15] %* and in particular Philips [25-30] %*. AEG ([5-10] %*) holds comparable positions to that of the new entity. Severin, DeLonghi, BSH and national operators such as OBH/Nordica and Rommelsbacher are also present, but with smaller shares (between 0 and 5 % each) and have a significant presence on certain specific markets.
- (27) Distribution in Finland is amongst the most concentrated in Europe: Kesko and E. Partners each account for around [20-25] %* of sales to the final consumer. Stockman is also in a strong position with [15-20] %*.
- (28) Moulinex's sales fell dramatically between 2000 and 2002 (by at least 50 % on each of the relevant markets). Moulinex is unlikely to recover its lost market shares, given (i) the scale of the decline and (ii) the consolidation of market positions held by competitors with reputed brands.
- (29) The risk of dominant positions being created or strengthened can be dismissed on the following markets (where the combined market share is in excess of 25 % and there is a significant overlap): mini ovens, kettles and sandwich/waffle makers.
- (30) The markets in mini ovens and sandwich/waffle makers are included in this category because of the large market shares held by the combined entity in 2000 ([40-50] %* and [20-30] %* respectively). Since then, however, its positions have shrunk markedly, and in 2002 it had market shares of the order of [0-10] %* on each of the two markets. Furthermore, Severin increased its market share in mini ovens from [30-35] % to [50-55] %, while many operators have must have brands on the market in sandwich/waffle makers. Furthermore, Moulinex has, for the time being, withdrawn from the market in mini ovens.
- (31) On the market in kettles, the new entity remains the market leader with a market share of [30-40] %* both in 2000 and in 2002. The stability in its market shares is due to the fact that the decline in Moulinex's sales was offset by an increase in SEB's sales. Philips with [20-25] % and, to a lesser extent, Braun and Severin are strong competitors with must-have brands, consolidated by Moulinex's difficulties and able to exercise a counterweight to the new entity. Furthermore, Moulinex is not generally cited as a must-have brand, which makes it unlikely that it can recover its competitive potential.

- (32) The merger does not allow the new entity to exploit non-horizontal effects. Its range of brands and its positions of strength on certain markets are not sufficient to give it any leverage, particularly in view of the position held by its competitors as regards these two aspects.
- (33) In the light of the above, the notified operation is not likely to create or strengthen a dominant position as a result of which effective competition would be significantly impeded in the common market or a substantial part thereof on the various markets in small electrical household appliances in Finland.

C. The Italian markets

- (34) The leading supplier on the Italian markets in small electrical household appliances is DeLonghi ([20-30] %* of sales on the markets in small electrical household appliances), closely followed by the new combined entity SEB/Moulinex ([15-25] %*) and Braun and Philips ([5-15] %* each). BSH has smaller market shares (less than 5 % overall). Domestic competitors have generally smaller market shares overall, but may nevertheless hold not insignificant positions on certain markets. This is the case with Imetec (food preparation appliances and sandwich/waffle makers), Polti (irons) and Saeco (70 % of the market in espresso machines).
- (35) The structure on the demand side is comparable to that on the supply side, but is less concentrated. Almost two thirds of distribution takes place via large chains, purchasing groups and specialised dealers.
- (36) Moulinex's sales fell between 2000 and 2002. Its potential for recovery appears severely restricted by the presence of competitors with must-have brands which have taken advantage of Moulinex's difficulties to enter or consolidate their positions on markets.
- (37) The risk of dominant positions being created or strengthened may be dismissed on all the markets where the market share is in excess of 25 % or with a significant overlap, namely: irons and ironing stations, kettles, informal meal appliances, sandwich/waffle makers, food preparation appliances, filter coffee makers, barbecues/grills and steam cookers.
- (38) It is in the market in irons and ironing stations that the new entity's position appears weakest amongst the eight markets cited above with [20-30] %* of sales, which is comparable to that of DeLonghi. It should be noted that Moulinex is traditionally not strong here, both in 2000 and in 2002. Its products are not carried by any must-have brand. The new entity's position is subject to strong competition, given the situation of competitor groups: Philips, Imetec and Polti each hold [10-15] % of the market and all have must-have brands. The new entity cannot add any new must-have brand resulting from the merger to the existing must-have brands (Rowenta and, to a lesser extent, Tefal).

- (39) On the markets in kettles, informal meal appliances, sandwich/waffle makers, food preparation appliances, filter coffee makers and barbecues/grills, the new entity's market share is [25-35] %. It is the market leader here. On each of these markets, it will face competitors with sizeable market shares and reputable brands. The identity of its competitors varies from market to market, but is generally the traditional international suppliers (Philips in the case of kettles, sandwich/waffle makers and food preparation appliances; Braun in the case of kettles, sandwich/waffle makers, food preparation appliances and filter coffee makers; Severin in the case of informal meal appliances; DeLonghi in the case of sandwich/waffle makers, food preparation appliances and barbecues/grills) and local operators (Imetec in the case of sandwich/waffle makers). In general, the merger does not combine two must-have brands on these markets. On some markets, the Commission carried out a more detailed analysis (by price segment or by product type) in order to confirm its analysis on the overall market.
- (40) The market in steam cookers is the one on which the new entity has the strongest position with [35-45] % of sales. Its market share has increased by 20 % since 2000 thanks to the improvement in SEB's sales. A number of factors prompted the Commission to qualify this market position. Firstly, most of the new entity's sales were made through one distributor, Esselunga, via its fidelity catalogue. SEB is thus very dependent on this distributor. Secondly, Moulinex no longer markets products, its sales being attributable only to the running down of its stocks. It also appears that SEB does not plan to relaunch Moulinex products, Moulinex not being a must-have brand in Italy. Lastly, competitors have advanced, including Braun [10-15] % and Girmi [5-10] %, which tripled its sales in two years.
- (41) The merger does not allow the new entity to exploit non-horizontal effects. Its range of brands and its positions of strength on certain markets are not sufficient to give it any leverage, particularly in view of the position held by its competitors as regards these two aspects.
- (42) In the light of the above, the notified transaction is not likely to create or strengthen a dominant position as a result of which effective competition would be significantly impeded in the common market or a substantial part thereof on the various markets in small electrical household appliances in Italy.

D. The markets in the United Kingdom and Ireland

- (43) There are a large number of suppliers in these two countries with almost identical overall positions in each of them, at around 10 %. These are Braun, SEB, Philips, DeLonghi, Morphy Richards and Salton. Somewhat smaller market shares are held by BSH and Home Products International (around 5 %). A particular feature of the British market is the presence and reputation of local operators such as Morphy Richards, Salton and, to a lesser extent, Home Products International.
- (44) Distribution is highly concentrated, with Argos being by far the largest distributor ([30-35] %* of sales). The five largest distributors account for half of sales.
- (45) Moulinex's sales fell substantially between 2000 and 2002, by at least 30 % on all markets and by more than 50 % on most markets. The new entity has little chance of recovering its 2002 positions because of the highly competitive situation on the British market. Moulinex is cited as a second-rank brand, while Krups's potential appears to be better, but its presence is limited to certain markets, including espresso machines.

- (46) The risk of dominant positions being created or strengthened can be dismissed on all the markets where there is a market share in excess of 25 % and a significant overlap, namely informal meal appliances, steam cookers and deep fryers.
- (47) On those three markets, Moulinex's positions declined considerably between 2000 and 2002. Its market shares fell from [5-15] %* to less than 5 %, or indeed zero where Moulinex withdrew from the market (informal meal appliances). Consequently, although SEB has not inconsiderable market shares ([30-35] % in the case of steam cookers, [25-35] % in the case of deep fryers and [10-15] % in the case of informal meal appliances), these will not be strengthened by the merger. SEB is faced on each of these markets with competitors holding must-have brands, while the merger would not give it any additional must-have brands. New market entrants have also appeared on these markets, including the market in steam cookers: Russell Hobbs, Hinari and Magimix. These brands directly achieved sales in excess of Moulinex's sales in 2000. On the market in deep fryers, an analysis by price quartile confirmed the conclusions drawn on the overall market: on the lowest quartiles, the presence of distributors' own brands became firmer.
- (48) The merger will not allow the new entity to exploit non-horizontal effects. Its range of brands and its positions of strength on certain markets are not sufficient to give it any leverage, particularly in view of the position held by its competitors as regards these two aspects.
- (49) In the light of the above, the notified operation is not likely to create or strengthen a dominant position as a result of which effective competition would be significantly impeded in the common market or a substantial part thereof on the various markets in small electrical household appliances in the United Kingdom and Ireland.

III. CONCLUSION

- (50) For the reasons set out above, the Commission has decided not to oppose the notified merger and to declare it compatible with the common market and with the EEA Agreement, subject to the continued implementation of the commitments which were proposed during the first proceedings ⁽¹⁾. This Decision is taken on the basis of Article 8(2) of Council Regulation (EEC) No 4064/89 and Article 57 of the EEA Agreement.

⁽¹⁾ Commitments to grant trade mark licences in nine countries of the European Economic Area (Belgium, Norway, the Netherlands, Germany, Austria, Portugal, Sweden, Denmark and Greece) were given as a condition for the authorisation of the transaction in those countries. The commitments were set out in the Commission's Decision of 8 January 2002 and provided in particular for the granting of an exclusive licence to sell household electrical appliances under the Moulinex trade mark for a period of five years covering the 13 categories of products mentioned in the Decision, and the commitment not to market products bearing the Moulinex trade mark in the countries concerned during the term of the licence and for a further period of three years following the expiry of the licence.