

Official Journal

of the European Union

L 199

English edition

Legislation

Volume 48

29 July 2005

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1212/2005 of 25 July 2005 imposing a definitive anti-dumping duty on imports of certain castings originating in the People's Republic of China** 1

- Commission Regulation (EC) No 1213/2005 of 28 July 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables 28

- ★ **Commission Regulation (EC) No 1214/2005 of 28 July 2005 correcting the Dutch, Estonian, Finnish, Greek, Italian, Latvian, Lithuanian, Portuguese, Spanish and Swedish versions of Regulation (EEC) No 1722/93 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 concerning production refunds in the cereals sector** 30

- ★ **Commission Regulation (EC) No 1215/2005 of 28 July 2005 amending Regulation (EC) No 1990/2004 laying down transitional measures in the wine sector by reason of the accession of Hungary to the European Union** 31

- ★ **Commission Regulation (EC) No 1216/2005 of 28 July 2005 amending Regulation (EC) No 1227/2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential** 32

- ★ **Commission Regulation (EC) No 1217/2005 of 28 July 2005 laying down detailed rules for the application of a tariff quota for certain live bovine animals originating in Bulgaria, provided for in Council Decision 2003/286/EC** 33

- ★ **Commission Regulation (EC) No 1218/2005 of 28 July 2005 laying down detailed rules for the application of an import tariff quota for live bovine animals of a weight exceeding 160 Kg and originating in Switzerland provided for in Council Regulation (EC) No 1182/2005** 39

- ★ **Commission Regulation (EC) No 1219/2005 of 28 July 2005 amending Regulation (EC) No 1623/2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms** 45

Price: EUR 22

(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 1220/2005 of 28 July 2005 amending Regulation (EC) No 1279/98 as regards certain tariff quotas for beef and veal products originating in Bulgaria	47
Commission Regulation (EC) No 1221/2005 of 28 July 2005 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	51
Commission Regulation (EC) No 1222/2005 of 28 July 2005 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty	54
Commission Regulation (EC) No 1223/2005 of 28 July 2005 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	58
Commission Regulation (EC) No 1224/2005 of 28 July 2005 fixing the export refunds on milk and milk products	60
Commission Regulation (EC) No 1225/2005 of 28 July 2005 fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 581/2004.....	68
Commission Regulation (EC) No 1226/2005 of 28 July 2005 fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004.....	70
Commission Regulation (EC) No 1227/2005 of 28 July 2005 fixing the representative prices and the additional import duties for molasses in the sugar sector applicable from 29 July 2005	71
Commission Regulation (EC) No 1228/2005 of 28 July 2005 fixing the export refunds on white sugar and raw sugar exported in its unaltered state	73
Commission Regulation (EC) No 1229/2005 of 28 July 2005 fixing the export refunds on syrups and certain other sugar products exported in the natural state	75
Commission Regulation (EC) No 1230/2005 of 28 July 2005 fixing the maximum export refund for white sugar to certain third countries for the 33rd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1327/2004	78
Commission Regulation (EC) No 1231/2005 of 28 July 2005 fixing the maximum export refund for white sugar to certain third countries for the 1st partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1138/2005	79
Commission Regulation (EC) No 1232/2005 of 28 July 2005 fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 868/2005	80
Commission Regulation (EC) No 1233/2005 of 28 July 2005 fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1059/2005	81
Commission Regulation (EC) No 1234/2005 of 28 July 2005 fixing production refunds on cereals	82

Commission Regulation (EC) No 1235/2005 of 28 July 2005 fixing the maximum export refund on barley in connection with the invitation to tender issued in Regulation (EC) No 1058/2005	83
---	----

II Acts whose publication is not obligatory

Commission

2005/579/EC:

- ★ **Commission Decision of 20 July 2005 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF) (notified under document number C(2005) 2756) ⁽¹⁾** 84

2005/580/EC:

- ★ **Commission Decision of 25 July 2005 refusing the placing on the market of betaine as a novel food or novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council (notified under document number C(2005) 2770)** 89

2005/581/EC:

- ★ **Commission Decision of 25 July 2005 authorising the placing on the market of isomaltulose as a novel food or novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council (notified under document number C(2005) 2776)** 90

Acts adopted under Title V of the Treaty on European Union

- ★ **Council Joint Action 2005/582/CFSP of 28 July 2005 amending and extending the mandate of the European Union Special Representative for the South Caucasus** 92
- ★ **Council Joint Action 2005/583/CFSP of 28 July 2005 extending the mandate of the European Union Special Representative in Bosnia and Herzegovina** 94
- ★ **Council Joint Action 2005/584/CFSP of 28 July 2005 extending the mandate of the European Union Special Representative for Moldova** 95
- ★ **Council Joint Action 2005/585/CFSP of 28 July 2005 extending the mandate of the European Union Special Representative for Afghanistan** 96
- ★ **Council Joint Action 2005/586/CFSP of 28 July 2005 extending and amending the mandate of the European Union Special Representative for the African Great Lakes Region** 97
- ★ **Council Joint Action 2005/587/CFSP of 28 July 2005 extending the mandate of the European Union Special Representative for the Middle East peace process** 99
- ★ **Council Joint Action 2005/588/CFSP of 28 July 2005 appointing a Special Representative of the European Union for Central Asia** 100
- ★ **Council Joint Action 2005/589/CFSP of 28 July 2005 extending the mandate of the European Union Special Representative in the former Yugoslav Republic of Macedonia** 103

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1212/2005**of 25 July 2005****imposing a definitive anti-dumping duty on imports of certain castings originating in the People's Republic of China**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

A. PROCEDURE

- (1) On 30 April 2004, the Commission announced by way of a notice published in the *Official Journal of the European Union* ⁽²⁾, the initiation of an anti-dumping proceeding concerning imports of certain castings originating in the People's Republic of China ('PRC').
- (2) The proceeding was initiated following a complaint lodged in March 2004 by EUROFONTE ('the complainant') on behalf of producers representing a major proportion, in this case more than 50 %, of the total Community production of castings. The complaint contained *prima facie* evidence of dumping of the said product and of material injury resulting therefrom, which was considered sufficient to justify the initiation of a proceeding.
- (3) The Commission officially advised the complainant, the Community producers mentioned in the complaint, any other known Community producers, the authorities of the PRC, the exporting producers, importers, as well as the associations known to be concerned of the initiation of the investigation. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time-limit set in the notice of initiation.
- (4) A number of Community producers represented by the applicant, other cooperating Community producers, exporting producers, importers, suppliers and user associations made their views known. All interested parties who so requested within the above time-limit and showed that there were particular reasons why they should be heard were granted the opportunity to be heard.

1. Sampling, market economy treatment and individual treatment

- (5) In view of the large number of exporting producers, Community producers and importers involved in the investigation, the application of sampling techniques was envisaged in the notice of initiation, in accordance with Article 17 of the basic Regulation.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 461/2004, OJ L 77, 13.3.2004, p. 12.

⁽²⁾ OJ C 104, 30.4.2004, p. 62.

- (6) In order to enable the Commission to decide whether sampling would be necessary and, if so, to select a sample, exporting producers and representatives acting on their behalf, Community producers and importers were requested to make themselves known and to provide information as specified in the notice of initiation. The Commission also contacted known associations of exporting producers and the authorities of the PRC. These parties raised no objections to the use of sampling.
- (7) In total, 33 exporters/producers in the PRC, 24 Community producers and 15 importers replied to the sampling questionnaire within the time-limits and provided the requested information.
- (8) In order to allow exporting producers in the PRC to submit a claim for market economy treatment ('MET') or individual treatment ('IT'), if they so wished, the Commission also sent MET and IT claim forms to the Chinese companies known to be concerned, and to all the other companies that made themselves known within the deadlines set out in the notice of initiation. In this respect, 21 companies requested MET pursuant to Article 2(7) of the basic Regulation, and 3 companies requested only IT pursuant to Article 9(5) of the basic Regulation.
- (9) The selection of the sample for the exporting producers was made after consultation of the PRC cooperating exporting producers and of the authorities of the PRC. The sample of the exporting producers was established on the basis of the largest representative volume of exports to the Community (either examined individually or examined as a group of related companies), which could reasonably be investigated within the time available and on whether the companies intended to apply for Market Economy Treatment. Only companies that intended to apply for Market Economy Treatment were included in the sample, since in an economy in transition, normal value for other companies is established on the basis of prices or constructed normal value of an analogue third country. On this basis, a representative sample of seven exporting producers was selected. The seven companies sampled represented, according to the replies to the sampling exercise, around 50 % of all cooperating producers' exports.
- (10) Regarding the Community producers, in accordance with 17(1) of the basic Regulation, the sample was selected after consultation of the cooperating producers and with their consent on the basis of the largest representative volume of production and sales within the Community. As a result, five Community producers were selected in the sample. The Commission sent questionnaires to the five companies selected, and four complete replies were received within the set time-limits. One of these companies submitted its reply outside the extended time-limits set for this purpose and was therefore excluded from the proceeding.
- (11) As for the importers, in accordance with 17(1) of the basic Regulation, the sample was selected after consultation of the cooperating importers and with their consent on the basis primarily of the largest representative imported volume into the Community and secondarily of the geographical distribution. Out of the 15 companies, two were found to have related manufacturing parties in the PRC and were excluded from the sampling, as they should be investigated in the framework of the sampling for the exporting producers. As a result, four importers were selected, out of which three submitted complete questionnaire replies.
- (12) The Commission sought and verified all information it deemed necessary for the purpose of a preliminary determination of dumping, resultant injury and Community interest. Verification visits were carried out at the premises of the following sampled companies:
 - (a) *Community producers*
 - Saint Gobain PAM, France,
 - Saint Gobain, UK,
 - Norford France and to its related traders Norinco, France and Norinco, UK,
 - Cavanagh, Ireland,
 - Fudiciones Odena, Spain,

(b) *Exporting producers in the PRC*

- Zibo Benito Metalwork Co. Ltd.;
- Benito Tianjin Metal products Co. Ltd.;
- Qingdao Benito Metal Products Co. Ltd.;
- Shandong Huijin Stock Co. Ltd.;
- Shijiazhuang Transun Metal Products Co. Ltd.;
- Changan Cast Limited Company of Yixian Hebei;
- Shanxi Yuansheng Casting and Forging Industrial Co. Ltd.

(c) *Importers in the Community related to exporting producers*

- Fundicio Ductil Benito, S.L,
- Mario Cirino Pomicino S.p.A;

(d) *Unrelated importers in the Community*

- Hydrotec, Germany,
- Peter Savage, UK.

- (13) In light of the need to establish a normal value for exporting producers in the PRC to which MET might not be granted, a verification visit to establish normal value on the basis of data from an analogue country took place at the premises of the following company:

- Carnation industries Ltd., India.

- (14) The investigation of dumping and injury covered the period from 1 April 2003 to 31 March 2004 ('investigation period' or 'IP'). The examination of trends relevant for the assessment of injury covered the period from January 2000 to the end of the IP ('period under examination').

B. PRODUCT CONCERNED AND LIKE PRODUCT

1. General

- (15) Castings are generally comprised of a frame, which is embedded in the ground, and either a cover or a grate, which sits flush with any surface used by pedestrians and/or vehicles and which directly withstand the weight and impact of pedestrian and/or vehicle traffic. The frame is placed directly on top of a concrete or brick chamber top. It is used to give access and/or gain entry to an underground chamber.
- (16) Castings serve the purpose of covering an underground chamber and must bear load resistance of motored vehicles and/or pedestrian traffic. The cover or grate is required to remain secure within the frame in order to avoid noise pollution, human injury and vehicle damage. Castings must allow for safe and easy access to the underground chamber, may it be for the purpose of man entry or visual inspection.
- (17) Castings vary in shape and dimensions. They are designed to match the dimensions of the chamber which they cover and provide access to. The frames of the product are normally circular, square or rectangular. Cover and grates are available in any shape including but not limited to triangular, circular, square or rectangular.

- (18) Castings are made of grey or ductile iron. They are produced from varying amounts of steel scrap, coke, pig iron, carbon dust, limestone, ferro-silicon and magnesium dependent upon the manufacturing process and the type of end product, i.e. ductile or grey. There are two methods used to melt the iron during the production of castings, i.e. using either an electric furnace or a cupola. The production process is similar for castings made out of grey or ductile iron. The main difference in the ductile production process is that magnesium is added to the carbon in the iron to change it from a flake form to spheroidal structure, while this is not done for grey iron. Once the melting process is complete, the melted iron is either hand poured or mechanically poured into a mould.

2. Product concerned

- (19) The product concerned is certain articles of non-malleable cast iron of a kind used to cover and/or give access to ground or sub-surface systems, and parts thereof, whether or not machined, coated or painted or fitted with other materials originating in the PRC ('the product concerned'), normally declared within CN codes 7325 10 50 and 7325 10 92 and occasionally declared within CN code 7325 10 99. These CN codes correspond to the different presentations of the product (including manhole covers, gully tops and surface boxes). All these presentations were found to be sufficiently similar for them to constitute a single product for the purpose of the proceeding. It should be noted that sub-surface fire hydrants are deemed materially different from a surface box, due to their use and construction, and are therefore not considered the product concerned.
- (20) The production of castings in the PRC uses predominantly cupolas, whilst the Community industry predominantly uses electric furnaces during the melting process. Further, the production process in the PRC differs to that of the EU in that producers in the PRC use mainly hand pouring whereas the EU producers employ machine pouring. Castings are made of grey or ductile iron. They are produced from varying amounts of steel scrap, coke, pig iron, carbon dust, limestone, ferro-silicon and magnesium dependent upon the manufacturing process and the type of end product, i.e. ductile or grey. There are two methods used to melt the iron during the production of castings, i.e. using either an electric furnace or a cupola. The production process is similar for castings made out of grey or ductile iron. The main difference in the ductile production process is that magnesium is added to the carbon in the iron to change it from a flake form to spheroidal structure, while this is not done for grey iron. Once the melting process is complete, the melted iron is either hand poured or mechanically poured into a mould. Both grey and ductile castings are produced in the PRC.
- (21) The differences between grey and ductile iron are that grey iron is made of flake graphite; this produces a more rigid material and ultimately mass secures the casting in place. Ductile iron is spheroidal graphite producing a more flexible product which has more ergonomic features but needs to be secured in place by a locking device.
- (22) The investigation has shown, as mentioned above, that all types of castings despite the differences in terms of grey or ductile iron, have the same basic physical, chemical and technical characteristics, they are basically used for the same purposes and can be regarded as different types of the same product.
- (23) Therefore, for the purpose of this investigation the product concerned is castings, as described in the general part, originating in the PRC.

3. Like product

- (24) No differences were found between the product concerned and castings produced and sold in India, which served as analogue country for the purpose of establishing normal value with respect of the PRC.
- (25) No differences were found between the product concerned and the castings produced and sold in the Community by the Community industry.

- (26) Certain parties argued that castings produced by the Community industry and sold on the Community market were not alike to the product concerned. They claimed in particular that norms used at European level are specified by EN124 standards and that national norms cover EN124 but usually stipulate further details thus creating distinct differences between products sold on each national market. Additionally certain parties claimed in particular that they distribute the so-called gatic product, a commercial alternative to standard road covers which is used in a discrete niche market where engineering project specifications demand high performance standards. They argued that this product is a complementary product to the standard product, and cannot be seen as a substitute. It was therefore requested to exclude the gatic product from the definition of the product concerned.
- (27) With regards to the first argument, it has to be noted that when sold on the Community market, both the like product and the product concerned need to comply with EN124 standards and national norms. This thus determines the criteria to be applied in the determination of the 'like product', which are the physical, technical and chemical characteristics, and end uses or functions of the product. Castings produced by the Community industry and sold on the Community market are made of grey iron or ductile iron and were found to have the same basic physical and technical characteristics and uses as the product concerned. Similarly, the differences in terms of national norms have no incidence on the definition of the like product, as no clear distinction can be made between the products in relation to their basic physical, technical and chemical characteristics, to the end use and to the perception of users. Regarding the physical and technical characteristics of the product, they are determined by function, installation and location, and are mainly the traffic load resistance determined by the so-called loading class, the cover and grate stability within the frame and the safe and easy access. The product can be grey or ductile cast iron and the cover and/or the frame of manhole can be filled with concrete or other materials. As for the uses of the product, castings cover and frames provide an interface between buried networks and the road or pavement surface. All of the above characteristics also apply to the so-called gatic product, which can not be distinguished from the product concerned of any of them. The argument for excluding the gatic product from the product concerned was therefore rejected.
- (28) Finally, no differences were found between the product concerned as exported and castings, which were produced and sold on the exporters' domestic market.
- (29) It is therefore concluded that, in accordance with Article 1(4) of the basic Regulation and for the purpose of this investigation, all types of castings produced and sold on the domestic market of the PRC, those produced and sold in India and those produced and sold by the Community industry on the Community market are alike to the product concerned.

C. DUMPING

1. Sampling

- (30) It is recalled that in view of the large number of companies involved, it was decided to make use of the provisions for sampling pursuant to Article 17 of the basic Regulation, and that for this purpose, a sample of seven companies, with the largest export volumes to the EU was chosen, after consultation of the Chinese authorities.
- (31) In this respect, the analysis subsequently revealed that from the seven companies originally selected, MET pursuant to Article 2(7)(b) of the basic Regulation could be granted to one company, and that IT pursuant to Article 9(5) of the basic Regulation could be granted to three of the sampled companies.
- (32) The provisions on sampling have therefore been applied as follows. The individual dumping margin established for the sole company to which MET was granted, was also attributed to the non-sampled companies being granted MET. The companies to which IT was granted and which were not sampled were granted the weighted average of the dumping margins found for the three sampled companies which were granted IT.

2. Market economy treatment

- (33) Pursuant to Article 2(7)(b) of the basic Regulation, in anti-dumping investigations concerning imports originating in the PRC, normal value shall be determined in accordance with paragraphs 1 to 6 of Article 2 for those producers which were found to meet the criteria laid down in Article 2(7)(c) of the basic Regulation.
- (34) Briefly, and for ease of reference only, the MET criteria are set out in summarised form below:
1. Business decisions and costs are made in response to market conditions and without State interference;
 2. Accounting records are independently audited in line with international accounting standards and applied for all purposes;
 3. There are no significant distortions carried over from the former non-market economy system;
 4. Legal certainty and stability is provided by bankruptcy and property laws;
 5. Currency exchanges are carried out at the market rate.
- (35) In the present investigation, 21 exporting producers in the PRC made themselves known and requested MET pursuant to Article 2(7)(c) of the basic Regulation. Each MET application was analysed. In view of the large number of companies concerned, on-spot investigations were carried out only at the premises of seven companies. For the remaining companies, a detailed desk analysis of all information submitted was carried out, and an extensive exchange of correspondence took place with the companies concerned, where elements in their submission were missing or unclear. Where a subsidiary or any other company related to the applicant in the PRC is a producer and/or involved in sales (exports or domestic) of the product concerned, the related party was also invited to complete the MET claim form. Indeed, MET can be granted only if all related companies meet the criteria set above.
- (36) As regards the companies for which on-spot investigations were carried out, the investigation revealed that one of the seven Chinese exporting producers fulfilled all the conditions for MET. The remaining six applications had to be rejected on the grounds enumerated in the table below.
- (37) As regards the remaining 14 companies, the analysis carried out individually for each company concluded that MET should not be granted to 10 companies. Three out of these 10 companies did not properly cooperate in the investigation, either because they did not provide in due time the requested information or because they were a trader and the related manufacturing companies did not cooperate. For the other 7 out of these 10 companies, the criteria not met are also set out in the table below. The remaining 4 companies could successfully demonstrate that they met the five relevant MET criteria.
- (38) The following table summarises the determination for each company not granted MET, against each of the five criteria as set out in Article 2(7)(c) of the basic Regulation. It should be noted that although company 3 met each criteria individually, it cannot be granted MET on the grounds of its corporate relationship with companies 1 and 2 listed below that did not fulfil all MET criteria.

Company	Criteria				
	Article 2(7)(c) indent 1	Article 2(7)(c) indent 2	Article 2(7)(c) indent 3	Article 2(7)(c) indent 4	Article 2(7)(c) indent 5
1	Not met	Not met	Not met	Met	Met
2	Not met	Not met	Not Met	Met	Met
3	Met	Met	Met	Met	Met
4	Not met	Met	Not met	Met	Met
5	Not met	Not met	Met	Met	Met
6	Not met	Not met	Not met	Met	Met
7	Met	Not met	Not met	Met	Met
8	Not met	Not met	Met	Met	Met
9	Not met	Not met	Met	Met	Met
10	Not met	Not met	Met	Met	Met
11	Not met	Not met	Met	Met	Met
12	Met	Met	Not met	Met	Met
13	Not met	Met	Met	Met	Met

Source: verified questionnaire replies of cooperating Chinese exporters.

(39) On this basis, the exporting producers in the PRC which obtained MET are the following:

1. Shijiazhuang Transun Metal Products Co. Ltd.
2. Shaoshan Huanqiu Castings Foundry
3. Fengtai Handan Alloy Casting Co. Ltd.
4. Shanxi Jiaocheng Xinglong Casting Co. Ltd.
5. Tianjin Jinghai Chaoyue Industrial and Commercial Co. Ltd.

3. Individual treatment

- (40) Further to Article 2(7)(a) of the basic Regulation, a country-wide duty, if any, is established for countries falling under Article 2(7), except in those cases where companies are able to demonstrate that they meet all criteria set out in Article 9(5) of the basic Regulation for receiving individual treatment.
- (41) The 21 exporting producers which requested MET, also claimed individual treatment in the event of not being granted MET. Three additional exporting producers requested only individual treatment.
- (42) Firstly, as regards the 16 companies that claimed but failed to obtain MET, it was found that 5 companies met all the requirements for IT set forth in Article 9(5) of the basic Regulation. As far as the other companies are concerned, 3 companies did not properly cooperate in the investigation, either because they did not provide in due time the requested information or because they were a trading company and the related manufacturing companies did not cooperate, as already indicated at recital 37 above.

- (43) The 8 remaining companies that claimed but failed to obtain MET did not fulfil the criterion as set out under Article 9(5)(c), first sentence, of the basic Regulation. As a consequence, these companies cannot be granted IT.
- (44) Secondly, from the three companies that only requested IT, two stopped cooperating at an early stage of the proceeding. The third applicant was found to be a trading company, and its related manufacturing companies did not cooperate. These three companies cannot therefore be granted IT.
- (45) It is concluded that IT should be granted to the following 5 companies:
1. Shandong Huijin Stock Co. Ltd.
 2. Changan Cast Limited Company of Yixian Hebei
 3. Shanxi Yuansheng Casting and Forging Industrial Co. Ltd. and its related company Shanxi Yuansheng Industrial Co. Ltd.
 4. Botou City Simencum Town Bai fo Tang Casting Factory
 5. Hebei Shunda Foundry Co. Ltd.
- (46) A number of exporting producers contested the determination of MES/IT. However, these parties did not submit any new information which would lead to different conclusions in this respect. Consequently, these claims were rejected.

4. Normal value

4.1. Determination of normal value for the exporting producer granted MET

- (47) The Commission first established whether total domestic sales of this exporting producer were representative in comparison with its total export sales to the Community. In accordance with Article 2(2) of the basic Regulation, domestic sales of the like product were considered representative when their total volume was at least 5 % of the total sales volume of the product concerned to the Community.
- (48) It was found that the domestic sales of this exporting producer represented much less than 5 % of the corresponding export volume to the Community.
- (49) Consequently, in accordance with Article 2(3) of the basic Regulation, normal value was constructed by adding to the exporter's manufacturing costs of the exported types, a reasonable amount for selling, general and administrative expenses ('SG&A') and a reasonable margin of profit. In the absence of another company being granted MET in the PRC in this particular case, it was decided to make use of the SG&A and profit determined in the analogue country pursuant to Article 2(6)(c) of the basic Regulation. Beforehand, the Commission verified that the amount for profit so established was reasonable and did not exceed the profit realised by the producer granted MET on its domestic sales.

4.2. *Determination of normal value for the exporting producers not granted MET*

(a) *Analogue country*

- (50) Pursuant to Article 2(7) of the basic Regulation, normal value for companies to which MET could not be granted, was established on the basis of the prices or constructed value in an analogue country. In the notice of initiation, the Commission indicated its intention to use Norway as an appropriate analogue country for the purpose of establishing normal value for the PRC and interested parties were invited to comment on this. A number of exporting producers in the PRC and importers in the Community objected to this proposal and made substantiated submissions showing that Norway was not an adequate analogue country and that India should be chosen instead. After investigation, the Commission services found that in terms of variety of product types, volume of domestic sales, competition on the domestic market, access to raw materials and production process, India was indeed a more appropriate analogue country to the PRC than Norway. All interested parties were informed of this determination and no objections were raised from any side. The Commission therefore sought and found full cooperation from one producer in India.

(b) *Determination of normal value*

- (51) Pursuant to Article 2(7)(a) of the basic Regulation, normal value for the exporting producers not granted MET was established on the basis of the verified information received from a producer in a market economy third country, i.e. on the basis of prices paid or payable on the domestic market of India. It was verified that these transactions were (i) in the ordinary course of trade and (ii) were representative, in accordance with the methodology set out in recital 47. The investigation showed certain differences in the production process between Indian and Chinese manufacturers, in that the latter use less sophisticated equipment and require less use of energy. The Indian domestic selling prices were therefore adjusted downwards by an amount which reflects these differences. Where necessary, those prices were adjusted so as to ensure a fair comparison with those product types exported to the Community by the Chinese producers concerned.
- (52) As a result, normal value was established as the weighted average domestic sales price to unrelated customers by the cooperating producer in India.

5. **Export price**

- (53) In those cases where the product concerned was exported to independent customers in the Community, the export price was established in accordance with Article 2(8) of the basic Regulation, namely on the basis of export prices actually paid or payable. This was the case for the three sampled companies granted IT.
- (54) In the case where export sales to the Community were made via a related importer, the export price was constructed on the basis of the resale prices of this related importer to its first independent customers, in accordance with Article 2(9) of the basic Regulation. Adjustments were made for all costs incurred between importation and resale by that related importer, including SG&A expenses, and a reasonable profit margin. This was the case for the sole company granted MET and for the three sampled companies not granted MET or IT.

6. **Comparison**

- (55) The normal value and export prices were compared on an ex-works basis. 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 affecting prices and price comparability in accordance with Article 2(10) of the basic Regulation. Appropriate adjustments concerning transport and insurance, credit, commission and bank charges were granted in all cases where they were found to be reasonable, accurate and supported by verified evidence.

- (56) It was found that a lower level of VAT is reimbursed on export sales than that which is reimbursed for domestic sales. To take account of this difference, export prices were adjusted on the basis of the difference in the reimbursed VAT levels between export and domestic sales, i.e. 2 % in 2003 and 4 % in 2004.

7. Dumping margin

7.1. For the cooperating exporting producers granted MET/IT

(a) MET

- (57) For the sole sampled company granted MET, the weighted average normal value for each type exported to the Community was compared with the weighted average export price of the corresponding type of the product concerned exported to the Community, as provided for under Article 2(11) of the basic Regulation.
- (58) The 4 companies which were granted MET, but which were not selected in the sample, were attributed the dumping margin established for the above sampled company, in accordance with Article 9(6) of the basic Regulation.

(b) IT

- (59) For the three sampled companies granted IT, the weighted average normal value established for the analogue country was compared with the weighted average export price to the Community, as provided for under Article 2(11) of the basic Regulation.
- (60) The 2 non-sampled companies which were granted IT receive a dumping margin set at the level of the weighted average margin of dumping established for the above sampled companies that were granted IT.
- (61) On this basis, the individual dumping margins expressed as a percentage of the CIF value at the Community frontier price duty unpaid are:

Shijiazhuang Transun Metal Products Co. Ltd.	0,0 %
Shaoshan Huanqiu Castings Foundry	0,0 %
Fengtai Handan Alloy Casting Co. Ltd.	0,0 %
Shanxi Jiaocheng Xinglong Casting Co. Ltd.	0,0 %
Tianjin Jinghai Chaoyue Industrial and Commercial Co. Ltd.	0,0 %
Shanxi Yuansheng Casting and Forging Industrial Co. Ltd.	18,6 %
Botou City Simencum Town Bai fo Tang Casting Factory	28,6 %
Hebei Shunda Foundry Co. Ltd.	28,6 %
Changan Cast Limited Company of Yixian Hebei	31,8 %
Shandong Huijin Stock Co. Ltd.	37,9 %

7.2. Countrywide dumping margin

- (62) In order to establish the countrywide dumping margin applicable to all other exporters, the Commission first established the level of cooperation. To this end, the following ratio was calculated. The numerator is the export volume to the Community of cooperating companies that were granted neither MET nor IT. The denominator is the total export volume originating in the PRC to the Community based on Eurostat, less the export volumes of companies granted MET and IT. On this basis, it was established that the level of cooperation stood at 22 %, which is considered a low level, even for a fragmented industry like the one of the product concerned.

- (63) The countrywide dumping margin for the export volume of other exporting producers was determined as follows:
- (64) For the export volume of non-cooperating companies, the level of dumping was determined on the basis of the two product categories with the highest margins established for the sampled exporting producers that were granted neither MET nor IT.
- (65) The cooperating companies that were granted neither MET nor IT receive, for the purpose of the current computation exercise, a notional individual margin following the methodology established under recital 55.
- (66) Finally, the country wide dumping margin was calculated based on the above notional individual margins by using, as a weighing factor, the CIF value of each group of exporters, i.e. cooperating and non-cooperating.
- (67) On this basis the countrywide level of dumping was established at 47,8 % of the CIF Community frontier price duty unpaid.

D. COMMUNITY INDUSTRY

(a) Community production

- (68) In the course of the investigation it was found that castings have been manufactured by the 4 complainant Community producers selected in the sample and by 5 other Community producers supporting the complaint.

(b) Definition of the Community industry

- (69) The complainant Community producers together with the Community producers supporting the complaint, which responded to the sampling exercise and cooperated with the investigation, account for more than 60 % of Community production of the like product. They are therefore deemed to constitute the Community industry within the meaning of Article 4(1) of the basic Regulation.
- (70) One complainant company stopped cooperating immediately, after initiation of the investigation. Another company selected for the sample, submitted its reply outside the relevant time-limit. One company supporting the complaint withdrew its support immediately after initiation. Consequently, these three companies were not included in the definition of Community industry.
- (71) Certain parties argued that the two main complaining companies should be excluded from the definition of the Community industry as they imported massive quantities of castings originating in the PRC. In this respect, it should be firstly noted that, whereas it is indeed a long standing practice that importing Community producers should be excluded from the Community industry if they are either shielded from dumping or benefiting from it, they are not excluded if it is found that the Community producers were forced to have a temporary and very limited recourse to imports, because of the depressed price situation in the Community market. In this case, the total imports of these two companies during the IP were below 3,5 % of their respective total production and were limited to certain regions in the Community particularly depressed by the Chinese dumped imports. Given the small quantities at stake, the two Community producers can be considered part of the definition of the Community industry within the meaning of Article 4(1) of the basic Regulation. On this basis, the argument was rejected.

E. INJURY**(a) Preliminary remarks**

- (72) In view of the fact that sampling had been used with regard to the Community industry, injury has been assessed on the basis of the information collected. Trends concerning production, capacity and utilisation of capacity, productivity, sales, market share, employment and growth were assessed at the level of the Community industry. In this respect, additional information was requested from all cooperating Community producers, through a questionnaire sent to all non-sampled cooperating Community producers. In total, five non-sampled companies replied and their information was taken into account. As for the others, they were excluded from the proceeding as non-cooperating. Trends concerning prices and profitability, cash flow, ability to raise capital and investments, stocks, returns on investments and wages were analysed on the basis of the information collected at the level of the sampled Community producers.
- (73) The analysis of the injury has shown that the penetration of dumped imports was not even within the Community market. While the penetration of dumped imports was high in fourteen Member States, the French market was not as yet targeted by dumped imports. At the same time the weighting factor of the two sampled French producers in the overall situation of the Community industry was particularly high as their production and sales of castings in France represented approximately 36 % of the total production and total sales volume of the Community industry. In view of this particular situation, it was considered appropriate together with the injury analysis for the Community industry as a whole, to present an analysis of the trends of certain indicators for the targeted Community market, i.e. the Community market without France (EU-14).

(b) Apparent Community consumption

- (74) Apparent consumption of castings in the Community was established on the basis of the production figures for the cooperating producers and the production of the other Community producers and by adding imports and deducting exports, using data derived from Eurostat and information provided by the complainant regarding the market size of each member State and its evolution throughout the period under examination.
- (75) On the above basis, the apparent consumption of castings on the Community market, with the exception of a slight decrease in 2002, remained rather stable around 580 thousand tonnes throughout the period under examination. The market of castings depends on the demand influenced by the relative dynamism in the sewage or water sector which is reliant with the overall economical development in each member State.

Apparent consumption in the Community	2000	2001	2002	2003	IP
Tonnes	584 000	597 000	568 000	577 000	578 750
Index 2000 = 100	100	102	97	99	99

Source: Questionnaire replies of the Community industry, complaint, Eurostat.

(c) Volume of the imports from the country concerned and market share

- (76) The volume of dumped imports of the product concerned originating in the PRC was derived by deducting from Eurostat figures the volumes of non-dumped imports. The volume of dumped imports grew up from 122 511 tonnes in 2000 to 179 755 tonnes in the IP, representing a sharp increase of 47 %.

	2000	2001	2002	2003	IP
Volume of imports (tonnes)	122 511	149 329	163 135	181 400	179 755
Index 2000 = 100	100	122	133	148	147

- (77) During the period under examination, the dumped imports from the PRC continuously increased their share of the Community market from 21,0 % in 2000 to 31,1 % in the IP. Therefore, there has been a significant increase in dumped imports in both absolute terms and relative to the Community consumption (more than 10 percentage points) over the period under examination.

	2000	2001	2002	2003	IP
Market share	21,0 %	25,0 %	28,7 %	31,4 %	31,1 %

(d) Apparent consumption in EU-14

- (78) Apparent consumption of castings in EU-14 was established on the same basis as consumption for the whole of the Community and by deducting the consumption in France. The apparent consumption of castings in the EU-14 remained stable slightly above 460 thousand tonnes throughout the period under examination.

Apparent consumption in the Community	2000	2001	2002	2003	IP
Tonnes	464 000	480 000	458 000	462 000	462 500
Index 2000 = 100	100	103	99	100	100

Source: Questionnaire replies of the Community industry, complaint, Eurostat.

(e) Volume of the imports from the country concerned and market share in the EU-14

- (79) The volume of dumped imports of the product concerned originating in the PRC was established by deducting from the Eurostat figures on total import volumes from the PRC the volumes of non-dumped imports and the volumes of imports of France. The latter deduction was considered sufficient to correctly reflect the dumped imports into the EU-14, since according to the information submitted by the complainant producers no significant volumes of dumped imports have entered the French market. The volume of dumped imports grew from 119 818 tonnes in 2000 to 171 946 tonnes in the IP, representing a sharp increase of 44 %.

	2000	2001	2002	2003	IP
Volume of imports (tonnes)	119 818	145 509	158 323	172 886	171 946
Index 2000 = 100	100	121	132	144	144

- (80) During the period under examination, the dumped imports from the PRC increased their share of the EU-14 market from 25,8 % in 2000 to 37,2 % in the IP. The increase in market share is slightly higher than the one observed at total Community level over the period under examination.

	2000	2001	2002	2003	IP
Market share	25,82 %	30,31 %	34,57 %	37,42 %	37,18 %

(f) Prices of the dumped imports and price undercutting

(i) Import prices

- (81) Price information for the imports concerned which was based on the import volumes and values derived from Eurostat data, showed that between 2000 and the IP, the average CIF prices of imports originating in the PRC decreased by 11 %. The decrease was particularly steep in 2003 and the IP.

	2000	2001	2002	2003	IP
Prices in EUR/tonne	548	560	531	486	489
Index 2000 = 100	100	102	97	89	89

Source: Eurostat.

(ii) Price undercutting and price depression

- (82) For the purpose of calculating the level of price undercutting in the IP, the prices of the like product sold by the sampled Community industry producers were compared to the prices of dumped imports of the cooperating exporting producers sold on the Community market during the IP on the basis of weighted average prices per product type of castings, net of all rebates and taxes to unrelated customers. The prices of the Community industry were adjusted to an ex-works basis. The prices of the imports concerned used were on a CIF basis with an appropriate adjustment for the customs duties and post importation costs.
- (83) A certain number of cooperating importers argued that the Community producers sales of the product concerned through public tenders should be excluded from the undercutting calculations as sales to public authorities may include services and guarantees as well as other additional costs which render the products sold through a tendering procedure objectively different from the products sold through normal trade negotiation. In this respect, it should be firstly noted that this claim was not substantiated by evidence showing the difference in prices resulted from tenders and other trade negotiations. Moreover, the sales through public tenders of the sampled cooperating Community producers during the IP represented a very low percentage in volumes and as such they could not have a significant impact on the undercutting calculations. On this basis, the claim was rejected.
- (84) The elements taken into account in defining the product types were mainly the raw material used for the product concerned (grey cast or ductile iron with or without added concrete), its use (manhole covers, gully tops or surface boxes), its dimensions and different accessories and its conformity with the EN124 European standards.
- (85) This comparison showed that during the IP, the products concerned originating in the PRC were sold in the Community at prices which significantly undercut the Community industry's prices, when expressed as a percentage of the latter, by margins ranging from 31 % to 60 %.

(g) Economic Situation of the Community industry

- (86) Pursuant to Article 3(5) of the basic Regulation, the Commission examined all relevant economic factors and indices having a bearing on the state of the Community industry from 2000 to the IP.

(i) *Production capacity, production, capacity utilisation*

- (87) The Community industry's production capacity increased slightly during the period under examination reflecting a restructuring of the existent capacity rather than an increase due to new investments. Over the same period, the Community industry decreased its production by 7 percentage points and its capacity utilisation rate by more than 8 percentage points.

	2000	2001	2002	2003	IP
Production capacity in tonnes	295 287	295 987	302 487	303 487	303 487
Index 2000 = 100	100	100	102	103	103
Production in tonnes	244 983	236 042	211 495	217 151	227 100
Index 2000 = 100	100	96	86	89	93
Production capacity utilisation rates	83,0 %	79,7 %	69,9 %	71,6 %	74,8 %

Source: Questionnaire replies of the Community industry.

- (88) In EU-14, the production capacity of the Community industry recorded a similar increase to the one recorded at Community level. However, its production and production capacity utilisation decreased more steeply by 14 percentage points.

	2000	2001	2002	2003	IP
Production capacity in tonnes	188 287	188 987	191 737	191 987	191 987
Index 2000 = 100	100	100	102	102	102
Production in tonnes	169 749	168 624	140 969	140 834	145 819
Index 2000 = 100	100	99	83	83	86
Production capacity utilisation rates	90,2 %	89,2 %	73,5 %	73,4 %	76,0 %

Source: Questionnaire replies of the Community industry.

(ii) *Sales volume, market share and growth*

	2000	2001	2002	2003	IP
Sales in tonnes	249 053	237 632	211 706	221 250	224 545
Index 2000 = 100	100	95	85	89	90
Market share	42,6 %	39,8 %	37,3 %	38,3 %	38,8 %

- (89) The Community industry decreased its sales volume by 10 % and subsequently its market share went down by 3,8 percentage points over the period under examination, while the dumped imports increased their volume by 47 % and their market share by 10,1 %.

- (90) In the EU-14, the Community industry suffered a higher loss in market share (5,4 %) as its sales decreased significantly (– 17 %) over the period under examination.

	2000	2001	2002	2003	IP
Sales in tonnes	151 987	143 367	123 504	126 896	126 492
Index 2000 = 100	100	94	81	83	83
Market share	32,76 %	29,87 %	26,97 %	27,47 %	27,35 %

(iii) *Employment and Productivity*

- (91) The level of employment of the Community industry decreased over the period under examination by 13 %. The productivity of the Community industry as measured by tonnes produced annually per employee increased from 133 tonnes in 2000 to 141 tonnes in the IP. This increase in output per person is mainly attributed to the efforts of the Community industry to rationalise its production and to cope with the raising dumped imports.

	2000	2001	2002	2003	IP
Number of employees	1 843	1 783	1 721	1 657	1 610
Index 2000 = 100	100	97	93	90	87
Productivity: production/employee	133	132	123	131	141

Source: Questionnaire replies of the Community industry.

- (92) Similarly the level of employment of the Community industry in EU-14 decreased over the period under examination, however, more steeply as it recorded a decrease of 16 %. Its productivity increased from 132 tonnes in 2000 to 135 tonnes in the IP.

	2000	2001	2002	2003	IP
Number of employees	1 290	1 238	1 187	1 128	1 084
Index 2000 = 100	100	96	92	87	84
Productivity: production/employee	132	136	119	125	135

Source: Questionnaire replies of the Community industry.

(iv) *Stocks*

- (93) The stock levels of the Community industry increased by 16 % during the period under examination. The build-up of stocks reflects the sales level reduction at a faster pace than that of the production level.

	2000	2001	2002	2003	IP
Inventories	33 815	36 964	37 510	37 455	39 375
Index 2000 = 100	100	109	111	111	116

(v) *Sales prices and factors affecting domestic prices*

- (94) The sampled Community industry producers' average net sales price remained practically stable. This stability does not however reflect the significant increase of 34 % in the steel scrap price, the main costing element in the cost of production of the product concerned between 2002 and the IP. In this respect, it should be noted that every change in the steel scrap price is directly and fully reflected in the cost of production of the product concerned since this is the main input in its production process. The Community industry could not therefore let pass this increase into the selling prices, which would have been reasonably expected in the absence of dumped imports putting pressure on them and given that the average import prices from other countries were substantially higher than those from the PRC.

	2000	2001	2002	2003	IP
Average selling price (EUR/tonne)	1 131	1 157	1 153	1 141	1 153
Index 2000 = 100	100	102	102	101	102

Source: Questionnaire replies of the sampled Community industry.

- (95) Similar stability was observed for the average net sales price of the Community industry producers' in EU-14.

	2000	2001	2002	2003	IP
Average selling price (EUR/tonne)	1 056	1 070	1 053	1 031	1 048
Index 2000 = 100	100	101	100	98	99

Source: Questionnaire replies of the sampled Community industry.

(vi) *Profitability*

- (96) The sampled Community industry producers' return on net sales in the Community market to unrelated customers, before taxes, decreased from 12,1 % in 2000 to 9,9 % in the IP representing a drop of 18 percent over the period under examination. This decrease was even sharper until the year 2002. Since then the profitability developed rather positively showing at first sight a certain capacity of the Community industry to recover from a difficult financial situation. In this respect, it should be noted that the same trend was observed in several indicators, such as the production, capacity utilisation, productivity and sales volume.

	2000	2001	2002	2003	IP
Profitability	12,1 %	10,5 %	8,1 %	9,4 %	9,9 %
Index 2000 = 100	100	87	67	78	82

Source: Questionnaire replies of the sampled Community industry producers.

- (97) The profitability in the EU-14 decreased from 9,4 % in 2000 to 5,3 % in the IP representing a drop of 44 indexed points over the period under examination. Although it showed a positive development after 2002, its profitability did not recover to levels similar to the one achieved in 2000 which are considered appropriate for this type of industry.

	2000	2001	2002	2003	IP
Profitability	9,4 %	5,9 %	1,0 %	4,3 %	5,3 %
Index 2000 = 100	100	63	11	46	56

Source: Questionnaire replies of the sampled Community industry producers.

(vii) *Investments and return on investments*

- (98) The level of investments in the production of the product concerned made by the sampled Community industry producers decreased by half during the period under examination from EUR 12 million to approximately EUR 6 million.
- (99) The sampled Community industry producers' return on investment, which expresses their pre-tax result as a percentage of the average opening and closing net book value of assets employed in the production of the product concerned, was positive during the period 2000 to 2001, reflecting their declining profit making situation. As for the period after 2001, similarly as with the profitability, whereas a decrease was observed in 2002, this was subsequently recovered in 2003 and the IP.

	2000	2001	2002	2003	IP
Investments in EUR 000	12 091	10 989	6 497	6 496	6 124
Index 1999 = 100	100	91	54	54	51
Return on investments	32,4 %	29,0 %	23,7 %	30,1 %	33,9 %

Source: Questionnaire replies of the sampled Community industry.

(viii) *Ability to raise capital*

- (100) There were no indications that the Community industry as a whole encountered problems in raising capital for its activities.

(ix) *Cash flow*

- (101) The sampled Community industry producers recorded a declining net cash inflow from operating activities during the period under examination.

	2000	2001	2002	2003	IP
Cash flow in EUR 000	51 162	40 295	39 517	41 955	40 824
Index 2000 = 100	100	79	77	82	80
Cash flow expressed as percentage of turnover	19 %	16 %	17 %	18 %	17 %

Source: Questionnaire replies of the sampled Community industry producers.

- (102) Also in EU-14, the sampled Community industry producers recorded a declining net cash inflow from operating activities during the period under examination. However this decline was much steeper as was the decline in the net cash inflow expressed as a percentage to turnover (4 %) in relation to their activity in the whole Community.

	2000	2001	2002	2003	IP
Cash flow in EUR 000	23 869	18 081	13 468	15 724	15 556
Index 2000 = 100	100	76	56	66	65
Cash flow expressed as percentage of turnover	17 %	13 %	12 %	13 %	13 %

Source: Questionnaire replies of the sampled Community industry producers.

(x) *Wages*

- (103) Over the period under examination, the average wage per employee increased by 9 %. After remaining stable in 2000 and 2001, wages increased by 2 % in 2002 with a further increase of 5 % and 2 % being recorded in 2003 and the IP. However, taking into account the reduction in employment, the total wage bill of the sampled Community industry producers remained relatively stable over the period under examination.

	2000	2001	2002	2003	IP
Wages per employee in EUR	42 470	42 504	43 474	45 336	46 203
Index 2000 = 100	100	100	102	107	109

Source: Questionnaire replies of the sampled Community industry.

(xi) *Magnitude of dumping margin*

- (104) As concerns the impact on the Community industry of the magnitude of the actual margin of dumping, given the volume and the prices of the imports from the PRC, this impact is substantial.

(xii) *Recovery from past dumping*

- (105) The Community industry was not in a situation where it had to recover from past effects of injurious dumping.

(h) **Conclusion on injury**

- (106) The examination of the above-mentioned factors shows that between 2000 and the IP, the dumped imports increased sharply in terms of volume and market share. Indeed, their volume increased by 47 % during the period under examination and they achieved a market share of approximately 31 % in the IP. It is to be noted that they accounted for approximately 80 % of total imports of the product concerned into the Community in the IP, and they substantially undercut (up to a maximum of 60 %) the sales prices of the Community industry. Moreover, other injury indicators, such as production (– 7 %), capacity utilisation (– 10 %), sales in volume (– 10 %), investments (– 49 %) and employment (– 13 %) developed negatively over the period under examination.
- (107) At the same time the Community industry lost part of its market share. As a matter of fact, the imports concerned picked-up a three fold additional market share than that lost by the Community industry over the period under examination. Therefore, it can be reasonably concluded that the Chinese imports have taken over on top of the market share lost by the Community industry the market share from other European foundries which either have gone out of business, or have been converted into importers/traders.
- (108) The overall above negative picture was only partially reflected in the recorded profitability of the Community industry. Measured in absolute terms profits declined by 18 %. Profitability (profits as a percentage of sales revenue) went down from a level of 12,1 % to 9,9 %. Against substantial levels of undercutting, one might have expected greater injury. However, profitability measured on its own does not represent the complete picture.

- (109) The Community industry had a choice of competing head-on in price with the Chinese imports, or trying to maintain prices at or near their historical levels. The degree of price decrease that would have been needed to compete directly with dumped imports would clearly have been in excess of what Community producers would have contemplated if they were to remain profitable. Although, they reduced prices to some extent, they did not seek to match the prices of dumped imports. It follows that they accepted reduced volumes, and then sought to cut costs in order to compensate for the loss volume. Thus, profits as a percentage of sales revenue did not decline so sharply, but this was at the expense of a drop in sales volumes and a loss in market share.
- (110) Moreover, the isolated analysis of the situation in the EU-14 revealed that the relatively high profitability at global Community level, during the IP, was mainly due to the particularly good performance of certain sampled companies in the market of one Member State, i.e. France, where the penetration of dumped imports was limited. The financial situation of the sampled companies resulting from their operations in EU-14, where the penetration of dumped imports was particularly high, showed a clear negative trend and profitability levels were found to have fallen below 6 %. In the EU-14, the majority of injury indicators, such as production (– 14 %), capacity utilisation (– 14 %), sales in volume (– 17 %), investments (– 56 %), employment (– 16 %), cash flow (– 45 %) developed more negatively over the period under examination.
- (111) The Community industry as a whole lost market share during the period under examination at a time when the dumped imports increased substantially, both in terms of volumes and market share. Confronted with the increasing pressure from the dumped imports, the Community industry opted for improving its productivity by decreasing its employment. At the same time they had to decrease investments, which fell sharply. This was reflected in the development of certain indicators over the period under examination. Indeed, profitability, likewise sales, and production in volume after a sharp drop in the period 2000 to 2002 developed rather positively until the IP. With regard to the first period, it can be reasonably assumed that the escalating pressure from the steadily increasing dumped imports led to a lower level of activity and results for the Community industry. As for the second period, the relative improvement of these indicators shows the efforts of the Community industry to counteract the negative effects of the dumped imports on its short term financial situation by streamlining production facilities increasing thus capacity utilisation and by reducing investments and employment lowering thus production costs. This nevertheless endangers its long-term financial health since it is losing market share and renounces to investments necessary to maintain and even improve its long-term productivity and competitiveness.
- (112) In the light of the foregoing, and albeit the fact that the French market appears not as yet to have been aggressively targeted by the dumped imports, it can be concluded that the Community industry as a whole has suffered material injury. It has suffered severe price pressure, it has lost sales volumes (– 10 %), market share (– 3,8 %) and has been forced to cut production (– 7 %). It has retained a certain level of profitability, but not a level which enables investment for the long term to take place. Its overall situation has shown signs of severe degradation. On that basis it is concluded that the Community industry has suffered material injury within the meaning of Article 3(5) of the basic Regulation.

F. CAUSATION

(a) Introduction

- (113) In order to reach its conclusions on the cause of injury faced by the Community industry and in accordance with Article 3(6) and (7) of the basic Regulation, the Commission examined the impact of all known factors and their consequences on the situation in that industry. Known factors other than the dumped imports, which at the same time could be injuring the Community industry, were also examined to ensure that the possible injury caused by these other factors was not attributed to the dumped imports.

(b) Effects of the dumped imports

- (114) Over the period under examination, dumped imports from the PRC increased considerably in volume (47 %) and in market share (from 21,0 % in 2000 to 31,1 % in the IP).
- (115) The prices of the dumped imports were below those of the Community industry throughout the whole period under examination. Moreover, they exerted a pressure, which forced the Community industry to maintain its own prices practically stable, in spite of the substantial increase in the cost of raw materials. Prices of dumped imports originating in the PRC significantly undercut Community industry prices with undercutting margins ranging from 31 % to 60 %. In this regard, it should be noted that the castings market is a competitive and transparent market. Thus, price undercutting in a market with such characteristics is a detrimental factor that diverts trade towards Chinese dumped imports.
- (116) The effects of dumped imports can also be illustrated by the decision of numerous Community producers to discontinue their own production lines and become importers of castings.
- (117) Overall, between 2000 and the IP, the Community industry's loss of market share of 3,8 percentage points is totally absorbed by the increase in market share of dumped imports originating in the PRC.
- (118) The loss in market share experienced by the Community industry coincided with a number of other negative developments in its overall economic situation in terms of production, production capacity utilisation, sales, investment and employment.
- (119) Moreover, the Community industry experienced a decrease in its profitability which dropped from 12,1 % in 2000 to 9,9 % in the IP. These factors, coupled with the fact that the Community industry was not able to increase its prices in order to counteract the negative effect of the price increase of raw materials, due to the price pressure from the dumped imports, had the effect that in spite of rationalisations and improvement of its productivity, it found itself in an injurious situation. The expansion of the dumped imports market share and the drop in the prices coincided with the sharp change in the conditions for the Community industry.
- (120) A certain number of cooperating importers argued that whereas the increased volume of Chinese imports into the Community is a direct result of the growing demand for the product concerned, the market for the Community industry recorded a general negative trend due to the decline in demand of castings in the telecommunications market in 2002. This market reached its maximum development in the years before 2002, distorting thus the injury analysis, since the years 2000 and 2001 were exceptionally good. As for the period after 2002, an improvement has been registered in the results of the Community industry pointing to a healthy industry.
- (121) In this respect, it should be firstly noted that the investigation did not show a growing demand but rather a stable consumption against steadily increasing imports throughout the period under examination. Regarding the impact of the telecommunications market in 2002, this was not reflected in the Chinese imports of the product concerned which continued steadily growing at dumped prices. Furthermore, the claim was not substantiated with evidence. Finally, the investigation showed that the Community industry suffered material injury over the period under examination. On this basis, the above arguments were rejected.

(c) Effects of other factors*Imports from other third countries*

- (122) Import volumes from other third countries decreased from 70 600 tonnes in 2000 to 49 000 tonnes in the IP, their market share decreased from 12 % in 2000 to 8,5 % in the IP. Most of these imports originated in Poland, the Czech Republic and India. However, on the basis of Eurostat data, the average prices of castings imported from third countries were on average considerably higher than the corresponding prices of dumped imports originating in the PRC (from 12 % difference in 2000 they reached a 55 % difference in the IP). Moreover, on average, the prices from other countries increased by 16 percentage points over the period under examination. Therefore, these imports cannot have caused injury to the Community industry.

Performance of other Community producers

- (123) As regards the production and sales volumes of the other Community producers, they held a market share of around 18,5 % during the IP. During the period under examination, their sales have decreased steeply in terms of volume (21 %) and they have lost considerable market share (4,9 percentage points). No indication was found that the prices of other Community producers were lower than those of the cooperating Community industry. Therefore, it can be reasonably concluded that the products produced and sold by the other Community producers have not caused material injury to the Community industry.
- (124) No other factors, which could at the same time cause injury to the Community industry, were raised by interested parties or identified during the course of the investigation.

(d) Conclusion on causation

- (125) The vulnerable situation of the Community industry coincided with a sharp increase in imports from the PRC and a substantial price undercutting by these imports.
- (126) As to the imports from other third countries, in view of their declining market share over the period under examination and in view of the average prices which were found to be considerably higher than those of the dumped imports during the IP, it is concluded that these factors have not contributed to the injury suffered by the Community industry.
- (127) It is therefore concluded that the dumped imports originating in PRC have caused material injury to the Community industry within the meaning of Article 3(6) of the basic Regulation.

G. COMMUNITY INTEREST

- (128) In accordance with Article 21 of the basic Regulation, the Commission considered whether the imposition of the anti-dumping measures would be contrary to the interests of the Community as a whole. The determination of the Community interest was based on an examination of all the various interests involved, i.e. those of the Community industry, the importers and traders, and the users of the product concerned.
- (129) In order to assess the Community interest, the Commission carried out an investigation into the likely effects of the imposition/non-imposition of anti-dumping measures on the economic operators concerned. In addition to the Community producers and importers, the Commission requested information from all interested parties known to be concerned such as users and consumers associations.

(a) **Interest of the Community industry**

- (130) The Community industry is composed of large as well as small and medium-sized companies.
- (131) The imposition of measures is expected to prevent a further distortion of the market and a deterioration of prices. This would enable the Community industry to recover lost market share, while still selling at cost covering prices, which again will lead to lower unit costs due to higher productivity. In conclusion, it is expected that mainly the decrease in unit costs (due to a higher capacity utilisation and subsequently the higher productivity) and to a certain extent a slight price increase, will allow the Community industry to improve its financial situation, without distorting the consumers market.
- (132) On the other hand, should anti-dumping measures not be imposed, it is likely that the negative trend of the financial situation of the Community industry will continue. The situation of the Community industry is particularly marked in the IP by a loss of revenue due to depressed prices and further decreasing market share. Indeed, in view of the decreasing revenue, it is most likely that the financial situation of the Community industry will deteriorate further in the absence of any measures. This would ultimately lead to cuts in production and more closures of production sites, which would therefore threaten employment and investments in the Community.
- (133) Accordingly, it is concluded that the imposition of anti-dumping measures would allow the Community industry to recover from the injurious dumping.

(b) **Interest of unrelated importers/traders in the Community**

- (134) As mentioned in recital (11), 15 companies provided the information requested in the notice of initiation for selecting a sample within the time-limit set for this purpose. From these companies, a representative sample of four importers was selected. Questionnaires were sent to all four companies.

— sampled unrelated importers/traders in the Community

- (135) Out of the four sampled companies, one did not reply to the questionnaire and was therefore excluded from the proceeding. All other selected companies provided full and complete questionnaire replies. These companies accounted for 19 % of total imports of castings in volume originating in the PRC during the IP.
- (136) A certain number of cooperating importers claimed that one sampled importer should not have been selected as it is a subsidiary of another company, which is allegedly the largest individual customer of a complainant company, and a supplier of that complainant company. This alleged relationship was claimed to be sufficient to exclude this importer from the sample as it constitutes a conflict of interest. In this respect, it should be noted that the alleged relationship between that importer and the complainant company does not go beyond that of a commercial relationship between independent economic operators and as such could not justify a conflict of interest. Furthermore, the claim was not substantiated. This argument was therefore rejected.
- (137) They further argued that the imposition of measures would most likely have an impact on employment in the Community user industry and the importers. It was alleged that, since the latter have no margin to absorb any duty, they would be immediately forced out of business causing them to lay off their personnel at once. In addition, it was argued that there is a substantial increase in demand in the Community, especially account being taken of the 10 new Member States which in a process of rapid development will further boost it. In this context, the imposition of duties could also lead to a shortage in supplies on the European market and, consequently, a major price increase. Furthermore, the Community producers would then be free to control the market in the absence of any significant competition.

(138) In respect of the negative impact of measures on employment in the Community user industry and the importers, this was not substantiated. Regarding the negative impact for users in the Community, as stated below (140), no user or user association made itself known in the framework of the proceeding. Regarding the negative impact on importers, contrary to the allegations, the strong position established by them in the Community market reflects their healthy and steadfast situation rather than a frail state. Furthermore, it should be noted that the absorption of the duty would render void the very purpose of its imposition, which is to restore a fair playing field in the market found to be distorted from uncompetitive behaviour of operators having adopted dumping practices. As for the alleged shortage in supplies due to the increased demand of the 10 new Member States, it should be firstly noted that the Community industry does not produce at full capacity and therefore any shortage could be covered by increasing its capacity utilisation and reducing stocks. In addition, existing production in certain new Member States together with imports from third countries will continue to supply the market at reasonable prices contributing to a transparent and competitive environment.

(139) Therefore, it can be concluded that the likely effects of the imposition of anti-dumping measures on unrelated importers/traders would not be significant.

(c) Interest of users and consumers

(140) No user or consumer associations made themselves known within the time-limit set in the notice of initiation. Given the non-cooperation of these parties, it can be concluded that the imposition of any anti-dumping measure would not unduly affect their situation.

(d) Competition and trade distorting effects

(141) With respect to the effects of possible measures on competition in the Community, it appears likely that the exporting producers concerned will be able to continue to sell castings, albeit at non-injurious prices, as they have a strong market position. This taken with the large number of producers in the Community and imports from other third countries will ensure that users and retailers will continue to have a wide choice of different suppliers of castings at reasonable prices. A certain number of cooperating importers argued that the Community industry is not competitive and that it is characterised by the presence of local and regional markets which are dominated by monopolies/duopolies. They further submitted that one of the Community cooperating producers had been condemned in the past for an abuse of dominant position to impede the access of the product concerned to the French market.

(142) In this respect, it should be firstly noted that the argument concerning the alleged presence of local and regional markets, dominated by monopolies/duopolies, was not substantiated by any evidence and was therefore rejected. Concerning the decision on the abuse of dominant position, it refers to a situation in the past, fully outside the period under examination and to product outside the product scope of this investigation. In addition, a subsequent relevant decision within the period under examination on a complaint lodged by an importer against the same producer regarding its anti-competitive behaviour on the French market did not condemn the producer and the procedure was terminated. On this basis, the above argument was rejected.

(143) Thus, there will be an important number of actors in the market, which will be able to satisfy the demand. On the basis of the above, it is therefore concluded that competition will most likely remain strong after the imposition of anti-dumping measures.

(e) **Conclusion on Community interest**

- (144) In the light of the above, it is concluded that no compelling reasons exist against imposing measures in the present case and that the application of measures would be in the interest of the Community.

H. DEFINITIVE ANTI-DUMPING MEASURES

1. Injury elimination level

- (145) In view of the conclusions reached with regard to dumping, resulting injury, causation and Community interest, measures should be taken in order to prevent further injury being caused to the Community industry by the dumped imports.
- (146) For this purpose, first the import prices were compared with the Community industry's prices without making an adjustment for an adequate profit margin. The comparison was made with regard to comparable product types. The difference was expressed as a percentage of the corresponding export turnover. This analysis showed for all exporting producers' margins which were already above their dumping margins. Thus, in order to apply the lesser-duty-rule, it was not considered necessary to determine a profit margin which the Community industry could have achieved in the absence of dumped imports, as the corresponding injury margin would have been higher than the dumping margin.
- (147) In the light of the foregoing, it is considered that, in accordance with Article 7(2) of the basic Regulation, definitive anti-dumping duties should be imposed in respect of imports of castings originating in the PRC at the level of the dumping margins found as these would, in all cases, be lower than the injury margins.
- (148) The individual anti-dumping duty rate for the companies granted market economy status specified in this Regulation was established on the basis of the findings of the present investigation. Therefore, it reflects the situation found during that investigation with respect to these companies. These duty rates (as opposed to the countrywide duty applicable to 'all other companies') are thus exclusively applicable to imports of products originating in the PRC and produced by these companies and thus by the specific legal entities mentioned. Imported products produced by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to this specifically mentioned, cannot benefit from this rate and shall be subject to the countrywide duty.
- (149) Any claim requesting the application of an individual company anti-dumping duty rate (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for example, that name change or that change in the production and sales entities. If appropriate, the Regulation will accordingly be amended by updating the list of companies benefiting from individual duties.

(150) In view of the findings above, the anti-dumping duty rates are as follows:

Country	Company	Anti-dumping duty
The PRC	Shijiazhuang Transun Metal Products Co. Ltd.	0,0 %
	Shaoshan Huanqiu Castings Foundry	0,0 %
	Fengtai Handan Alloy Casting Co. Ltd.	0,0 %
	Shanxi Jiaocheng Xinglong Casting Co. Ltd.	0,0 %
	Tianjin Jinghai Chaoyue Industrial and Commercial Co. Ltd.	0,0 %
	Shanxi Yuansheng Casting and Forging Industrial Co. Ltd.	18,6 %
	Botou City Simencum Town Bai fo Tang Casting Factory	28,6 %
	Hebei Shunda Foundry Co. Ltd.	28,6 %
	Changan Cast Limited Company of Yixian Hebei	31,8 %
	Shandong Huijin Stock Co. Ltd.	37,9 %
	All other companies	47,8 %

(151) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping duties. They were also granted a period within which they could make representations subsequent to this disclosure. The oral and written comments submitted by the parties were duly considered, and, where appropriate, the findings have been modified accordingly. All parties were given detail responses to the comments they have submitted.

I. FORM OF MEASURES

(152) Four exporting producers having obtained individual treatment indicated that would offer a price undertaking but failed to submit a sufficiently substantiated undertaking offer within the deadlines set in Article 8(2) of the basic Regulation. Consequently no undertaking offers could be accepted by the Commission. Nevertheless, the Council in view of the complexity of the issue for the economic operators in question (predominantly small and medium-sized enterprises) and given that the definitive disclosure was not preceded by a provisional disclosure, considers that they should exceptionally be allowed to complete their undertaking offers beyond the above-mentioned deadline.

(153) The Chinese authorities also requested that consideration be given to finding a comparable solution for the numerous cooperating Chinese exporting producers concerned by the proceeding, as for the four exporting producers mentioned in the previous recital. Should it be found, following discussion to that end, that a change in the form of the measures other than the acceptance of undertakings, is appropriate an interim review will be carried out as expeditiously as possible,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of castings of non-malleable cast iron of a kind used to cover and/or to give access to ground or sub-surface systems, and parts thereof, whether or not machined, coated or painted or fitted with other materials, excluding fire hydrants, originating in the People's Republic of China, currently classifiable within CN codes 7325 10 50, 7325 10 92 and ex 7325 10 99 (Taric code 7325 10 99 10).

2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Community-frontier price, before duty, for products described in paragraph 1 and produced in the People's Republic of China by the companies listed below shall be as follows:

Company	Anti-dumping duty (%)	Taric additional code
Shijiazhuang Transun Metal Products Co. Ltd., Xinongcheng, Liulintun, Luancheng County, Shijiazhuang City, Hebei Province, 051430, PRC	0,0	A675
Shaoshan Huanqiu Castings Foundry, Fengjia Village, Yingtian Township, Shaoshan, Hunan, PRC	0,0	A676
Fengtai Handan Alloy Casting Co. Ltd., Beizhangzhuang Town, Handan County, Hebei, PRC	0,0	A677
Shanxi Jiaocheng Xinglong Casting Co. Ltd., Jiaocheng County, Shanxi Province, PRC	0,0	A678
Tianjin Jinghai Chaoyue Industrial and Commercial Co. Ltd., Guan Pu Tou Village, Yang Cheng Zhuang Town, Jinghai District, 301617 Tianjin, PRC	0,0	A679
Shanxi Yuansheng Casting and Forging Industrial Co. Ltd., No. 8 DiZangAn, Taiyuan, Shanxi, 030002, PRC	18,6	A680
Botou City Simencum Town Bai fo Tang Casting Factory, Bai Fo Tang Village, Si Men Cum Town, Bo Tou City, 062159, Hebei Province, PRC	28,6	A681
Hebei Shunda Foundry Co. Ltd., Qufu Road, Quyang, 073100, PRC	28,6	A682
Changan Cast Limited Company of Yixian Hebei, Taiyuan main street, Yi County, Hebei Province, 074200, PRC	31,8	A683
Shandong Huijin Stock Co. Ltd., North of Kouzhen Town, Laiwu City, Shandong Province, 271114, PRC	37,9	A684
All other companies	47,8	A999

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

Article 2

This Regulation shall enter into force on the day following that 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, 25 July 2005.

For the Council
The President
J. STRAW

COMMISSION REGULATION (EC) No 1213/2005**of 28 July 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 29 July 2005.

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

Done at Brussels, 28 July 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 28 July 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	87,5
	096	21,9
	999	54,7
0707 00 05	052	88,2
	999	88,2
0709 90 70	052	69,6
	999	69,6
0805 50 10	388	62,4
	508	58,8
	524	69,1
	528	65,0
	999	63,8
0806 10 10	052	114,4
	204	80,3
	220	126,8
	334	91,2
	508	134,4
	624	145,2
	999	115,4
0808 10 80	388	71,4
	400	101,0
	508	65,5
	512	75,6
	524	52,1
	528	75,8
	720	106,2
	804	80,5
0808 20 50	999	78,5
	052	121,6
	388	75,2
	512	25,9
	528	35,6
0809 10 00	999	64,6
	052	130,9
	094	100,2
	999	115,6
0809 20 95	052	310,6
	400	336,4
	999	323,5
0809 30 10, 0809 30 90	052	108,7
	999	108,7
0809 40 05	624	87,6
	999	87,6

⁽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 1214/2005**of 28 July 2005****correcting the Dutch, Estonian, Finnish, Greek, Italian, Latvian, Lithuanian, Portuguese, Spanish and Swedish versions of Regulation (EEC) No 1722/93 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 concerning production refunds in the cereals sector**

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⁾, and in particular Article 8(3) thereof,

Whereas:

(1) An error appears in the Dutch, Estonian, Finnish, Greek, Italian, Latvian, Lithuanian, Portuguese, Spanish and Swedish versions of the text of the second sentence of the first subparagraph of Article 9(2) of Commission Regulation (EEC) No 1722/93⁽²⁾, as amended by Article 1(4) of Regulation (EC) No 1548/2004.

(2) In order to avoid any incorrect interpretations and to ensure the correct application of the measures provided for in Regulation (EEC) No 1722/93, that error should be corrected.

(3) As this correction does not have any disadvantageous or discriminatory consequences for some producers in favour of others, it should be made applicable from the date of entry into force of Regulation (EC) No 1548/2004.

(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

Concerns only the Dutch, Estonian, Finnish, Greek, Italian, Latvian, Lithuanian, Portuguese, Spanish and Swedish versions.

Article 2

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

It shall apply as from 3 September 2004.

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

Done at Brussels, 28 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1548/2004 (OJ L 280, 31.8.2004, p. 11).

COMMISSION REGULATION (EC) No 1215/2005**of 28 July 2005****amending Regulation (EC) No 1990/2004 laying down transitional measures in the wine sector by reason of the accession of Hungary to the European Union**

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, and in particular the first paragraph of Article 41 thereof,

Whereas:

- (1) Article 27(3) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾ lays down that any natural or legal person or group of persons having made wine is required to deliver for distillation all the by-products of that wine-making.
- (2) Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms ⁽²⁾ establishes the rules applicable to such distillation and Article 49 thereof provides for certain exceptions to that obligation.
- (3) Hungary has adopted the measures needed to implement this distillation obligation, but there has been a delay in

the construction of new distilleries to process the by-products of winemaking. Consequently, part of the by-products of the 2004/05 wine year will be distilled in 2005/06. Nevertheless, existing capacity is not yet sufficient to distil all the by-products of both wine years simultaneously.

- (4) Commission Regulation (EC) No 1990/2004 ⁽³⁾ authorises Hungary to exempt certain categories of producers from the obligation to distil by-products of wine-making for the 2004/05 wine year. In view of the situation described above, that authorisation should be extended to the 2005/06 marketing year.
- (5) Regulation (EC) No 1990/2004 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Wine,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EC) No 1990/2004, 'for the 2004/2005 marketing year' is hereby replaced by 'for the 2004/2005 and 2005/06 marketing years'.

Article 2

This Regulation shall enter into force on the third day following that 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, 28 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

⁽²⁾ OJ L 194, 31.7.2000, p. 45. Regulation last amended by Regulation (EC) No 616/2005 (OJ L 103, 22.4.2005, p. 15).

⁽³⁾ OJ L 344, 20.11.2004, p. 8.

COMMISSION REGULATION (EC) No 1216/2005**of 28 July 2005****amending Regulation (EC) No 1227/2000 laying down detailed rules for the application of Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine, as regards production potential**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Article 80(b) thereof,

Whereas:

(1) Several Member States are having serious difficulties applying the provisions of Article 2(3) of Regulation (EC) No 1493/1999 concerning the regularisation of illegal plantation. These difficulties concern, in particular, the date from which the procedure in question is to commence. Applying the various provisions regarding the grant of the derogation imposes a serious and complex administrative burden, particularly as regards checks and penalties.

(2) To overcome these difficulties, the provisions on the regularisation of illegal plantation need to be amended. Pending the submission of an appropriate proposal to the Council and in the interests of sound administration, the date for the closure of the procedure laid down in Commission Regulation (EC) No 1227/2000 ⁽²⁾ should therefore be postponed definitively to 31 December 2007.

(3) Regulation (EC) No 1227/2000 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2(1a) of Regulation (EC) No 1227/2000 is hereby replaced by the following:

‘1a. The deadline laid down in Article 2(3) of Regulation (EC) No 1493/1999 shall be postponed to 31 December 2007.’

Article 2

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

It shall apply from 1 August 2005.

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

Done at Brussels, 28 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 179, 14.7.1999, p. 1. Regulation last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

⁽²⁾ OJ L 143, 16.6.2000, p. 1. Regulation last amended by Regulation (EC) No 1074/2005 (OJ L 175, 8.7.2005, p. 12).

COMMISSION REGULATION (EC) No 1217/2005**of 28 July 2005****laying down detailed rules for the application of a tariff quota for certain live bovine animals originating in Bulgaria, provided for in Council Decision 2003/286/EC**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

bovine animals, on a multi-annual basis beginning on 1 July 2005.

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⁾, and in particular the first subparagraph of Article 32(1) thereof,

Whereas,

(1) Council Decision 2003/286/EC of 8 April 2003 on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Bulgaria, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions ⁽²⁾, provided for concessions as regards the opening of tariff import quotas of certain live bovine animals originating from Bulgaria.

(2) Council and Commission Decision 2005/430/EC of 18 April 2005 on the conclusion of the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union ⁽³⁾ provides for additional concessions as regards imports of certain live bovine animals originating from Bulgaria.

(3) Detailed rules should be adopted for the opening and administration of the tariff quota concerning live

(4) With a view to preventing speculation, the quantities available within the quota should be made accessible to operators able to show that they are genuinely engaged in trade of a significant scale with third countries. In consideration of this and in order to ensure efficient management, the traders concerned should be required to have imported a certain minimum number of animals during the year previous to the annual quota period in question which, at the same time, should guarantee a fair access to the concessions. Given that the present concessions only apply to imports of animals from Bulgaria and considering the imports which are carried out from this country, a consignment of 50 animals may be considered to be a normal load. Experience shows that the purchase of a single consignment is a minimum requirement for a transaction to be considered real and viable.

(5) If such criteria are to be checked, applications should be presented in the Member State where the importer is entered in a VAT register.

(6) Furthermore, in order to prevent speculation, importers no longer involved in trade in live bovine animals at 1 January previous to the beginning of the annual quota period in question should be denied access to the quota. Moreover, a security relating to import rights should be submitted in the Member States where the operator is entered in the national VAT register. Import licences should not be transferable and should be issued to traders solely for the quantities for which they have been allocated import rights.

(7) To provide a more equal access to the quota while ensuring a commercially viable number of animals per application, maximum and minimum limits should be fixed for the number of animals covered in each application.

(8) It should be established that import rights are to be allocated after a reflection period and where necessary with a fixed percentage reduction applied.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽²⁾ OJ L 102, 24.4.2003, p. 60.

⁽³⁾ OJ L 155, 17.6.2005, p. 1.

- (9) Pursuant to Article 29(1) of Regulation (EC) No 1254/1999, the arrangements should be managed using import licences. To this end, rules should be laid down on the submission of applications and the information to be given on applications and licences, where necessary in addition to or by way of derogation from certain provisions of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽¹⁾ and 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⁽²⁾.
- (10) To oblige operators to apply for import licences for all import rights allocated, it should be established that the application should constitute, with regard to the import rights security, a primary requirement within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products⁽³⁾.
- (11) A proper management of the quota also requires that the titular holder of the licence is a genuine importer. Therefore, such importer should actively participate in the purchase, transport and import of the animals concerned. Presentation of proof of those activities should thus also be a primary requirement with regard to the licence security.
- (12) With a view to ensuring a strict statistical control of the animals imported under the quota, the tolerance referred to in Article 8(4) of Regulation (EC) No 1291/2000 should not apply.
- (13) 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

6 600 live bovine animals weighing not more than 300 kilograms falling within CN codes 0102 90 05, 0102 90 21, 0102 90 29, 0102 90 41 or 0102 90 49 and originating in Bulgaria may be imported into the Community free of duty in each 12-month period as from 1 July 2005.

⁽¹⁾ OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

⁽²⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1741/2004 (OJ L 311, 8.10.2004, p. 17).

⁽³⁾ OJ L 205, 3.8.1985, p. 5. Regulation as last amended by Regulation (EC) No 673/2004 (OJ L 105, 14.4.2004, p. 17).

The quota referred to in the first sub-paragraph shall have the order number 09.4783.

The quota referred to in the first sub-paragraph shall be increased each year by 600 head.

Article 2

1. Applications for import rights under the quota provided for in Article 1 may only be submitted by applicants which are natural or legal persons. Applicants must prove to the satisfaction of the competent authorities of the Member State concerned, at the time they submit their applications, that they have imported at least 50 animals covered by CN code 0102 90 during the year previous to the annual quota period in question.

Applicants must be listed in a national VAT register.

2. Proof of import shall be furnished exclusively by means of the customs document of release for free circulation, duly endorsed by the customs authorities and containing a reference to the applicant concerned as being the consignee.

Member States may accept copies of the documents referred to in the first subparagraph, duly certified by the competent authority. Where such copies are accepted, notification hereof shall be made in the communication from Member States referred to in Article 3(5) in respect of each applicant concerned.

3. Operators who at 1 January previous to the annual quota period in question have ceased their activities in trade with third countries in the beef and veal sector shall not qualify for any allocation.

4. A company formed by the merger of companies each having reference imports complying with the minimum quantity referred to in paragraph 1 may use those reference imports as a basis for its application.

Article 3

1. Applications for import rights may be presented only in the Member State in which the applicant is registered for VAT purposes.

2. Applications for import rights must cover at least 50 animals and may not cover more than 5 % of the quantity available.

Where applications exceed the percentage referred to in the first subparagraph, the excess shall be disregarded.

3. Applications for import rights shall be lodged before 13:00, Brussels time, on 15 June preceding the annual quota period in question.

However, for the quota period from 1 July 2005 to 30 June 2006, applications for import rights shall be lodged before 13:00, Brussels time, on the 10th working day following the date of publication of this Regulation in the *Official Journal of the European Union*.

4. Applicants may lodge no more than one application each for the quota referred to in Article 1. Where the same applicant lodges more than one application, all applications from that applicant shall be inadmissible.

5. After verification of the documents presented, Member States shall forward to the Commission, by the 10th working day following the end of the period for the submission of applications at the latest, the list of applicants and their addresses as well as the quantities applied for.

All notifications, including 'nil' returns, shall be forwarded by fax or e-mail using the model form in Annex I or in another form communicated by the Commission to the Member States.

Article 4

1. Following the notification referred to in Article 3(5), the Commission shall decide as soon as possible to which extent the applications can be met.

2. If the quantities covered by applications as referred to in Article 3 exceed those available, the Commission shall fix a single reduction coefficient to be applied to the quantities applied for.

Where application of the reduction coefficient provided for in the first subparagraph gives a figure of less than 50 head per application, the quantity available shall be awarded by the Member States concerned by drawing lots for import rights covering 50 head each. Where the remainder is less than 50 head, a single import right shall be awarded for that quantity.

Article 5

1. The security relating to the import rights shall be EUR 3 per head. It shall be deposited with the competent authority together with the application for import rights.

2. Import licence applications shall be made for the quantity allocated. This obligation shall constitute a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

3. Where the application of the reduction coefficient referred to in Article 4(2) causes less import rights to be allocated than had been applied for, the security lodged shall be released proportionally without delay.

Article 6

1. The quantities awarded shall be imported subject to presentation of one or more import licences.

2. Licence applications may be lodged solely in the Member State where the applicant has applied and obtained import rights under the quota.

Each issuing of import licence shall result in a corresponding reduction of the import rights obtained.

3. Import licences shall be issued on application by and in the name of the operator who have obtained the import rights.

4. Licence applications and licences shall show the following:

(a) in box 8, the country of origin;

(b) in box 16, one or several of the following CN codes:

0102 90 05, 0102 90 21, 0102 90 29, 0102 90 41 or 0102 90 49;

(c) in box 20, the order number of the quota concerned and at least one of the entries listed in Annex II.

Licences shall carry with them an obligation to import from the country indicated in box 8.

Article 7

1. By way of derogation from Article 9(1) of Regulation (EC) No 1291/2000, import licences issued pursuant to this Regulation shall not be transferable and shall confer rights under the tariff quota only if made out in the same name and address as the one entered as consignee in the customs declaration of release for free circulation accompanying them.

2. By way of derogation from Article 3 of Regulation (EC) No 1445/95 import licences shall be valid for 150 days from their actual day of issue within the meaning of Article 6(3) of this Regulation. No import licences shall be valid after 30 June of each annual quota period.

3. The grant of the import licence shall be conditional on the lodging of a security of EUR 20 per head which shall be composed of:

- (a) the security of EUR 3 referred to in Article 5(1) and
 - (b) an amount of EUR 17 which the applicant shall lodge together with the licence application.
4. Licences issued shall be valid throughout the Community.

5. Article 8(4) of Regulation (EC) No 1291/2000 shall not apply. To that end, the figure '0' (zero) shall be entered in box 19 of licences.

6. Notwithstanding the provisions of Section 4 of Title III of Regulation (EC) No 1291/2000 concerning the release of securities, the security referred to in paragraph 3 shall not be released until proof has been produced that the titular holder of the licence has been commercially and logistically responsible for the purchase, transport and clearance for free circulation of the animals concerned. Such proof shall at least consist of:

- (a) the original commercial invoice or authenticated copy made out in the name of the titular holder by the seller or his representative, both established in the third country of

export, and proof of payment by the titular holder or the opening by the titular holder of an irrevocable documentary credit in favour of the seller,

- (b) the bill of lading or, where applicable, the road or air transport document, drawn up in the name of the titular holder, for the animals concerned,
- (c) a document according to which the goods have been declared for release for free circulation with the indication of the name and address of the titular holder as consignee.

Article 8

Imported animals shall qualify for the exemption from duties in accordance with Article 1 on presentation of either an EUR 1 movement certificate issued by the exporting country in accordance with Protocol 4 annexed to the Europe Agreement with Bulgaria, or a invoice-declaration drawn up by the exporter in accordance with this Protocol.

Article 9

Regulations (EC) No 1445/95 and (EC) No 1291/2000 shall apply, subject to this Regulation.

Article 10

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

It shall apply as from 1 July 2005.

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

Done at Brussels, 28 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

EC Fax (32 2) 292 17 34

E-mail: AGRI-Bovins-Import@cec.eu.int

Application of Regulation (EC) No 1217/2005

Order No: ...

COMMISSION OF THE EUROPEAN COMMUNITIES
MEASURES

APPLICATION FOR IMPORT RIGHTS

Date: Quota period:

Member State:

Number of applicant ⁽¹⁾ ⁽²⁾	Applicant (name and address)	Quantity (Heads)
Total		

Member State: Fax No:

Tel. No:

E-mail:

(¹) Continuous numbering.

(2) Indicate with an asterisk where application is made in accordance with the second subparagraph of Article 2(2).

ANNEX II

Entries referred to in Article 6(4)(c)

- *In Spanish:* Reglamento (CE) n° 1217/2005
 - *In Czech:* Nařízení (ES) č. 1217/2005
 - *In Danish:* Forordning (EF) nr. 1217/2005
 - *In German:* Verordnung (EG) Nr. 1217/2005
 - *In Estonian:* Määrus (EÜ) nr 1217/2005
 - *In Greek:* Κανονισμός (ΕΚ) αριθ. 1217/2005
 - *In English:* Regulation (EC) No 1217/2005
 - *In French:* Règlement (CE) n° 1217/2005
 - *In Italian:* Regolamento (CE) n. 1217/2005
 - *In Latvian:* Regula (EK) Nr. 1217/2005
 - *In Lithuanian:* Reglamentas (EB) Nr. 1217/2005
 - *In Hungarian:* 1217/2005/EK rendelet
 - *In Dutch:* Verordening (EG) nr. 1217/2005
 - *In Polish:* Rozporządzenie (WE) nr 1217/2005
 - *In Portuguese:* Regulamento (CE) n.º 1217/2005
 - *In Slovakian:* Nariadenie (ES) č. 1217/2005
 - *In Slovenian:* Uredba (ES) št. 1217/2005
 - *In Finnish:* Asetus (EY) N:o 1217/2005
 - *In Swedish:* Förordning (EG) nr 1217/2005
-

COMMISSION REGULATION (EC) No 1218/2005

of 28 July 2005

laying down detailed rules for the application of an import tariff quota for live bovine animals of a weight exceeding 160 Kg and originating in Switzerland provided for in Council Regulation (EC) No 1182/2005

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⁾, and in particular Article 32 thereof,

Whereas,

(1) Council Regulation (EC) No 1182/2005 of 18 July 2005 adopting autonomous and transitional measures to open a Community tariff quota for the import of live bovine animals originating in Switzerland ⁽²⁾ provides for the opening of a duty-free Community tariff quota on an autonomous and transitional basis for the period from the date of entry into force of that Regulation until 31 December 2005 for the import of 2 300 heads of any live bovine animals weighing more than 160 Kg and originating in Switzerland.

(2) For the allocation of the tariff quota and given the products concerned it is appropriate to apply the method of simultaneous examination referred to in the second indent of Article 32(2) of Regulation (EC) No 1254/1999.

(3) To be eligible for the benefit of these tariff quotas, live animals should originate in Switzerland in conformity with the rules referred to in Article 4 of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products ⁽³⁾ (hereinafter referred to as 'the Agreement').

(4) With a view to preventing speculation, the quantities available within the quota should be made accessible to operators able to show that they are genuinely engaged in trade of a significant scale with third countries. In consideration of this and in order to ensure efficient management, the traders concerned should be required to have imported a minimum of 50 animals during the period 1 May 2004 to 30 April 2005 as given that a

consignment of 50 animals may be considered to be a normal load. Experience has shown that the purchase of a single consignment is a minimum requirement for a transaction to be considered real and viable.

(5) If such criteria are to be checked, applications should be presented in the Member State where the importer is entered in a VAT register.

(6) Also in order to prevent speculation, importers no longer involved in trade in live bovine animals at 1 January 2005 should be denied access to the quota. Moreover, a security should be fixed for import rights, licences should not be transferable and import licences should be issued to traders solely for the quantities for which they have been allocated import rights.

(7) To provide a more equal access to the quota while ensuring a commercially viable number of animals per application, maximum and minimum limits should be fixed for the number of animals covered in each application.

(8) It should be established that import rights are to be allocated after a reflection period and where necessary with a fixed percentage reduction applied.

(9) Pursuant to Article 29(1) of Regulation (EC) No 1254/1999, the arrangements have to be managed using import licences. To this end, rules should be laid down on the submission of applications and the information to be given on applications and licences, where necessary in addition to or by way of derogation from certain provisions 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 ⁽⁴⁾ and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽⁵⁾.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽²⁾ OJ L 190, 22.7.2005, p. 1.

⁽³⁾ OJ L 114, 30.4.2002, p.132.

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1741/2004 (OJ L 311, 8.10.2004, p. 17).

⁽⁵⁾ OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

- (10) To oblige operators to apply for import licences for all import rights allocated, it should be established that the application should constitute, with regard to the import rights security, a primary requirement within the meaning of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽¹⁾.
- (11) Experience shows that a proper management of the quota also requires that the titular holder of the licence is a genuine importer. Therefore, such importer should actively participate in the purchase, transport and import of the animals concerned. Presentation of proof of those activities should thus also be a primary requirement with regard to the licence security.
- (12) With a view to ensuring a strict statistical control of the animals imported under the quota, the tolerance referred to in Article 8(4) of Regulation (EC) No 1291/2000 should not apply.
- (13) To guarantee a smooth functioning of the management of this quota it should be foreseen that the present Regulation starts to apply as of the date of the entry into force of Regulation (EC) No 1182/2005.
- (14) 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

1. A duty-free Community tariff quota is hereby opened on an autonomous and transitional basis for the period from the date of entry into force of the present Regulation until 31 December 2005 for the import of 2 300 heads of any live bovine animal originating in Switzerland weighing more than 160 kg, falling within CN code 0102 90 41, 0102 90 49, 0102 90 51, 0102 90 59, 0102 90 61, 0102 90 69, 0102 90 71 or 0102 90 79.

This tariff quota shall have the order number 09.4203.

2. The rules of origin applicable to the products referred to in paragraph 1 shall be those provided for in Article 4 of the Agreement.

Article 2

1. To be eligible under the quota provided for in Article 1, applicants must be natural or legal persons and must prove to

the satisfaction of the competent authorities of the Member State concerned, at the time they submit their applications, that they have imported at least 50 animals covered by CN codes 0102 10 and 0102 90 during the period 1 May 2004 to 30 April 2005.

Applicants must be listed in a national VAT register.

2. Proof of import shall be furnished exclusively by means of the customs document of release for free circulation, duly endorsed by the customs authorities and containing a reference to the applicant concerned.

Member States may accept copies of the documents referred to in the first subparagraph, duly certified by the competent authority. Where such copies are accepted, notification hereof shall be made in the communication from Member States referred to in Article 3(5) in respect of each applicant concerned.

3. Operators who at 1 January 2005 have ceased their activities in trade with third countries in the beef and veal sector shall not qualify for any allocation.

4. A company formed by the merger of companies each having reference imports complying with the minimum quantity referred to in paragraph 1 may use those reference imports as a basis for its application.

Article 3

1. Applications for import rights may be presented only in the Member State in which the applicant is registered for VAT purposes.

2. Applications for import rights must cover at least 50 animals and may not cover more than 5 % of the quantity available.

Where applications exceed the percentage referred to in the first subparagraph, the excess shall be disregarded.

3. Applications for import rights shall be lodged before 13:00, Brussels time, on the 10th working day following the date of publication of this Regulation in the *Official Journal of the European Union*.

4. Applicants may lodge no more than one application in respect of the quota referred to in Article 1(1). Where the same applicant lodges more than one application, all applications from that applicant shall be inadmissible.

⁽¹⁾ OJ L 205, 3.8.1985, p. 5. Regulation as last amended by Regulation (EC) No 673/2004 (OJ L 105, 14.4.2004, p. 17).

5. After verification of the documents presented, Member States shall forward to the Commission, by the 10th working day following the end of the period for the submission of applications at the latest, the list of applicants and their addresses as well as the quantities applied for.

All notifications, including 'nil' returns, shall be forwarded by fax or e-mail using the model form in Annex I in cases where applications have actually been submitted.

Article 4

1. Following the notification referred to in Article 3 (5), the Commission shall decide as soon as possible to which extent the applications can be met.

2. If the quantities covered by applications as referred to in Article 3 exceed those available, the Commission shall fix a single reduction coefficient to be applied to the quantities applied for.

Where application of the reduction coefficient provided for in the first subparagraph gives a figure of less than 50 head per application, the quantity available shall be awarded by the Member States concerned by drawing lots for import rights covering 50 head each. Where the remainder is less than 50 head, a single import right shall be awarded for that quantity.

Article 5

1. The security relating to the import rights shall be EUR 3 per head. It must be lodged with the competent authority together with the application for import rights.

2. Import licence applications must be made for the quantity allocated. This obligation shall constitute a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

3. Where application of the reduction coefficient referred to in Article 4(2) causes less import rights to be allocated than had been applied for, the security lodged shall be released proportionally without delay.

Article 6

1. The quantities awarded shall be imported subject to presentation of one or more import licences.

2. Licence applications may be lodged solely in the Member State where the applicant has applied and obtained import rights under the quota.

Each issuing of import licence shall result in a corresponding reduction of the import rights obtained.

3. Import licences shall be issued on application by and in the name of the operator who have obtained the import rights.

4. Licence applications and licences shall show the following:

(a) in box 8, the country of origin;

(b) in box 16, one or several of the following CN codes:

0102 90 41, 0102 90 49, 0102 90 51, 0102 90 59,
0102 90 61, 0102 90 69, 0102 90 71 or 0102 90 79;

(c) in box 20, the order number of the quota (09.4203) and at least one of the entries listed in Annex II.

Licences shall carry with them an obligation to import from the country indicated in box 8.

Article 7

1. Notwithstanding Article 9(1) of Regulation (EC) No 1291/2000, import licences issued pursuant to this Regulation shall not be transferable and shall confer rights under the tariff quotas only if made out in the same name and address as the one entered as consignee in the customs declaration of release for free circulation accompanying them.

2. No import licences shall be valid after 31 December 2005.

3. The security relating to the import licence shall be EUR 20 per head and shall be lodged by the applicant together with the licence application.

4. Licences issued shall be valid throughout the Community.

5. Pursuant to Article 50(1) of Regulation (EC) No 1291/2000, the full Common Customs Tariff duty applicable on the date of acceptance of the customs declaration for free circulation shall be collected in respect of all quantities imported in excess of those shown on the import licence.

6. Notwithstanding the provisions of Section 4 of Title III of Regulation (EC) No 1291/2000, the security shall not be released until proof has been produced that the titular holder of the licence has been commercially and logistically responsible for the purchase, transport and clearance for free circulation of the animals concerned. Such proof shall at least consist of:

- (a) the original commercial invoice or authenticated copy made out in the name of the titular holder by the seller or his representative, both established in the third country of export, and proof of payment by the titular holder or the opening by the titular holder of an irrevocable documentary credit in favour of the seller;
- (b) the transport document, drawn up in the name of the titular holder, for the animals concerned;

- (c) proof that the goods have been declared for release for free circulation with the indication of the name and address of the titular holder as consignee.

Article 8

Regulations (EC) No 1291/2000 and (EC) No 1445/95 shall apply, subject to this Regulation.

Article 9

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

It shall apply as of the date of entry into force of Regulation (EC) No 1182/2005.

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

Done at Brussels, 28 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

EC Fax (32 2) 292 17 34

E-mail: AGRI-IMP-BOVINE@cec.eu.int

Application of Regulation (EC) No 1218/2005

Order No: 09.4203

COMMISSION OF THE EUROPEAN COMMUNITIES
MA

DG AGRI D.2 — IMPLEMENTATION OF

APPLICATION FOR IMPORT RIGHTS

Date: Quota period:

Member State:

Number of applicant ⁽¹⁾ ⁽²⁾	Applicant (name and address)	Quantity (Heads)
Total		

Member State: Fax No:

Tel. No:

E-mail:

(¹) Continuous numbering.

(2) Indicate with an asterisk where application is made in accordance with the second subparagraph of Article 2(2).

ANNEX II

Entries referred to in Article 6(4)(c)

- *In Spanish:* Reglamento (CE) n° 1218/2005
 - *In Czech:* Nařízení (ES) č. 1218/2005
 - *In Danish:* Forordning (EF) nr. 1218/2005
 - *In German:* Verordnung (EG) Nr. 1218/2005
 - *In Estonian:* Määrus (EÜ) nr 1218/2005
 - *In Greek:* Κανονισμός (ΕΚ) αριθ. 1218/2005
 - *In English:* Regulation (EC) No 1218/2005
 - *In French:* Règlement (CE) n° 1218/2005
 - *In Italian:* Regolamento (CE) n. 1218/2005
 - *In Latvian:* Regula (EK) Nr. 1218/2005
 - *In Lithuanian:* Reglamentas (EB) Nr. 1218/2005
 - *In Hungarian:* 1218/2005/EK rendelet
 - *In Dutch:* Verordening (EG) nr. 1218/2005
 - *In Polish:* Rozporządzenie (WE) nr 1218/2005
 - *In Portuguese:* Regulamento (CE) n.º 1218/2005
 - *In Slovakian:* Nariadenie (ES) č. 1218/2005
 - *In Slovenian:* Uredba (ES) št. 1218/2005
 - *In Finnish:* Asetus (EY) N:o 1218/2005
 - *In Swedish:* Förordning (EG) nr 1218/2005
-

COMMISSION REGULATION (EC) No 1219/2005**of 28 July 2005****amending Regulation (EC) No 1623/2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine ⁽¹⁾, and in particular Articles 33 and 36 thereof,

Whereas:

(1) Article 13 of Commission Regulation (EC) No 1623/2000 ⁽²⁾ grants a derogation under the aid scheme for grape must used to enrich wine for musts from wine-growing zones other than CIII, which is due to expire at the end of the 2004/05 wine year. Pending a more radical change to the aid scheme in the context of the planned reform of the common organisation of the market in wine, this derogation should be extended until the end of the 2006/07 wine year.

(2) Articles 45, 59 and 61 of Regulation (EC) No 1623/2000 set certain dates for the distillation of the by-products of winemaking. In view of the very large harvest in 2004/05, certain Member States are experiencing practical difficulties in completing the distillation by the deadlines laid down. Those deadlines should therefore be extended.

(3) Article 52 of Regulation (EC) No 1623/2000 provides for a derogation from the distillation arrangements for wine obtained from grapes of varieties classified as both wine-grape varieties and varieties for the production of spirits distilled from wine with a designation of origin for the 2001/02 to 2004/05 wine years. Pending a more radical change to these arrangements in the context of the planned reform of the common organisation of the market in wine, this derogation should be extended until the end of the 2006/07 wine year.

(4) Article 63a of Regulation (EC) No 1623/2000 concerning the distillation of wine into potable alcohol fixes a percentage of production which producers may offer for this type of distillation. That percentage should be fixed for the 2005/06 wine year.

(5) Regulation (EC) No 1623/2000 should therefore be amended accordingly.

(6) Since the new wine year begins on 1 August 2005, this Regulation should apply from that date.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1623/2000 is hereby amended as follows:

1. In the second subparagraph of Article 13(1), 'for wine years 2003/04 to 2004/05' is replaced by 'for wine years 2003/04 to 2006/07'.

2. In Article 45(1), the following subparagraph is added:

'As an exception to the first subparagraph, for the 2004/05 wine year the date referred to therein shall be postponed to 31 August of the following wine year.'

3. In the fourth subparagraph of Article 52(1), 'for wine years 2001/02 to 2004/05' is replaced by 'for wine years 2001/02 to 2006/07'.

⁽¹⁾ OJ L 179, 14.7.1999 p. 1. Regulation last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

⁽²⁾ OJ L 194, 31.7.2000, p. 45. Regulation last amended by Regulation (EC) No 616/2005 (OJ L 103, 22.4.2005, p. 15).

4. In Article 59, the following paragraph is added:

‘As an exception to the first subparagraph, for the 2004/05 wine year the date referred to therein shall be postponed to 15 September of the following wine year.’

5. In Article 61(3), the following subparagraph is added:

‘However, for the 2004/05 wine year the date referred to in the first subparagraph shall be postponed to 15 September of the following wine year.’

6. The last sentence of the first subparagraph of Article 63a(2) is replaced by the following:

‘For the 2004/05 and 2005/06 wine years, that percentage shall be 25 %.’

Article 2

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

It shall apply from 1 August 2005.

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

Done at Brussels, 28 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 1220/2005**of 28 July 2005****amending Regulation (EC) No 1279/98 as regards certain tariff quotas for beef and veal products originating in Bulgaria**

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⁾, and in particular the first subparagraph of Article 32(1) thereof,

Whereas,

(1) Council Decision 2003/286/EC of 8 April 2003 on the conclusion of a Protocol adjusting the trade aspects of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Bulgaria, of the other part, to take account of the outcome of negotiations between the Parties on new mutual agricultural concessions ⁽²⁾, provided for concessions as regards the importation of beef and veal products under the tariff quota opened by this Agreement.

(2) Provisions implementing this tariff quota were adopted by Commission Regulation (EC) No 1279/98 of 19 June 1998 laying down detailed rules for applying the tariff quotas for beef and veal provided for in Council Decisions 2003/286/EC and 2003/18/EC for Bulgaria and Romania ⁽³⁾.

(3) Council and Commission Decision 2005/430/EC of 18 April 2005 on the conclusion of the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part, to take account of the

accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union ⁽⁴⁾, provides for additional concessions as regards beef and veal products.

(4) The measures which are necessary to open the concessions concerning beef and veal products should be adopted and Regulation (EC) No 1279/98 be amended accordingly.

(5) Moreover, Article 4(1) of Regulation (EC) No 1279/98 provides that licence applications may only be submitted during the first ten days of each period referred to in Article 2 of that Regulation. For the period 1 July 2005 to 31 December 2005, it is necessary to derogate from this provision, in view of the date of entry into force of this Regulation.

(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

1. By way of derogation from Article 4(1) of Regulation (EC) No 1279/98, applications for import licences for the period from the entry into force of the present Regulation until 31 December 2005 shall be lodged during the first ten working days following the date of publication of this Regulation in the *Official Journal of the European Union* but before 13:00, Brussels time, on the 10th working day.

2. Licence applications submitted during the first 10 days of July 2005 in accordance with Article 4(1) of Regulation (EC) No 1279/98 shall be counted as applications under paragraph 1.

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1).

⁽²⁾ OJ L 102, 24.4.2003, p. 60.

⁽³⁾ OJ L 176, 20.6.1998, p. 12. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

⁽⁴⁾ OJ L 155, 17.6.2005, p. 1.

3. Annexes I and II of Regulation (EC) No 1279/98 are replaced by the text in the Annex to this Regulation.

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, 28 July 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

‘ANNEX I

Concessions applicable to imports into the Community of certain products originating in certain countries

(MFN = most favoured nation duty)

Country of origin	Serial No	CN code	Description	Rate of duty applicable (% of MFN)	Annual quantity from 1.7.2003 (tonnes)	Annual increase from 1.7.2004 (tonnes)
Romania	09.4753	0201 0202	Meat of bovine animals, fresh, chilled or frozen	Free	4 000	0
	09.4765	0206 10 95	Edible thick skirt and thin skirt of bovine animals, fresh or chilled	Free	100	0
		0206 29 91	Edible thick skirt and thin skirt of bovine animals, frozen			
		0210 20	Meat of bovine animals, salted or in brine, dried or smoked			
		0210 99 51	Thick and thin skirt of bovine animals			
	09.4768	1602 50	Prepared or preserved meat or offal of bovine animals	Free	500	0

Country of origin	Serial No	CN code	Description	Rate of duty applicable (% of MFN)	Annual quantity from 1.7.2005 (tonnes)	Annual increase from 1.7.2006
Bulgaria	09.4651	0201 0202	Meat of bovine animals, fresh, chilled or frozen	Free	2 500	0
	09.4784	1602 50	Prepared or preserved meat or offal of bovine animals	Free	660	60

ANNEX II

EC Fax (32 2) 292 17 34

E-mail: AGRI-Bovins-Import@cec.eu.int

Application of Regulation (EC) No 1279/98

COMMISSION OF THE EUROPEAN COMMUNITIES DG AGRI D.2 — IMPLEMENTATION OF MARKET MEASURES

APPLICATION FOR IMPORT RIGHTS

Date : Quota period:

Member State:

Country of origin	Number of applicant ⁽¹⁾	Applicant (name and address)	Quantity (in tonnes)	CN code(s)
Total				

Member State: Fax No:

Tel. No:

E-mail:

(1) Continuous numbering,'

COMMISSION REGULATION (EC) No 1221/2005**of 28 July 2005****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⁾, 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.

(2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of 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⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999.

(3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.

(4) However, in the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate

precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.

(5) Article 15(2) of Regulation (EC) No 1043/2005 provides that, when the rate of the refund is being fixed, account is to be taken, where appropriate, 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 I to Regulation (EC) No 1043/2005 or to assimilated products.

(6) Article 12(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.

(7) 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⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

(8) 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 rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1255/1999, and exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999, shall be fixed as set out in the Annex to this Regulation.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 172, 5.7.2005, p. 24.

⁽³⁾ OJ L 350, 20.12.1997, p. 3. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

Article 2

This Regulation shall enter into force on 29 July 2005.

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

Done at Brussels, 28 July 2005.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Rates of the refunds applicable from 29 July 2005 to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
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	12,00	12,00
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	20,29	20,29
	(b) on exportation of other goods	52,10	52,10
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	36,00	36,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	99,25	99,25
	(c) on exportation of other goods	92,00	92,00

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004, and to the goods listed in Tables I and II to Protocol No 2 the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

COMMISSION REGULATION (EC) No 1222/2005

of 28 July 2005

fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty

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⁾, and in particular Article 13(3) thereof,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

(1) Article 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.

(2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of 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 ⁽³⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.

(3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.

(4) 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 jeopardised 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.

(5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC ⁽⁴⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.

(6) Pursuant to Article 15(2) and (3) of Regulation (EC) No 1043/2005, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 ⁽⁵⁾, for the basic product in question, used during the assumed period of manufacture of the goods.

(7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.

(8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1784/2003 or in Article 1 of Regulation (EC) No 1785/2003, and exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 respectively, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 29 July 2005.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 270, 21.10.2003, p. 96.

⁽³⁾ OJ L 172, 5.7.2005, p. 24.

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1584/2004 (OJ L 280, 31.8.2004, p. 11).

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

Done at Brussels, 28 July 2005.

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX

Rates of the refunds applicable from 29 July 2005 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty ^(*)

CN code	Description of products ⁽¹⁾	(EUR/100 kg) Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	2,907	2,907
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	1,781	1,781
	– – in other cases	3,807	3,807
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ :		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	1,955	1,955
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	1,336	1,336
	– – in other cases	2,855	2,855
	– where goods falling within subheading 2208 ⁽³⁾ are exported	1,781	1,781
	– other (including unprocessed)	3,807	3,807
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	2,340	2,423
	– where goods falling within subheading 2208 ⁽³⁾ are exported	1,781	1,781
	– in other cases	3,807	3,807

(*) The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004 and to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product (EUR/100 kg)	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	—	—
	– medium grain	—	—
	– long grain	—	—
1006 40 00	Broken rice	—	—
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients set out in Annex V to Commission Regulation (EC) No 1043/2005 is applicable.

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund relates only to the glucose syrup.

COMMISSION REGULATION (EC) No 1223/2005**of 28 July 2005****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 the sugar sector ⁽¹⁾, and in particular Article 27(5)(a) and (15) thereof,

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 Annex V to that Regulation.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of 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, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.

- (4) Article 27(3) of Regulation (EC) No 1260/2001 lays down that the export refund for a product contained in goods may not exceed the refund applicable to that product when exported without further processing.
- (5) 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.
- (6) 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 jeopardised 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.
- (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 listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1(1) and (2) of Regulation (EC) No 1260/2001, and exported in the form of goods listed in Annex V to Regulation (EC) No 1260/2001, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 29 July 2005.

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

Done at Brussels, 28 July 2005.

For the Commission
Günter VERHEUGEN
Vice-President

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 987/2005 (OJ L 167, 29.6.2005, p. 12).

⁽²⁾ OJ L 172, 5.7.2005, p. 24.

ANNEX

Rates of refunds applicable from 29 July 2005 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	white sugar	35,31	35,31

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004, and to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

COMMISSION REGULATION (EC) No 1224/2005
of 28 July 2005
fixing the export refunds on 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⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31 of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade 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 within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(2) Regulation (EC) No 1255/1999 provides that when the refunds on the products listed in Article 1 of the above-mentioned Regulation, exported in the natural state, are being fixed, account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 300 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports.

(3) Article 31(5) of Regulation (EC) No 1255/1999 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third-country markets;
- (b) the most favourable prices in third countries of destination for third-country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices.

(4) Article 31(3) of Regulation (EC) No 1255/1999 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination.

(5) Article 31(3) of Regulation (EC) No 1255/1999 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; the amount of the refund may, however, remain at the same level for more than four weeks.

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds on milk and milk products ⁽²⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽³⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 20, 27.1.1999, p. 8. Regulation as last amended by Regulation (EC) No 558/2005 (OJ L 94, 13.4.2005, p. 22).

⁽³⁾ OJ L 178, 30.6.2001, p. 1. Regulation as amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

- (7) Commission Regulation (EEC) No 896/84 ⁽¹⁾ laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) In determining the products and destinations eligible for refunds, it is appropriate to take into account that the competitive position of certain Community products does not justify encouragement of exports and that the geographical proximity of certain territories risks facilitating diversion of trade and abuses.
- (10) It follows from applying the rules set out above to the present situation on the market in milk and in particular

to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.

- (11) 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 export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 29 July 2005.

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

Done at Brussels, 28 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71. Regulation as last amended by Regulation (EEC) No 222/88 (OJ L 28, 1.2.1988, p. 1).

ANNEX

to the Commission Regulation of 28 July 2005 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 30 31 9100	L01	EUR/100 kg	—	0402 21 11 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	13,20		068	EUR/100 kg	—
	A01	EUR/100 kg	18,86		L02	EUR/100 kg	38,08
0401 30 31 9400	L01	EUR/100 kg	—	0402 21 11 9900	A01	EUR/100 kg	48,89
	L02	EUR/100 kg	20,62		L01	EUR/100 kg	—
	A01	EUR/100 kg	29,47		068	EUR/100 kg	—
0401 30 31 9700	L01	EUR/100 kg	—	0402 21 17 9000	L02	EUR/100 kg	40,58
	L02	EUR/100 kg	22,75		A01	EUR/100 kg	52,10
	A01	EUR/100 kg	32,49		L01	EUR/100 kg	—
0401 30 39 9100	L01	EUR/100 kg	—	0402 21 19 9300	068	EUR/100 kg	—
	L02	EUR/100 kg	13,20		L02	EUR/100 kg	9,94
	A01	EUR/100 kg	18,86		A01	EUR/100 kg	12,00
0401 30 39 9400	L01	EUR/100 kg	—	0402 21 19 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	20,62		068	EUR/100 kg	—
	A01	EUR/100 kg	29,47		L02	EUR/100 kg	36,50
0401 30 39 9700	L01	EUR/100 kg	—	0402 21 19 9900	A01	EUR/100 kg	46,83
	L02	EUR/100 kg	22,75		L01	EUR/100 kg	—
	A01	EUR/100 kg	32,49		068	EUR/100 kg	—
0401 30 91 9100	L01	EUR/100 kg	—	0402 21 19 9900	L02	EUR/100 kg	38,08
	L02	EUR/100 kg	25,92		A01	EUR/100 kg	48,89
	A01	EUR/100 kg	37,04	0402 21 91 9100	L01	EUR/100 kg	—
0401 30 99 9100	L01	EUR/100 kg	—		068	EUR/100 kg	—
	L02	EUR/100 kg	25,92		L02	EUR/100 kg	40,58
0401 30 99 9500	A01	EUR/100 kg	37,04	0402 21 91 9100	A01	EUR/100 kg	52,10
	L01	EUR/100 kg	—		L01	EUR/100 kg	—
	L02	EUR/100 kg	38,10		068	EUR/100 kg	—
0402 10 11 9000	A01	EUR/100 kg	54,43	0402 21 91 9200	L02	EUR/100 kg	40,84
	L01	EUR/100 kg	—		A01	EUR/100 kg	52,41
	068	EUR/100 kg	—	0402 21 91 9200	L01	EUR/100 kg	—
0402 10 19 9000	L02	EUR/100 kg	9,94		068	EUR/100 kg	—
	A01	EUR/100 kg	12,00		L02	EUR/100 kg	41,08
0402 10 91 9000	L01	EUR/100 kg	—	0402 21 91 9350	A01	EUR/100 kg	52,74
	068	EUR/100 kg	—		L01	EUR/100 kg	—
	L02	EUR/100 kg	9,94		068	EUR/100 kg	—
0402 10 99 9000	A01	EUR/100 kg	12,00	0402 21 91 9500	L02	EUR/100 kg	41,51
	L01	EUR/kg	—		A01	EUR/100 kg	53,27
	068	EUR/kg	—	0402 21 99 9100	L01	EUR/100 kg	—
0402 10 99 9000	L02	EUR/kg	0,0994		068	EUR/100 kg	—
	A01	EUR/kg	0,1200		L02	EUR/100 kg	44,60
0402 21 11 9200	L01	EUR/kg	—	0402 21 99 9100	A01	EUR/100 kg	57,25
	068	EUR/kg	—		L01	EUR/100 kg	—
	L02	EUR/kg	0,0994		068	EUR/100 kg	—
0402 21 11 9300	A01	EUR/kg	0,1200	0402 21 99 9200	L02	EUR/100 kg	40,84
	L01	EUR/100 kg	—		A01	EUR/100 kg	52,41
	068	EUR/100 kg	—	0402 21 99 9200	L01	EUR/100 kg	—
0402 21 11 9300	L02	EUR/100 kg	9,94		068	EUR/100 kg	—
	A01	EUR/100 kg	12,00		L02	EUR/100 kg	41,08
0402 21 11 9300	L01	EUR/100 kg	—	0402 21 99 9300	A01	EUR/100 kg	52,74
	068	EUR/100 kg	—		L01	EUR/100 kg	—
	L02	EUR/100 kg	36,50		068	EUR/100 kg	—
	A01	EUR/100 kg	46,83		L02	EUR/100 kg	41,51
					A01	EUR/100 kg	53,27

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0402 21 99 9400	L01	EUR/100 kg	—	0402 91 31 9300	L01	EUR/100 kg	—
	068	EUR/100 kg	—		L02	EUR/100 kg	4,877
	L02	EUR/100 kg	43,80		A01	EUR/100 kg	6,967
	A01	EUR/100 kg	56,23	0402 91 39 9300	L01	EUR/100 kg	—
0402 21 99 9500	L01	EUR/100 kg	—		L02	EUR/100 kg	4,877
	068	EUR/100 kg	—		A01	EUR/100 kg	6,967
	L02	EUR/100 kg	44,60	0402 91 99 9000	L01	EUR/100 kg	—
	A01	EUR/100 kg	57,25		L02	EUR/100 kg	15,93
0402 21 99 9600	L01	EUR/100 kg	—		A01	EUR/100 kg	22,76
	068	EUR/100 kg	—	0402 99 11 9350	L01	EUR/kg	—
	L02	EUR/100 kg	47,75		L02	EUR/kg	0,1055
	A01	EUR/100 kg	61,29		A01	EUR/kg	0,1508
0402 21 99 9700	L01	EUR/100 kg	—	0402 99 19 9350	L01	EUR/kg	—
	068	EUR/100 kg	—		L02	EUR/kg	0,1055
	L02	EUR/100 kg	49,52		A01	EUR/kg	0,1508
	A01	EUR/100 kg	63,59	0402 99 31 9150	L01	EUR/kg	—
0402 21 99 9900	L01	EUR/100 kg	—		L02	EUR/kg	0,1095
	068	EUR/100 kg	—		A01	EUR/kg	0,1565
	L02	EUR/100 kg	51,59	0402 99 31 9300	L01	EUR/kg	—
	A01	EUR/100 kg	66,22		L02	EUR/kg	0,0953
0402 29 15 9200	L01	EUR/kg	—		A01	EUR/kg	0,1362
	L02	EUR/kg	0,0994	0402 99 39 9150	L01	EUR/kg	—
	A01	EUR/kg	0,1200		L02	EUR/kg	0,1095
0402 29 15 9300	L01	EUR/kg	—		A01	EUR/kg	0,1565
	L02	EUR/kg	0,3650	0403 90 11 9000	L01	EUR/100 kg	—
	A01	EUR/kg	0,4683		L02	EUR/100 kg	9,81
0402 29 15 9500	L01	EUR/kg	—		A01	EUR/100 kg	11,83
	L02	EUR/kg	0,3808	0403 90 13 9200	L01	EUR/100 kg	—
	A01	EUR/kg	0,4889		L02	EUR/100 kg	9,81
0402 29 15 9900	L01	EUR/kg	—		A01	EUR/100 kg	11,83
	L02	EUR/kg	0,4058	0403 90 13 9300	L01	EUR/100 kg	—
	A01	EUR/kg	0,5210		L02	EUR/100 kg	36,16
0402 29 19 9300	L01	EUR/kg	—		A01	EUR/100 kg	46,42
	L02	EUR/kg	0,3650	0403 90 13 9500	L01	EUR/100 kg	—
	A01	EUR/kg	0,4683		L02	EUR/100 kg	37,75
0402 29 19 9500	L01	EUR/kg	—		A01	EUR/100 kg	48,45
	L02	EUR/kg	0,3808	0403 90 13 9900	L01	EUR/100 kg	—
	A01	EUR/kg	0,4889		L02	EUR/100 kg	40,23
0402 29 19 9900	L01	EUR/kg	—		A01	EUR/100 kg	51,63
	L02	EUR/kg	0,4058	0403 90 19 9000	L01	EUR/100 kg	—
	A01	EUR/kg	0,5210		L02	EUR/100 kg	40,47
0402 29 91 9000	L01	EUR/kg	—		A01	EUR/100 kg	51,95
	L02	EUR/kg	0,4084	0403 90 33 9400	L01	EUR/kg	—
	A01	EUR/kg	0,5241		L02	EUR/kg	0,3616
0402 29 99 9100	L01	EUR/kg	—		A01	EUR/kg	0,4642
	L02	EUR/kg	0,4084	0403 90 33 9900	L01	EUR/kg	—
	A01	EUR/kg	0,5241		L02	EUR/kg	0,4023
0402 29 99 9500	L01	EUR/kg	—		A01	EUR/kg	0,5163
	L02	EUR/kg	0,4380	0403 90 59 9310	L01	EUR/100 kg	—
	A01	EUR/kg	0,5623		L02	EUR/100 kg	13,20
0402 91 11 9370	L01	EUR/100 kg	—		A01	EUR/100 kg	18,86
	L02	EUR/100 kg	4,127	0403 90 59 9340	L01	EUR/100 kg	—
	A01	EUR/100 kg	5,895		L02	EUR/100 kg	19,32
0402 91 19 9370	L01	EUR/100 kg	—		A01	EUR/100 kg	27,59
	L02	EUR/100 kg	4,127	0403 90 59 9370	L01	EUR/100 kg	—
	A01	EUR/100 kg	5,895		L02	EUR/100 kg	19,32
					A01	EUR/100 kg	27,59

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0403 90 59 9510	L01	EUR/100 kg	—	0405 10 19 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	19,32		L02	EUR/100 kg	66,57
	A01	EUR/100 kg	27,59		A01	EUR/100 kg	89,76
0404 90 21 9120	L01	EUR/100 kg	—	0405 10 19 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	8,48		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	10,23		A01	EUR/100 kg	92,00
0404 90 21 9160	L01	EUR/100 kg	—	0405 10 30 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	9,94		L02	EUR/100 kg	66,57
	A01	EUR/100 kg	12,00		A01	EUR/100 kg	89,76
0404 90 23 9120	L01	EUR/100 kg	—	0405 10 30 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	9,94		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	12,00		A01	EUR/100 kg	92,00
0404 90 23 9130	L01	EUR/100 kg	—	0405 10 30 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	36,50		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	46,83		A01	EUR/100 kg	92,00
0404 90 23 9140	L01	EUR/100 kg	—	0405 10 50 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	38,08		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	48,89		A01	EUR/100 kg	92,00
0404 90 23 9150	L01	EUR/100 kg	—	0405 10 50 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	40,58		L02	EUR/100 kg	66,57
	A01	EUR/100 kg	52,10		A01	EUR/100 kg	89,76
0404 90 29 9110	L01	EUR/100 kg	—	0405 10 50 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	40,84		L02	EUR/100 kg	68,24
	A01	EUR/100 kg	52,41		A01	EUR/100 kg	92,00
0404 90 29 9115	L01	EUR/100 kg	—	0405 10 90 9000	L01	EUR/100 kg	—
	L02	EUR/100 kg	41,08		L02	EUR/100 kg	70,73
	A01	EUR/100 kg	52,74		A01	EUR/100 kg	95,37
0404 90 29 9125	L01	EUR/100 kg	—	0405 20 90 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	41,51		L02	EUR/100 kg	62,41
	A01	EUR/100 kg	53,27		A01	EUR/100 kg	84,16
0404 90 29 9140	L01	EUR/100 kg	—	0405 20 90 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	44,60		L02	EUR/100 kg	64,90
	A01	EUR/100 kg	57,25		A01	EUR/100 kg	87,51
0404 90 81 9100	L01	EUR/kg	—	0405 90 10 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,0994		L02	EUR/100 kg	85,16
	A01	EUR/kg	0,1200		A01	EUR/100 kg	114,82
0404 90 83 9110	L01	EUR/kg	—	0405 90 90 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,0994		L02	EUR/100 kg	68,11
	A01	EUR/kg	0,1200		A01	EUR/100 kg	91,83
0404 90 83 9130	L01	EUR/kg	—	0406 10 20 9100	L01	EUR/100 kg	—
	L02	EUR/kg	0,3650		L02	EUR/100 kg	—
	A01	EUR/kg	0,4683		A01	EUR/100 kg	16,24
0404 90 83 9150	L01	EUR/kg	—	0406 10 20 9230	L03	EUR/100 kg	—
	L02	EUR/kg	0,3808		L04	EUR/100 kg	12,99
	A01	EUR/kg	0,4889		400	EUR/100 kg	—
0404 90 83 9170	L01	EUR/kg	—	0406 10 20 9290	A01	EUR/100 kg	—
	L02	EUR/kg	0,4058		A00	EUR/100 kg	—
	A01	EUR/kg	0,5210		A00	EUR/100 kg	—
0404 90 83 9936	L01	EUR/kg	—	0406 10 20 9610	A00	EUR/100 kg	—
	L02	EUR/kg	0,1055		A00	EUR/100 kg	—
	A01	EUR/kg	0,1508		A00	EUR/100 kg	—
0405 10 11 9500	L01	EUR/100 kg	—	0406 10 20 9620	L03	EUR/100 kg	—
	L02	EUR/100 kg	66,57		L04	EUR/100 kg	19,96
	A01	EUR/100 kg	89,76		400	EUR/100 kg	—
0405 10 11 9700	L01	EUR/100 kg	—	0406 10 20 9630	A01	EUR/100 kg	24,94
	L02	EUR/100 kg	68,24				
	A01	EUR/100 kg	92,00				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 10 20 9640	L03	EUR/100 kg	—	0406 30 39 9930	L03	EUR/100 kg	—
	L04	EUR/100 kg	29,32		L04	EUR/100 kg	5,69
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	36,65		A01	EUR/100 kg	13,34
0406 10 20 9650	L03	EUR/100 kg	—	0406 30 39 9950	L03	EUR/100 kg	—
	L04	EUR/100 kg	24,44		L04	EUR/100 kg	6,44
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	30,55		A01	EUR/100 kg	15,09
0406 10 20 9830	L03	EUR/100 kg	—	0406 30 90 9000	A00	EUR/100 kg	—
	L04	EUR/100 kg	9,08		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	34,48
	A01	EUR/100 kg	11,33		400	EUR/100 kg	—
0406 10 20 9850	L03	EUR/100 kg	—	0406 40 90 9000	A01	EUR/100 kg	43,09
	L04	EUR/100 kg	10,99		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	35,41
	A01	EUR/100 kg	13,74		400	EUR/100 kg	—
0406 20 90 9100	A00	EUR/100 kg	—	0406 90 13 9000	A01	EUR/100 kg	44,26
0406 20 90 9913	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	21,76		L04	EUR/100 kg	39,25
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 20 90 9915	A01	EUR/100 kg	27,20		A01	EUR/100 kg	56,18
	L03	EUR/100 kg	—	0406 90 15 9100	L03	EUR/100 kg	—
	L04	EUR/100 kg	29,54		L04	EUR/100 kg	40,57
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 20 90 9917	A01	EUR/100 kg	36,93		A01	EUR/100 kg	58,06
	L03	EUR/100 kg	—	0406 90 17 9100	L03	EUR/100 kg	—
	L04	EUR/100 kg	31,41		L04	EUR/100 kg	40,57
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 20 90 9919	A01	EUR/100 kg	39,24		A01	EUR/100 kg	58,06
	L03	EUR/100 kg	—	0406 90 21 9900	L03	EUR/100 kg	—
	L04	EUR/100 kg	35,08		L04	EUR/100 kg	39,43
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 30 31 9710	A01	EUR/100 kg	43,86		A01	EUR/100 kg	56,30
	A00	EUR/100 kg	—	0406 90 23 9900	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	35,35
	L04	EUR/100 kg	3,91		400	EUR/100 kg	—
0406 30 31 9730	400	EUR/100 kg	—		A01	EUR/100 kg	50,82
	A01	EUR/100 kg	9,17	0406 90 25 9900	L03	EUR/100 kg	—
	A00	EUR/100 kg	—		L04	EUR/100 kg	34,67
	L03	EUR/100 kg	—		400	EUR/100 kg	—
0406 30 31 9910	L04	EUR/100 kg	3,91		A01	EUR/100 kg	49,63
	400	EUR/100 kg	—	0406 90 27 9900	L03	EUR/100 kg	—
	A01	EUR/100 kg	9,17		L04	EUR/100 kg	31,39
	L03	EUR/100 kg	—		400	EUR/100 kg	—
0406 30 31 9930	L04	EUR/100 kg	3,91		A01	EUR/100 kg	44,95
	400	EUR/100 kg	—	0406 90 31 9119	L03	EUR/100 kg	—
	A01	EUR/100 kg	9,17		L04	EUR/100 kg	29,03
	L03	EUR/100 kg	—		400	EUR/100 kg	—
0406 30 31 9950	L04	EUR/100 kg	5,69		A01	EUR/100 kg	41,60
	400	EUR/100 kg	—	0406 90 33 9119	L03	EUR/100 kg	—
	A01	EUR/100 kg	13,34		L04	EUR/100 kg	29,03
	L03	EUR/100 kg	—		400	EUR/100 kg	—
0406 30 39 9500	L04	EUR/100 kg	3,91		A01	EUR/100 kg	41,60
	400	EUR/100 kg	—	0406 30 39 9700	L03	EUR/100 kg	—
	A01	EUR/100 kg	9,17		L04	EUR/100 kg	5,69
	L03	EUR/100 kg	—		400	EUR/100 kg	—
0406 30 39 9700	L04	EUR/100 kg	5,69		A01	EUR/100 kg	13,34
	400	EUR/100 kg	—				
	A01	EUR/100 kg	13,34				
	L03	EUR/100 kg	—				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 33 9919	A00	EUR/100 kg	—	0406 90 78 9300	L03	EUR/100 kg	—
0406 90 33 9951	A00	EUR/100 kg	—		L04	EUR/100 kg	35,54
0406 90 35 9190	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	41,33		A01	EUR/100 kg	50,76
	400	EUR/100 kg	—	0406 90 78 9500	L03	EUR/100 kg	—
	A01	EUR/100 kg	59,45		L04	EUR/100 kg	34,55
0406 90 35 9990	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	41,33		A01	EUR/100 kg	49,04
	400	EUR/100 kg	—	0406 90 79 9900	L03	EUR/100 kg	—
	A01	EUR/100 kg	59,45		L04	EUR/100 kg	29,35
0406 90 37 9000	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	39,25		A01	EUR/100 kg	42,19
	400	EUR/100 kg	—	0406 90 81 9900	L03	EUR/100 kg	—
	A01	EUR/100 kg	56,18		L04	EUR/100 kg	36,63
0406 90 61 9000	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	44,68		A01	EUR/100 kg	52,44
	400	EUR/100 kg	—	0406 90 85 9930	L03	EUR/100 kg	—
	A01	EUR/100 kg	64,65		L04	EUR/100 kg	40,16
0406 90 63 9100	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	44,02		A01	EUR/100 kg	57,80
	400	EUR/100 kg	—	0406 90 85 9970	L03	EUR/100 kg	—
	A01	EUR/100 kg	63,49		L04	EUR/100 kg	36,84
0406 90 63 9900	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	42,31		A01	EUR/100 kg	52,98
	400	EUR/100 kg	—	0406 90 86 9100	A00	EUR/100 kg	—
	A01	EUR/100 kg	61,32	0406 90 86 9200	L03	EUR/100 kg	—
0406 90 69 9100	A00	EUR/100 kg	—		L04	EUR/100 kg	35,61
0406 90 69 9910	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	42,93		A01	EUR/100 kg	52,80
	400	EUR/100 kg	—	0406 90 86 9300	A00	EUR/100 kg	—
	A01	EUR/100 kg	62,22	0406 90 86 9400	L03	EUR/100 kg	—
0406 90 73 9900	L03	EUR/100 kg	—		L04	EUR/100 kg	38,16
	L04	EUR/100 kg	36,12		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	55,80
	A01	EUR/100 kg	51,75	0406 90 86 9900	L03	EUR/100 kg	—
0406 90 75 9900	L03	EUR/100 kg	—		L04	EUR/100 kg	40,16
	L04	EUR/100 kg	36,84		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	57,80
	A01	EUR/100 kg	52,98	0406 90 87 9100	A00	EUR/100 kg	—
0406 90 76 9300	L03	EUR/100 kg	—	0406 90 87 9200	A00	EUR/100 kg	—
	L04	EUR/100 kg	32,71	0406 90 87 9300	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	33,16
	A01	EUR/100 kg	46,82		400	EUR/100 kg	—
0406 90 76 9400	L03	EUR/100 kg	—		A01	EUR/100 kg	49,00
	L04	EUR/100 kg	36,63	0406 90 87 9400	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	33,86
	A01	EUR/100 kg	52,44		400	EUR/100 kg	—
0406 90 76 9500	L03	EUR/100 kg	—		A01	EUR/100 kg	49,49
	L04	EUR/100 kg	33,92	0406 90 87 9951	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	35,97
	A01	EUR/100 kg	48,15		400	EUR/100 kg	—
0406 90 78 9100	L03	EUR/100 kg	—		A01	EUR/100 kg	51,50
	L04	EUR/100 kg	35,88				
	400	EUR/100 kg	—				
	A01	EUR/100 kg	52,42				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 87 9971	L03	EUR/100 kg	—	0406 90 87 9975	L03	EUR/100 kg	—
	L04	EUR/100 kg	35,97		L04	EUR/100 kg	37,52
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	51,50		A01	EUR/100 kg	53,02
0406 90 87 9972	L03	EUR/100 kg	—	0406 90 87 9979	L03	EUR/100 kg	—
	L04	EUR/100 kg	15,21		L04	EUR/100 kg	35,35
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	21,86		A01	EUR/100 kg	50,82
0406 90 87 9973	L03	EUR/100 kg	—	0406 90 88 9100	A00	EUR/100 kg	—
	L04	EUR/100 kg	35,33	0406 90 88 9300	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	29,29
	A01	EUR/100 kg	50,57		400	EUR/100 kg	—
0406 90 87 9974	L03	EUR/100 kg	—	0406 90 88 9500	A01	EUR/100 kg	43,13
	L04	EUR/100 kg	37,84		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	30,20
	A01	EUR/100 kg	53,93		400	EUR/100 kg	—
					A01	EUR/100 kg	43,15

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 750/2005 (OJ L 126, 19.5.2005, p. 12).

The other destinations are defined as follows:

L01 Ceuta, Melilla, Holy See, the United States of America and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

L02 Andorra and Gibraltar.

L03 Ceuta, Melilla, Iceland, Norway, Switzerland, Liechtenstein, Andorra, Gibraltar, Holy See (often referred to as Vatican City), Turkey, Romania, Bulgaria, Croatia, Canada, Australia, New Zealand and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.

L04 Albania, Bosnia and Herzegovina, Kosovo, Serbia, Montenegro and the former Yugoslav Republic of Macedonia.

COMMISSION REGULATION (EC) No 1225/2005**of 28 July 2005****fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 581/2004**

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⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 581/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning certain types of butter ⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products ⁽³⁾ and following an examination of the

tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 26 July 2005.

- (3) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 26 July 2005, the maximum amount of refund for the products referred to in Article 1(1) of that Regulation shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 29 July 2005.

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

Done at Brussels, 28 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 90, 27.3.2004, p. 64. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

⁽³⁾ OJ L 90, 27.3.2004, p. 58. Regulation as amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund	
		For export to the destination referred to in the first indent of Article 1(1) of Regulation (EC) No 581/2004	For export to the destinations referred to in the second indent of Article 1(1) of Regulation (EC) No 581/2004
Butter	ex 0405 10 19 9500	—	98,00
Butter	ex 0405 10 19 9700	100,50	100,50
Butteroil	ex 0405 90 10 9000	120,00	122,00

COMMISSION REGULATION (EC) No 1226/2005**of 28 July 2005****fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004**

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⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 582/2004 of 26 March 2004 opening a standing invitation to tender for export refunds for skimmed milk powder ⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products ⁽³⁾ and following an examination of the tenders submitted in response to the invitation to

tender, it is appropriate to fix a maximum export refund for the tendering period ending on 26 July 2005.

- (3) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 582/2004, for the tendering period ending on 26 July 2005, the maximum amount of refund for the product and destinations referred to in Article 1(1) of that Regulation shall be 15,00 EUR/100 kg.

Article 2

This Regulation shall enter into force on 29 July 2005.

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

Done at Brussels, 28 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 90, 27.3.2004, p. 67. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

⁽³⁾ OJ L 90, 27.3.2004, p. 58. Regulation as amended by Regulation (EC) No 2250/2004.

COMMISSION REGULATION (EC) No 1227/2005**of 28 July 2005****fixing the representative prices and the additional import duties for molasses in the sugar sector
applicable from 29 July 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 market in sugar ⁽¹⁾, and in particular Article 24(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽²⁾, stipulates that the cif import price for molasses established in accordance with Commission Regulation (EEC) No 785/68 ⁽³⁾, is to be considered the representative price. That price is fixed for the standard quality defined in Article 1 of Regulation (EEC) No 785/68.
- (2) For the purpose of fixing the representative prices, account must be taken of all the information provided for in Article 3 of Regulation (EEC) No 785/68, except in the cases provided for in Article 4 of that Regulation and those prices should be fixed, where appropriate, in accordance with the method provided for in Article 7 of that Regulation.
- (3) Prices not referring to the standard quality should be adjusted upwards or downwards, according to the

quality of the molasses offered, in accordance with Article 6 of Regulation (EEC) No 785/68.

- (4) Where there is a difference between the trigger price for the product concerned and the representative price, additional import duties should be fixed under the terms laid down in Article 3 of Regulation (EC) No 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (5) The representative prices and additional import duties for the products concerned should be fixed in accordance with Articles 1(2) and 3(1) of Regulation (EC) No 1422/95.
- (6) 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 representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 July 2005.

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

Done at Brussels, 28 July 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽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 141, 24.6.1995, p. 12. Regulation as amended by Regulation (EC) No 79/2003 (OJ L 13, 18.1.2003, p. 4).

⁽³⁾ OJ 145, 27.6.1968, p. 12. Regulation as amended by Regulation (EC) No 1422/95.

ANNEX

Representative prices and additional duties for imports of molasses in the sugar sector applicable from 29 July 2005

(EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽¹⁾
1703 10 00 ⁽²⁾	11,43	—	0
1703 90 00 ⁽²⁾	12,00	—	0

⁽¹⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

⁽²⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

COMMISSION REGULATION (EC) No 1228/2005**of 28 July 2005****fixing the export refunds on white sugar and raw sugar exported in its unaltered 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)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of that Regulation. Candy sugar is defined in 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⁾. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.
- (4) In special cases, the amount of the refund may be fixed by other legal instruments.

- (5) The refund must be fixed every two weeks. It may be altered in the intervening period.
- (6) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial.
- (8) To prevent any abuse through the re-import into the Community of sugar products in receipt of an export refund, no refund should be set for all the countries of the western Balkans for the products covered by this Regulation.
- (9) In view of the above and of the present situation on the market in sugar, and in particular of the quotations or prices for sugar within the Community and on the world market, refunds should be set at the appropriate amounts.
- (10) 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 export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 29 July 2005.

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

Done at Brussels, 28 July 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 214, 8.9.1995, p. 16.

ANNEX

**REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING
APPLICABLE FROM 29 JULY 2005 ⁽¹⁾**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	32,48 ⁽²⁾
1701 11 90 9910	S00	EUR/100 kg	32,48 ⁽²⁾
1701 12 90 9100	S00	EUR/100 kg	32,48 ⁽²⁾
1701 12 90 9910	S00	EUR/100 kg	32,48 ⁽²⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,3531
1701 99 10 9100	S00	EUR/100 kg	35,31
1701 99 10 9910	S00	EUR/100 kg	35,31
1701 99 10 9950	S00	EUR/100 kg	35,31
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,3531

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).

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

⁽¹⁾ The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

⁽²⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

COMMISSION REGULATION (EC) No 1229/2005**of 28 July 2005****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 abovementioned refunds must be fixed every month; they may be altered in the intervening period.
- (8) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (9) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial in nature.

⁽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. 6).

⁽²⁾ OJ L 214, 8.9.1995, p. 16.

⁽³⁾ OJ L 178, 30.6.2001, p. 63.

- (10) In order to prevent any abuses associated with the reimportation into the Community of sugar sector products that have qualified for export refunds, refunds for the products covered by this Regulation should not be fixed for all the countries of the western Balkans.
- (11) In view of the above, refunds for the products in question should be fixed at the appropriate amounts.
- (12) 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 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 to this Regulation.

Article 2

This Regulation shall enter into force on 29 July 2005.

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

Done at Brussels, 28 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

EXPORT REFUNDS ON SYRUPS AND CERTAIN OTHER SUGAR PRODUCTS EXPORTED WITHOUT FURTHER PROCESSING APPLICABLE FROM 29 JULY 2005 ⁽¹⁾

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	35,31 ⁽²⁾
1702 60 10 9000	S00	EUR/100 kg dry matter	35,31 ⁽²⁾
1702 60 80 9100	S00	EUR/100 kg dry matter	67,08 ⁽³⁾
1702 60 95 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3531 ⁽⁴⁾
1702 90 30 9000	S00	EUR/100 kg dry matter	35,31 ⁽²⁾
1702 90 60 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3531 ⁽⁴⁾
1702 90 71 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3531 ⁽⁴⁾
1702 90 99 9900	S00	EUR/1 % sucrose × net 100 kg of product	0,3531 ⁽⁴⁾ ⁽⁵⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	35,31 ⁽²⁾
2106 90 59 9000	S00	EUR/1 % sucrose × net 100 kg of product	0,3531 ⁽⁴⁾

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).

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are defined as follows:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, except for sugar incorporated into the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

⁽¹⁾ The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

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

⁽³⁾ Applicable only to products referred to in Article 6 of Regulation (EC) No 2135/95.

⁽⁴⁾ 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.

⁽⁵⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 1230/2005**of 28 July 2005****fixing the maximum export refund for white sugar to certain third countries for the 33rd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1327/2004**

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 indent of Article 27(5) thereof,

Whereas:

(1) Commission Regulation (EC) No 1327/2004 of 19 July 2004 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽²⁾, for the 2004/2005 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.

(2) Pursuant to Article 9(1) of Regulation (EC) No 1327/2004 a maximum export refund shall be fixed,

as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

(3) 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

For the 33rd partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1327/2004 the maximum amount of the export refund shall be 39,870 EUR/100 kg.

Article 2

This Regulation shall enter into force on 29 July 2005.

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

Done at Brussels, 28 July 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 246, 20.7.2004, p. 23. Regulation as amended by Regulation (EC) No 1685/2004 (OJ L 303, 30.9.2004, p. 21).

COMMISSION REGULATION (EC) No 1231/2005**of 28 July 2005****fixing the maximum export refund for white sugar to certain third countries for the 1st partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1138/2005**

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 second indent of Article 27(5) thereof,

Whereas:

(1) Commission Regulation (EC) No 1138/2005 of 15 July 2005 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽²⁾, for the 2005/2006 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.

(2) Pursuant to Article 9(1) of Regulation (EC) No 1138/2005 a maximum export refund shall be fixed,

as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

(3) 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

For the 1st partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1138/2005 the maximum amount of the export refund shall be 41,620 EUR/100 kg.

Article 2

This Regulation shall enter into force on 29 July 2005.

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

Done at Brussels, 28 July 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 185, 15.7.2005, p. 3.

COMMISSION REGULATION (EC) No 1232/2005**of 28 July 2005****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 868/2005**

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⁾, and in particular Article 12(1) thereof,

Whereas:

(1) An invitation to tender for the maximum reduction in the duty on maize imported into Spain from third countries was opened pursuant to Commission Regulation (EC) No 868/2005 ⁽²⁾.

(2) Pursuant to Article 7 of Commission Regulation (EC) No 1839/95 ⁽³⁾ the Commission, acting under the procedure laid down in Article 25 of Regulation (EC) No 1784/2003, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 22 to 28 July 2005, pursuant to the invitation to tender issued in Regulation (EC) No 868/2005, the maximum reduction in the duty on maize imported shall be 20,99 EUR/t and be valid for a total maximum quantity of 150 t.

Article 2

This Regulation shall enter into force on 29 July 2005.

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

Done at Brussels, 28 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 145, 9.6.2005, p. 18.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 1233/2005**of 28 July 2005****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1059/2005**

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⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 1059/2005 ⁽²⁾.
- (2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified on 22 to 28 July 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1059/2005, the maximum refund on exportation of common wheat shall be 4,00 EUR/t.

Article 2

This Regulation shall enter into force on 29 July 2005.

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

Done at Brussels, 28 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 174, 7.7.2005, p. 15.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 1234/2005**of 28 July 2005****fixing production refunds on cereals**

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⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the application of Council Regulations (EEC) No 1766/92 and (EEC) No 1418/76 concerning production refunds in the cereals and rice sectors respectively ⁽²⁾ lays down the conditions for granting production refunds. The basis for calculating the refund is laid down in Article 3 of that Regulation. The refund thus calculated, differentiated where necessary for potato starch, must be fixed once a month and may be amended if the price of maize and/or wheat changes significantly.

- (2) The production refunds fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount to be paid.

- (3) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The refund per tonne of starch referred to in Article 3(2) of Regulation (EEC) No 1722/93, is hereby fixed at:

- (a) EUR 18,08/tonne for starch from maize, wheat, barley and oats;
(b) EUR 26,45/tonne for potato starch.

Article 2

This Regulation shall enter into force on 29 July 2005.

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

Done at Brussels, 28 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1548/2004 (OJ L 280, 31.8.2004, p. 11).

COMMISSION REGULATION (EC) No 1235/2005**of 28 July 2005****fixing the maximum export refund on barley in connection with the invitation to tender issued in
Regulation (EC) No 1058/2005**

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⁾, and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1058/2005 ⁽²⁾.

(2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified on 22 to 28 July 2005, pursuant to the invitation to tender issued in Regulation (EC) No 1058/2005, the maximum refund on exportation of barley shall be 0,00 EUR/t.

Article 2

This Regulation shall enter into force on 29 July 2005.

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

Done at Brussels, 28 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 174, 7.7.2005, p. 12.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 July 2005

excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF)

(notified under document number C(2005) 2756)

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

(Text with EEA relevance)

(2005/579/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, and in particular Article 5(2)(c) thereof,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽²⁾, and in particular Article 7(4) thereof,

Having consulted the Fund Committee,

Whereas:

- (1) Article 5 of Regulation (EEC) No 729/70, Article 7 of Regulation (EC) No 1258/1999, and Article 8(1) and (2) of Commission Regulation (EC) No 1663/95 of 7 July 1995 laying down detailed rules for the application of Council Regulation (EEC) No 729/70 regarding the procedure for the clearance of the accounts of the EAGGF Guarantee Section ⁽³⁾ require the Commission to make the necessary verifications, inform the Member States of its findings, take account of the Member States' comments, initiate bilateral discussions and then formally communicate its conclusions to the Member States,

referring to Commission Decision 94/442/EC of 1 July 1994 setting up a conciliation procedure in the context of the clearance of the accounts of the European Agricultural Guidance and Guarantee Fund (EAGGF) Guarantee Section ⁽⁴⁾.

- (2) The Member States have had an opportunity to request that a conciliation procedure be initiated. That opportunity has been used in some cases and the report issued on the outcome has been examined by the Commission.
- (3) Under Articles 2 and 3 of Regulation (EEC) No 729/70 and Article 2 of Regulation (EC) No 1258/1999, only refunds on exports to third countries and intervention to stabilise agricultural markets, respectively granted and undertaken according to Community rules within the framework of the common organisation of the agricultural markets, may be financed.
- (4) In the light of the checks carried out, the outcome of the bilateral discussions and the conciliation procedures, part of the expenditure declared by the Member States does not fulfil these requirements and cannot, therefore, be financed under the EAGGF Guarantee Section.
- (5) The amounts that are not recognised as being chargeable to the EAGGF Guarantee Section should be indicated. Those amounts do not relate to expenditure incurred more than twenty-four months before the Commission's written notification of the results of the checks to the Member States.

⁽¹⁾ OJ L 94, 28.4.1970, p. 13. Regulation as last amended by Regulation (EC) No 1287/95 (OJ L 125, 8.6.1995, p. 1).

⁽²⁾ OJ L 160, 26.6.1999, p. 103.

⁽³⁾ OJ L 158, 8.7.1995, p. 6. Regulation as last amended by Regulation (EC) No 465/2005 (OJ L 77, 23.3.2005, p. 6).

⁽⁴⁾ OJ L 182, 16.7.1994, p. 45. Decision as last amended by Decision 2001/535/EC (OJ L 193, 17.7.2001, p. 25).

(6) As regards the cases covered by this Decision, the assessment of the amounts to be excluded on grounds of non-compliance with Community rules was notified by the Commission to the Member States in a summary report on the subject.

(7) This Decision is without prejudice to any financial conclusions that the Commission may draw from the judgments of the Court of Justice in cases pending on 15 April 2005 and relating to its content,

HAS ADOPTED THIS DECISION:

Article 1

The expenditure itemised in the Annex hereto that has been incurred by the Member States' accredited paying agencies and

declared under the EAGGF Guarantee Section shall be excluded from Community financing because it does not comply with Community rules.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Portuguese Republic and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 20 July 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

Total corrections

Sector	Member State	Budget item	Reason	National Currency	Expenditure excluded from financing	Deductions already made	Financial impact of decision	Financial year
Export refunds	BE	2 3 1 0, 3 0 1, 3 0, 1 1 0, 2 0 0	5 % flat-rate correction — inadequate implementation of a key check (physical check).	EUR	- 225 713,07	0,00	- 225 713,07	2000-2001
Financial audit	BE	1 8 0 0	Correction — application of Regulation (EC) No 1258/1999 — non-compliance with payment deadlines.	EUR	- 9 128,82	- 17 989,43	8 860,61	2003
	Total BE				- 234 841,89	- 17 989,43	- 216 852,46	
Fruit and vegetables	EL	1 5 1 2	Correction for non-compliance with payment deadlines.	EUR	- 30 662,52	0,00	- 30 662,52	2002
Public storage	EL	3 2 3 0, 3 2 3 1	Correction for non-compliance with payment deadlines; 5 % flat-rate correction for non-fixing of penalties for over-declaration in aid applications (aid for the production of potatoes); 5 % flat-rate correction — unsatisfactory inspection reports (aid for vineyards).	EUR	- 3 105 400,72	0,00	- 3 105 400,72	2000-2002
Tobacco	EL	1 7 1 0	5 % flat-rate correction — shortcomings related to key checks and secondary checks.	EUR	- 23 975 602,85	0,00	- 23 975 602,85	2000-2003
Livestock premiums	EL	2 2 2 0, 2 2 2 1, 2 2 2 2	10 % flat-rate correction — persistent and recurrent weaknesses in the checking system.	EUR	- 38 550 236,16	0,00	- 38 550 236,16	2002-2003
Arable crops	EL	various	Repayment following the Court's annulment of Commission Decision 2002/524/EC in case C-300/02.	EUR	40 721 931,00	0,00	40 721 931,00	1996, 1997, 1999
Financial audit	EL	1 0 4 3, 1 0 5 0, 1 0 5 1, 1 0 5 3, 1 0 5 6, 2 1 2 0, 2 1 2 2, 2 1 2 4, 2 1 2 5, 2 1 2 8	Correction — application of Regulation (EC) No 1258/1999 — non-compliance with payment deadlines.	EUR	- 7 452 063,34	- 7 452 063,34	0,00	2002
	Total EL				- 32 392 034,59	- 7 452 063,34	- 24 939 971,25	

Sector	Member State	Budget item	Reason	National Currency	Expenditure excluded from financing	Deductions already made	Financial impact of decision	Financial year
Fruit and vegetables	ES	1 5 0 7	10 % flat-rate correction — non-compliance with payment deadlines and other shortcomings related to checks.	EUR	- 16 992 532,63	0,00	- 16 992 532,63	2001-2002
	ES	3 2 2 1	5 % flat-rate correction — major shortcomings in the effectiveness of key checks.	EUR	- 286 402,94	0,00	- 286 402,94	2000-2002
	ES	1 0 4 9, 1 0 5 3, 1 0 5 5, 1 0 6 0, 1 2 1 0, 1 4 0 0, 1 4 0 2, 1 5 0 2, 1 5 1 1, 1 5 1 5, 1 8 5 8, 2 1 2 4, 2 1 2 5, 2 1 2 8, 2 3 2 0	Correction — application of Regulation (EC) No 1258/1999 — non-compliance with payment deadlines.	EUR	- 13 212 853,30	- 18 813 333,12	5 600 479,82	2003
	Total ES				- 30 491 788,87	- 18 813 333,12	- 11 678 455,75	
Fruit & vegetables	FR	1 5 0 2, 1 5 1 2	Correction for non-compliance with payment deadlines and failure to reduce aid for operational programmes where requests for final payments were submitted after the deadline.	EUR	- 438 755,08	0,00	- 438 755,08	2002
	FR	3 1 2 0	Correction for non-compliance with payment deadlines and in relation to ineligible payments made to 'outdoor centres' under the school milk scheme.	EUR	- 1 704 065,71	0,00	- 1 704 065,71	2001-2003
	FR	1 6 5 0	10 % one-off correction for the area restructured or reconverted; expenses incurred beyond the 10 % limit are ineligible for the use of new planting rights.	EUR	- 14 521 216,85	0,00	- 14 521 216,85	2001-2003
Rural development	FR	4 0 9 2	Recovery of an amount claimed twice by the French authorities for interest subsidies in 2001.	EUR	- 18 443 923,00	0,00	- 18 443 923,00	2001
Financial audit	FR	1 5 9 0	Financial correction — certification of accounts 2002.	EUR	1 540 669,82	0,00	1 540 669,82	2002
	Total FR				- 33 567 290,82	0,00	- 33 567 290,82	

Sector	Member State	Budget item	Reason	National Currency	Expenditure excluded from financing	Deductions already made	Financial impact of decision	Financial year
Tobacco	IT	1 7 1 0	5 % flat-rate correction — shortcomings in key checks.	EUR	- 16 568 665,50	0,00	- 16 568 665,50	2001-2002
	Total IT				- 16 568 665,50	0,00	- 16 568 665,50	
Public storage	PT	3 2 1 1	5 % flat-rate correction — shortcomings in checks and inspection reports (aid for the production of potatoes) and shortcomings in the procedure for applying the penalties provided for in Article 3(6) (aid for the maintenance of the dairy herd).	EUR	- 1 174 131,43	0,00	- 1 174 131,43	2000-2002
	Total PT				- 1 174 131,43	0,00	- 1 174 131,43	
Livestock premiums	UK	2 1 2 5	Rectification of financial correction included in Commission Decision 2005/354/EC	GBP	499 443,63	0,00	499 443,63	2001-2002
	Total UK				499 443,63	0,00	499 443,63	

COMMISSION DECISION

of 25 July 2005

refusing the placing on the market of betaine as a novel food or novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council

(notified under document number C(2005) 2770)

(Only the Finnish and Swedish texts are authentic)

(2005/580/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) On 24 January 2003 Finnfeeds Finland Ltd made a request to the competent authorities of Finland to place betaine on the market as a novel food or novel food ingredient.
- (2) On 3 July 2003 the competent authorities of Finland issued their initial assessment report.
- (3) In their initial assessment report, Finland's competent authorities came to the conclusion that betaine may be placed on the market.
- (4) The Commission forwarded the initial assessment report to all Member States on 18 August 2003.
- (5) Within the 60-day period laid down in Article 6(4) of Regulation (EC) No 258/97, reasoned objections to the marketing of betaine were raised in accordance with that provision.

(6) The European Food Safety Authority, in its opinion on an application concerning the use of betaine as a novel food in the European Union of 22 February 2005 ⁽²⁾, came to the conclusion that the safety of betaine for the intended use as proposed by the applicant has not been established.

(7) As it has not been demonstrated that the product complies with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97, it should not be placed on the market in the Community.

(8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Betaine may not be placed on the Community market as food or food ingredient.

Article 2

This Decision is addressed to Finnfeeds Finland Ltd, Sokeritehtaantie 20, FI-02460 Kantvik.

Done at Brussels, 25 July 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 43, 14.2.1997, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ The opinion can be found on the website of the European Food Safety Authority, Scientific Panel on Dietetic Products, Nutrition and Allergies.

COMMISSION DECISION

of 25 July 2005

**authorising the placing on the market of isomaltulose as a novel food or novel food ingredient
under Regulation (EC) No 258/97 of the European Parliament and of the Council**

*(notified under document number C(2005) 2776)***(Only the German text is authentic)**

(2005/581/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) On 4 March 2004 Südzucker AG made a request to the competent authorities of Germany to place isomaltulose on the market as a novel food or novel food ingredient.
- (2) On 1 October 2004 the competent food assessment body of Germany issued its initial assessment report. In that report it came to the conclusion that the proposed uses for isomaltulose are safe for human consumption.
- (3) The Commission forwarded the initial assessment report to all Member States on 30 November 2004.
- (4) Within the 60-day period laid down in Article 6(4) of Regulation (EC) No 258/97 reasoned objections to the marketing of the product were raised in accordance with that provision. The objections/comments were discussed with Member States at the meeting of the Standing Committee on 14 February 2005 in connection with the first request for the placing on the Community market of isomaltulose submitted by Cargill.
- (5) As regards the nutrition information included in the labelling and advertising of foods containing isomaltulose, Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs ⁽²⁾ applies.

- (6) On the basis of the initial assessment report, it is established that isomaltulose complies with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97.

- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Isomaltulose as specified in the Annex, may be placed on the market in the Community as a novel food or novel food ingredient for use in foodstuffs.

Article 2

The designation 'isomaltulose' shall be displayed on the labelling of the product as such or in the list of ingredients of foodstuffs containing it.

In a prominently displayed footnote related to the designation isomaltulose by means of an asterisk (*) the words 'isomaltulose is a source of glucose and fructose' shall be displayed. The words shall have a typeface of at least the same size as the list of ingredients itself.

Article 3

This Decision is addressed to Südzucker AG Mannheim/Ochsenfurt, Maximilianstraße 10, D-68165 Mannheim.

Done at Brussels, 25 July 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 43, 14.2.1997, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 276, 6.10.1990, p. 40. Directive as last amended by Commission Directive 2003/120/EC (OJ L 333, 20.12.2003, p. 51).

ANNEX

SPECIFICATIONS OF ISOMALTULOSE

Definition

A reducing disaccharide that consists of one glucose and one fructose moiety linked by an alpha-1,6-glycosidic bond. It is obtained from sucrose by an enzymatic process. The commercial product is the monohydrate.

Chemical name

6-O- α -D-glucopyranosyl-D-fructofuranose, monohydrate

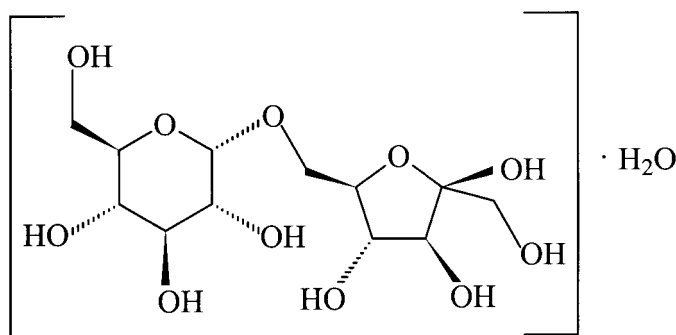
CAS number

13718-94-0

Chemical formula

$C_{12}H_{22}O_{11} \cdot H_2O$

Structural formula



Formula weight

360,3 (monohydrate)

Assay

Not less than 98 % on the dry basis

Description

Virtually odourless, white or almost white crystals with a sweet taste

Loss on drying

Not more than 6,5 % (60 °C, 5 hours)

Lead

Not more than 0,1 mg/kg

Determine using an atomic absorption technique appropriate to the specified level. The selection of sample size and method of sample preparation may be based on the principles of the method described in FNP 5 ⁽¹⁾, 'Instrumental methods'.

⁽¹⁾ Food and Nutrition Paper 5 Rev. 2 — Guide to specifications for general notices, general analytical techniques, identification tests, test solutions and other reference materials (JECFA), 1991, 322 pp., English, ISBN 92-5-102991-1.

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL JOINT ACTION 2005/582/CFSP
of 28 July 2005
amending and extending the mandate of the European Union Special Representative for the South
Caucasus

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) On 8 December 2003 the Council adopted Joint Action 2003/872/CFSP ⁽¹⁾ extending and amending the mandate of the Special Representative of the European Union for the South Caucasus.
- (2) On 2 February 2005 the Council adopted Joint Action 2005/100/CFSP ⁽²⁾ extending the mandate of the Special Representative of the European Union until 31 August 2005.
- (3) On 26 April 2005 the Council adopted Joint Action 2005/330/CFSP ⁽³⁾ amending the mandate of the Special Representative of the European Union.
- (4) On the basis of a review of Joint Action 2003/872/CFSP the mandate of the European Union Special Representative (EUSR) should be extended for a further 6 months.
- (5) On 9 June 2005 the Political and Security Committee agreed on the next steps of the European Union approach to respond to the situation following the closure of the OSCE border monitoring mission in Georgia by strengthening the EUSR for the South Caucasus.
- (6) On 9 June 2005 the Political and Security Committee agreed on the modalities of the European Union support in the implementation of the strategy for reform of the Georgian criminal system after the termination of the Rule of Law Mission in Georgia, EUJUST THEMIS.
- (7) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty.
- (8) The mandate of the EUSR should be amended accordingly,

⁽¹⁾ OJ L 326, 13.12.2003, p. 44.

⁽²⁾ OJ L 31, 4.2.2005, p. 74.

⁽³⁾ OJ L 106, 27.4.2005, p. 36.

HAS ADOPTED THIS JOINT ACTION:

Article 1

The mandate of Mr Heikki TALVITIE as the European Union Special Representative (EUSR) for the South Caucasus is hereby extended until 28 February 2006.

Article 2

Joint Action 2003/872/CFSP is hereby amended as follows:

(a) In Article 3 point (h) shall be replaced by the following:

‘(h) through a support team:

- to provide the European Union with reporting and a continued assessment of the border situation and to facilitate confidence-building between Georgia and the Russian Federation, thereby ensuring efficient cooperation and liaison with all relevant actors;
- to assist the Georgian Border Guard and other relevant government institutions in Tbilisi in preparing a comprehensive reform strategy;
- to work with the Georgian authorities to increase communication between Tbilisi and the border, including mentoring. This will be done by working closely with Regional Border Guard Centres between Tbilisi and the border (excluding Abkhazia and South Ossetia);
- to oversee the implementation of the strategy for the reform of the criminal justice system by the Georgian authorities and other actors, in particular through providing support to the Steering Group set up by the Georgian government.’

(b) Article 5(1) shall be replaced by the following:

‘1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR shall be EUR 1 930 000.’

Article 3

This Joint Action shall enter into force on the date of its adoption.

It shall apply from 1 September 2005.

Article 4

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 28 July 2005.

For the Council
The President
J. STRAW

COUNCIL JOINT ACTION 2005/583/CFSP**of 28 July 2005****extending the mandate of the European Union Special Representative in Bosnia and Herzegovina**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) On 12 July 2004 the Council adopted Joint Action 2004/569/CFSP⁽¹⁾ on the mandate of the European Union Special Representative in Bosnia and Herzegovina.
- (2) On the basis of a review of Joint Action 2004/569/CFSP the mandate of the European Union Special Representative should be extended for a further six months.
- (3) The European Union Special Representative will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

Article 1

The mandate of Lord ASHDOWN as the European Union Special Representative (EUSR) in Bosnia and Herzegovina, as set out in Joint Action 2004/569/CFSP, is hereby extended until 28 February 2006.

Article 2

Article 6(1) of Joint Action 2004/569/CFSP shall be replaced by the following:

‘1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR shall be EUR 270 000.’

Article 3

This Joint Action shall enter into force on the day of its adoption.

Article 4

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 28 July 2005.

For the Council
The President
J. STRAW

⁽¹⁾ OJ L 252, 28.7.2004, p. 7.

COUNCIL JOINT ACTION 2005/584/CFSP**of 28 July 2005****extending the mandate of the European Union Special Representative for Moldova**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) On 23 March 2005 the Council adopted Joint Action 2005/265/CFSP⁽¹⁾ appointing Mr Adriaan JACOBVITS de SZEGED as European Union Special Representative (EUSR) for Moldova.
- (2) On the basis of a review of Joint Action 2005/265/CFSP the mandate of the EUSR should be extended for a further 6 months.
- (3) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

Article 1

The mandate of Mr Adriaan JACOBVITS de SZEGED as the European Union Special Representative (EUSR) for Moldova, as set out in Joint Action 2005/265/CFSP, is hereby extended until 28 February 2006.

Article 2

Article 5(1) of Joint Action 2005/265/CFSP shall be replaced by the following:

‘1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR shall be EUR 300 000.’

Article 3

This Joint Action shall enter into force on the day of its adoption.

Article 4

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 28 July 2005.

For the Council
The President
J. STRAW

⁽¹⁾ OJ L 81, 30.3.2005, p. 50.

COUNCIL JOINT ACTION 2005/585/CFSP**of 28 July 2005****extending the mandate of the European Union Special Representative for Afghanistan**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) On 8 December 2003 the Council adopted Joint Action 2003/871/CFSP ⁽¹⁾ extending and amending the mandate of the Special Representative of the European Union in Afghanistan.
- (2) On 2 February 2005 the Council adopted Joint Action 2005/95/CFSP ⁽²⁾ extending the mandate of the Special Representative of the European Union until 31 August 2005.
- (3) On the basis of a review of Joint Action 2003/871/CFSP the mandate of the European Union Special Representative should be extended for a further 6 months.
- (4) The European Union Special Representative will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

Article 1

The mandate of Mr Francesc VENDRELL as the European Union Special Representative (EUSR) for Afghanistan is hereby extended until 28 February 2006.

Article 2

Article 5(1) of Joint Action 2003/871/CFSP shall be replaced by the following:

‘1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR shall be EUR 620 000.’

Article 3

This Joint Action shall enter into force on the day of its adoption.

Article 4

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 28 July 2005.

For the Council
The President
J. STRAW

⁽¹⁾ OJ L 326, 13.12.2003, p. 41.

⁽²⁾ OJ L 31, 4.2.2005, p. 69.

COUNCIL JOINT ACTION 2005/586/CFSP**of 28 July 2005****extending and amending the mandate of the European Union Special Representative for the African Great Lakes Region**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) On 8 December 2003 the Council adopted Joint Action 2003/869/CFSP ⁽¹⁾ amending and extending the mandate of the Special Representative of the European Union for the African Great Lakes Region.
- (2) On 28 June 2004 the Council adopted Joint Action 2004/530/CFSP ⁽²⁾ extending the mandate of the Special Representative of the European Union for the African Great Lakes Region and amending Joint Action 2003/869/CFSP.
- (3) On 2 February 2005 the Council adopted Joint Action 2005/96/CFSP ⁽³⁾ amending and extending the mandate of the Special Representative of the European Union for the African Great Lakes Region until 31 August 2005.
- (4) On 2 May 2005, the Council adopted Joint Action 2005/355/CFSP ⁽⁴⁾ on the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (DRC), providing for a specific role for the European Union Special Representative (EUSR).
- (5) On the basis of a review of Joint Action 2003/869/CFSP the mandate of the EUSR should be amended and extended for a further six months.
- (6) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

Article 1

The mandate of Mr Aldo AJELLO as the European Union Special Representative (EUSR) for the African Great Lakes Region is hereby extended until 28 February 2006.

Article 2

Joint Action 2003/869/CFSP is hereby amended as follows:

1. Article 3 shall be replaced by the following:

'Article 3

In order to achieve the policy objectives, the mandate of the EUSR shall be to:

- (a) establish and maintain close contact with all the parties to the peace and transition process in the African Great Lakes Region, other countries of the region, the United States of America, other relevant countries, as well as the United Nations (UN) and other relevant international organisations, the African Union (AU) and sub-regional organisations and their representatives as well as other prominent regional leaders in order to work with them in strengthening the peace processes of Lusaka and Arusha and the peace agreements concluded in Pretoria and Luanda;

⁽¹⁾ OJ L 326, 13.12.2003, p. 37.

⁽²⁾ OJ L 234, 3.7.2004, p. 13.

⁽³⁾ OJ L 31, 4.2.2005, p. 70.

⁽⁴⁾ OJ L 112, 3.5.2005, p. 20.

- (b) observe the peace and transition processes between the parties and offer the European Union's advice and good offices as appropriate;
- (c) contribute, where requested, to the implementation of peace and cease fire agreements reached between the parties and engage with them diplomatically in the event of non-compliance with the terms of these agreements;
- (d) engage constructively with signatories to agreements within the framework of the peace processes in order to promote compliance with the basic norms of democracy and good governance, including respect for human rights and the rule of law;
- (e) contribute to the implementation of the EU Guidelines on Children and Armed Conflict;
- (f) contribute to and cooperate with the Special Representative of the Secretary-General of the UN for the Great Lakes Region and the Special Envoy of the Chairperson of the AU on the preparation of a Conference on peace, security, democracy and development in the Great Lakes Region;
- (g) report on the possibilities for European Union support to the peace and transition process and on the best way of pursuing European Union initiatives;
- (h) monitor actions by the parties to the conflicts, which might prejudice the outcome of the ongoing peace processes;
- (i) contribute to a better understanding of the European Union's role among opinion leaders in the region;
- (j) provide advice and assistance, as required, for security sector reform in the Democratic Republic of the Congo, in particular give political guidance to the Heads of Mission, in order to fulfil their duties at local level, of the EU Police Mission (EUPOL "Kinshasa") and of the EU Mission advising and assisting the Congolese authorities in the security sector reform ("EUSEC RD Congo").;

2. Article 5(1) shall be replaced by the following:

'1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR shall be EUR 460 000.'

Article 3

This Joint Action shall enter into force on the day of its adoption.

It shall apply from 1 September 2005.

Article 4

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 28 July 2005.

For the Council
The President
J. STRAW

COUNCIL JOINT ACTION 2005/587/CFSP**of 28 July 2005****extending the mandate of the European Union Special Representative for the Middle East peace process**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) On 8 December 2003 the Council adopted Joint Action 2003/873/CFSP ⁽¹⁾ amending and extending the mandate of the Special Representative of the European Union for the Middle East peace process.
- (2) On 2 February 2005 the Council adopted Joint Action 2005/99/CFSP ⁽²⁾ extending the mandate of the Special Representative of the European Union until 31 August 2005.
- (3) On the basis of a review of Joint Action 2003/873/CFSP the mandate of the European Union Special Representative (EUSR) should be extended for a further six months.
- (4) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

Article 1

The mandate of Mr Marc OTTE as the European Union Special Representative (EUSR) for the Middle East peace process as set out in Joint Action 2003/873/CFSP is hereby extended until 28 February 2006.

Article 2

Article 5(1) of Joint Action 2003/873/CFSP shall be replaced by the following:

‘1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR shall be EUR 560 000.’

Article 3

This Joint Action shall enter into force on the day of its adoption.

Article 4

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 28 July 2005.

For the Council

The President

J. STRAW

⁽¹⁾ OJ L 326, 13.12.2003, p. 46.

⁽²⁾ OJ L 31, 4.2.2005, p. 73.

COUNCIL JOINT ACTION 2005/588/CFSP
of 28 July 2005
appointing a Special Representative of the European Union for Central Asia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) The European Union wishes to play a more active political role in Central Asia.
- (2) There is a need to ensure coordination and consistency of external actions of the Union in Central Asia.
- (3) On 13 June 2005 the Council agreed to appoint an European Union Special Representative (EUSR) for Central Asia (Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan).
- (4) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy as set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mr Ján Kubiš is hereby appointed as EUSR for Central Asia.

Article 2

The EUSR's mandate shall be based on the Union's policy objectives in Central Asia. These objectives include:

- (a) promoting good and close relations between countries of Central Asia and the Union on the basis of common values and interests as set out in relevant agreements;
- (b) contributing to strengthening the stability and cooperation between the countries in the region;
- (c) contributing to strengthening of democracy, rule of law, good governance and respect for human rights and fundamental freedoms in Central Asia;
- (d) addressing key threats, especially specific problems with direct implications for Europe;
- (e) enhancing Union's effectiveness and visibility in the region, including through a closer coordination with other relevant partners and international organizations, such as the OSCE.

Article 3

1. In order to achieve the policy objectives, the EUSR's mandate shall be to:

- (a) follow closely political developments in Central Asia by developing and maintaining close contacts with governments, parliaments, judiciary, civil society and mass media;

- (b) encourage Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan to cooperate on regional issues of common interest;
- (c) develop appropriate contacts and cooperation with the main interested actors in the region, including all relevant regional and international organisations;
- (d) contribute, in close cooperation with the OSCE, to conflict prevention and resolution by developing contacts with the authorities and other local actors (NGOs, political parties, minorities, religious groups and their leaders);
- (e) promote overall political coordination of the Union in Central Asia and ensure consistency of the external actions of the Union in the region without prejudice to Community competence;
- (f) assist the Council in further developing a comprehensive policy towards Central Asia.

2. The EUSR shall support the work of the High Representative in the region and work in close cooperation with the Presidency, Union Heads of Mission, the EUSR for Afghanistan and the Commission. The EUSR shall maintain an overview of all activities of the Union in the region.

Article 4

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the High Representative. The EUSR shall be accountable to the Commission for all expenditure.
2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political input within the framework of the mandate.

Article 5

1. The financial reference amount intended to cover the expenditure related to the EUSR's mandate shall be EUR 470 000.
2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the European Community procedures and rules applicable to the budget, with the exception that any pre-financing shall not remain the property of the Community.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. Expenditure shall be eligible as from the day of the adoption of this Joint Action.
4. The Presidency, Commission, and/or Member States, as appropriate, shall provide logistical support in the region.

Article 6

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team in consultation with the Presidency, assisted by the Secretary General/High Representative, and in full association with the Commission. The EUSR shall inform the Presidency and the Commission of the final composition of his team.

2. Member States and institutions of the Union may propose the secondment of staff to work with the EUSR. The remuneration of staff who might be seconded by a Member State or an institution of the Union to the EUSR shall be covered by the Member State or the institution of the Union concerned respectively.

3. All A-type posts which are not covered by secondment shall be advertised as appropriate by the General Secretariat of the Council and notified to Member States and institutions in order to recruit the best qualified applicants.

4. The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be defined with the parties. Member States and the Commission shall grant all necessary support to such effect.

Article 7

As a rule, the EUSR shall report in person to the High Representative and to the PSC and may report also to the relevant Working Group. Regular written reports shall be circulated to the High Representative, the Council and the Commission. On the recommendation of the High Representative and the PSC, the EUSR may report to the General Affairs and External Relations Council.

Article 8

To ensure the consistency of the external action of the Union, the activities of the EUSR shall be coordinated with those of the High Representative, the Presidency and the Commission. EUSR shall provide regular briefings to Member States' missions and Commission delegations. In the field, close liaison shall be maintained with the Presidency, the Commission and Union Heads of Mission who shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

Article 9

The implementation of this Joint Action and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present a comprehensive written report on the implementation of the mandate to the High Representative, the Council and the Commission two months before the mandate expires. The report shall form a basis for evaluation of this Joint Action in the relevant Working Groups and by the PSC. In the context of overall priorities for deployment, the High Representative shall make recommendations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate.

Article 10

This Joint Action shall enter into force on the day of its adoption.

It shall apply until 28 February 2006.

Article 11

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 28 July 2005.

For the Council
The President
J. STRAW

COUNCIL JOINT ACTION 2005/589/CFSP**of 28 July 2005****extending the mandate of the European Union Special Representative in the former Yugoslav Republic of Macedonia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) On 8 December 2003 the Council adopted Joint Action 2003/870/CFSP ⁽¹⁾ amending and extending the mandate of the Special Representative of the European Union in the former Yugoslav Republic of Macedonia.
- (2) On 26 July 2004 the Council adopted Joint Action 2004/565/CFSP ⁽²⁾ appointing Mr Michael SAHLIN as the European Union Special Representative in the former Yugoslav Republic of Macedonia.
- (3) On the basis of a review of Joint Action 2003/870/CFSP the mandate of the European Union Special Representative should be extended for a period of two and a half months,

HAS ADOPTED THIS JOINT ACTION:

Article 1

The mandate of Mr Michael SAHLIN as the European Union Special Representative (EUSR) in the former Yugoslav Republic of Macedonia, as set out in Joint Action 2003/870/CFSP, is hereby extended until 15 November 2005.

Article 2

Article 5(1) of Joint Action 2003/870/CFSP shall be replaced by the following:

‘1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR shall be EUR 195 000.’

Article 3

This Joint Action shall enter into force on the day of its adoption.

Article 4

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 28 July 2005.

For the Council
The President
J. STRAW

⁽¹⁾ OJ L 326, 13.12.2003, p. 39.

⁽²⁾ OJ L 251, 27.7.2004, p. 18.