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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1333/2005**of 9 August 2005****amending Regulation (EC) No 428/2005 imposing definitive anti-dumping duty on imports of polyester staple fibres originating in the People's Republic of China and Saudi Arabia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the basic Regulation), and in particular Articles 8 and 9 thereof,

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

Whereas:

(3) The Commission, by Decision 2005/613/EC ⁽³⁾, accepted the undertaking offer by Sabic. The Decision set out the reasons for accepting this undertaking. The Council recognises that the revisions introduced to the undertaking offer eliminate the injurious effect of dumping and limit to a sufficient degree the risk of circumvention in the form of cross-compensation with other products.

(4) In view of the acceptance of the undertaking offer, it is necessary to amend Regulation (EC) No 428/2005 accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraphs shall be added to Article 1 of Regulation (EC) No 428/2005:

PROCEDURE

(1) The Council, by Regulation (EC) No 428/2005 ⁽²⁾ (the definitive Regulation), imposed definitive anti-dumping duties on imports of polyester staple fibre (PSF) originating in the People's Republic of China and Saudi Arabia, amended the definitive anti-dumping duties in force on such imports originating in South Korea and terminated the anti-dumping proceeding in respect of such imports originating in Taiwan.

(2) Saudi Basic Industries Corporation (Sabic), on its behalf and on that of all related companies, including the related producer of the product concerned, Arabian Industrial Fibres Company (Ibn Rushd), offered an acceptable undertaking before publication of the definitive findings but at a stage when it was administratively impossible to include its acceptance in the definitive Regulation.

‘4. Imports declared for release into free circulation shall be exempt from the anti-dumping duties imposed by paragraphs 1 and 2, provided that they are manufactured, shipped and invoiced by companies from which undertakings are accepted by the Commission and the names of which are listed in the relevant Commission Decision or Regulation, as from time to time amended, and have been imported in accordance with the provisions of that Commission Decision or Regulation.

5. The imports mentioned in paragraph 4 shall be exempt from the anti-dumping duty provided that:

(a) the goods declared and presented to customs correspond precisely to the product described in paragraph 1;

⁽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 L 71, 17.3.2005, p. 1.

⁽³⁾ See page 20 of this Official Journal.

- (b) a commercial invoice containing at least the elements listed in the Annex is presented to Member States' customs authorities upon presentation of the declaration for release into free circulation; and

Article 2

The text as set out in the Annex shall be added to Regulation (EC) No 428/2005.

- (c) the goods declared and presented to customs correspond precisely to the description on the commercial invoice.'

Article 3

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

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

Done at Brussels, 9 August 2005.

For the Council

The President

J. STRAW

ANNEX

'ANNEX

The following elements shall be indicated in the commercial invoice accompanying the company's sales of polyester staple fibres to the Community which are subject to an Undertaking:

1. The heading "COMMERCIAL INVOICE ACCOMPANYING GOODS SUBJECT TO AN UNDERTAKING".
2. The name of the company mentioned in Article 1 of Commission Decision 2005/613/EC accepting the undertaking issuing the commercial invoice.
3. The commercial invoice number.
4. The date of issue of the commercial invoice.
5. The TARIC additional code under which the goods on the invoice are to be customs cleared at the Community frontier.
6. The exact description of the goods, including:
 - product code number (PCN) used for the purposes of the investigation and the undertaking (e.g. PCN 1, PCN 2, etc.),
 - plain language description of the goods corresponding to the PCN concerned,
 - company product code (CPC) (if applicable),
 - CN code,
 - quantity (to be given in kilograms).
7. The description of the terms of the sale, including:
 - price per kilogram,
 - the payment terms applicable,
 - the delivery terms applicable,
 - total discounts and rebates.
8. Name of the company acting as an importer in the Community to which the commercial invoice accompanying goods subject to an undertaking is issued directly by the company.
9. The name of the official of the company that has issued the invoice, and the following signed declaration:

"I, the undersigned, certify that the sale for direct export to the European Community of the goods covered by this invoice is being made within the scope and under the terms of the undertaking offered by [company], and accepted by the European Commission through Decision 2005/613/EC. I declare that the information provided in this invoice is complete and correct."

COMMISSION REGULATION (EC) No 1334/2005**of 12 August 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 13 August 2005.

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

Done at Brussels, 12 August 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 12 August 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	48,9
	096	18,0
	999	33,5
0707 00 05	052	63,8
	999	63,8
0709 90 70	052	71,4
	999	71,4
0805 50 10	382	66,8
	388	65,6
	524	67,6
	528	66,4
	999	66,6
0806 10 10	052	98,6
	220	82,2
	400	277,3
	624	177,8
	999	159,0
0808 10 80	388	78,4
	400	66,5
	404	81,8
	508	63,8
	512	54,4
	528	71,1
	720	57,5
	804	73,7
0808 20 50	999	68,4
	052	102,1
	388	73,6
	512	29,4
	528	37,8
0809 30 10, 0809 30 90	999	60,7
	052	94,1
0809 40 05	999	94,1
	508	43,6
	624	63,7
	999	53,7

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

COMMISSION REGULATION (EC) No 1335/2005

of 12 August 2005

amending Regulation (EC) No 2076/2002 and Decisions 2002/928/EC, 2004/129/EC, 2004/140/EC, 2004/247/EC and 2005/303/EC as regards the time period referred to in Article 8(2) of Council Directive 91/414/EEC and the continued use of certain substances not included in its Annex I

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular the third and fourth subparagraph of Article 8(2) thereof,

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I that are already on the market two years after the date of notification, except where a decision has been taken not to include the substance concerned in Annex I.
- (2) Commission Regulations (EEC) No 3600/92 ⁽²⁾ and (EC) No 451/2000 ⁽³⁾ lay down the detailed rules for the implementation of the first and second stages of the programme of work referred to in Article 8(2) of the above directive. This programme is ongoing and it has not been possible yet to complete decision making on a number of active substances.
- (3) As regards the 90 active substances covered by the first stage of the above programme of work, 67 have been the subject of a directive or a decision. This leaves 23 active substances for which work continues. As regards the 53 active substances covered by the second stage of the

above programme of work, one has been the subject of a decision. This leaves 52 active substances for which work continues. For the first stage of the work programme, the Commission organised the peer review, after submission of the draft assessment report by the Rapporteur Member State. This cycle of peer reviews has been finalised meanwhile and decisions or directives on the last substances are currently under preparation. For the second stage, the peer review comes under the responsibility of the European Food Safety Authority (EFSA), which has one year from the submission of the draft assessment report, to communicate its opinion to the Commission. As the dates of submission being part of the arrangements agreed between the Commission and EFSA, it is possible to predict when the latest opinion will become ready. To date, three have been delivered to the Commission, while the last should be made available to the Commission at the end of 2005. Consequently, more time should be allocated to the assessment of the second stage substances than to those covered by the first stage which already have passed this part of the process.

- (4) The Commission's progress report of 26 July 2001 ⁽⁴⁾ explained why progress has not been as good as was originally anticipated. The main reasons for the delay were a slow start, due to the identification and priority classification of the substances, the need to bring together the necessary resources and to provide more elaborated procedural schemes for evaluation and decision-making. Based on the conclusions of this report the deadline was extended by Commission Regulation (EC) No 2076/2002 ⁽⁵⁾ for those substances still under review. Meanwhile, the Commission and Member States have worked actively to improve the procedures for assessing active substances, and the considerable increase rate of decisions over the last years show that the learning cycle can be considered closed. EFSA, which bears responsibility in the second stage of the review programme, is also entering an operational phase, and its first opinions have now been delivered. However, some of the reasons identified in the report of 2001 still apply. These include the further need to make the best use of the limited resources by appropriate methods of work-sharing and to ensure that the currently reached number of yearly decisions is maintained. The initial slowness, the technical complexity of certain dossiers, the necessity to obtain the opinion of independent scientific circles and other unforeseen factors, have eroded, in a number of cases, the time necessary for the decision-making and the implementing measures.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Regulation (EC) No 396/2005 of the European Parliament and of the Council (OJ L 70, 16.3.2005, p. 1).

⁽²⁾ OJ L 366, 15.12.1992, p. 10. Regulation as last amended by Regulation (EC) No 2266/2000 (OJ L 259, 13.10.2000, p. 27).

⁽³⁾ OJ L 55, 29.2.2000, p. 25. Regulation as last amended by Regulation (EC) No 1044/2003 (OJ L 151, 19.6.2003, p. 32).

⁽⁴⁾ COM(2001) 444 final.

⁽⁵⁾ OJ L 319, 23.11.2002, p. 3. Regulation as last amended by Regulation (EC) No 1765/2004 (OJ L 315, 14.10.2004, p. 26).

- (5) It is envisaged that all the substances covered by the first and second stage of the above review programme should be the subject of a specific act adopted before 31 December 2005 (for the first stage) or 30 September 2006 (for the second stage). However, time must be allowed for these acts to come into force, in order to permit Member States and interested parties to prepare themselves to meet the new requirements.
- (6) For these reasons it is appropriate to extend the transitional period for the first stage by one year and for the second stage by twenty one months.
- (7) Regulation (EC) No 2076/2002 and Commission Decisions 2002/928/EC of 26 November 2002 concerning the non-inclusion of benomyl in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance ⁽¹⁾, 2004/129/EC of 30 January 2004 concerning the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances ⁽²⁾, 2004/140/EC of 11 February 2004 concerning the non-inclusion of fenthion in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance ⁽³⁾, 2004/247/EC of 10 March 2004 concerning the non-inclusion of simazine in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing this active substance ⁽⁴⁾ and 2005/303/EC of 31 March 2005 concerning the non-inclusion of cresylic acid, dichlorophen, imazamethabenz, kasugamycin and polyoxin in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances ⁽⁵⁾ contain provisions for the non-inclusion of certain active substances in Annex I to Directive 91/414/EEC and for the withdrawal by Member States of all authorisations for plant protection products containing those substances. Those acts provide for derogations permitting the continued use of some of those substances for a limited period of time while alternatives are being developed.
- (8) Member States have presented new evidence demonstrating the need for further essential uses. Such information has been evaluated by the Commission with Member State experts.
- (9) Derogations should only be granted for cases which appear justified and which do not give rise to concern

and should be restricted to the control of harmful organisms for which no efficient alternatives exist.

- (10) Regulation (EC) No 2076/2002 and Decisions 2002/928/EC, 2004/129/EC, 2004/140/EC, 2004/247/EC and 2005/303/EC should therefore be amended accordingly.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2076/2002 is amended as follows:

1. Article 1 is replaced by the following:

'The time period of 12 years referred to in Article 8(2) of Directive 91/414/EEC is extended until 31 December 2006 for the active substances which are assessed in the framework of Regulation (EEC) No 3600/92, until 30 September 2007 for the active substances which are assessed in the framework of the second stage under Regulation (EC) No 451/2000, and until 31 December 2008 for the active substances which are assessed in the framework of Regulation (EC) No 1490/2002, unless a decision has been taken or is taken before the relevant date to include or not include the active substance concerned in Annex I to Directive 91/414/EEC. During those periods Member States may continue to authorise or authorise again the placing on the market of plant protection products containing those active substances, in accordance with the provisions of Article 8(2) of Directive 91/414/EEC.'

2. Annex II is amended in accordance with Part I of the Annex to this Regulation.

Article 2

The Annex to Decision 2002/928/EC is amended in accordance with Part II of the Annex to this Regulation.

Article 3

The Annex to Decision 2004/129/EC is amended in accordance with Part III of the Annex to this Regulation.

⁽¹⁾ OJ L 322, 27.11.2002, p. 53. Decision as amended by Regulation (EC) No 835/2004 (OJ L 127, 29.4.2004, p. 43).

⁽²⁾ OJ L 37, 10.2.2004, p. 27. Decision as amended by Regulation (EC) No 835/2004.

⁽³⁾ OJ L 46, 17.2.2004, p. 32.

⁽⁴⁾ OJ L 78, 16.3.2004, p. 50. Decision as amended by Regulation (EC) No 835/2004.

⁽⁵⁾ OJ L 97, 15.4.2005, p. 38.

Article 4

The Annex to Decision 2004/140/EC is amended in accordance with Part IV of the Annex to this Regulation.

Article 5

The Annex to Decision 2004/247/EC is amended in accordance with Part V of the Annex to this Regulation.

Article 6

The Annex to Decision 2005/303/EC is amended in accordance with Part VI of the Annex to this Regulation.

Article 7

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

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

Done at Brussels, 12 August 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

Part I

Annex II to Regulation (EC) No 2076/2002 is amended as follows:

1. The line concerning metobromuron is replaced by the following:

'Metobromuron	Belgium	Lambs lettuce, bean, potato
	Spain	Potato
	France	Artichoke, lambs lettuce
	Germany	Lambs lettuce, bean, tobacco'

2. The line concerning terbufos is replaced by the following:

'Terbufos	France	Bananas
	Greece	Sugar beet
	Hungary	Maize, sugar beet, cereals, sunflower, soybean'

3. The following lines are added:

'Chlormephos	France	Maize, sweet corn
Hexachlorophene	Cyprus	Tomatoes, peppers, cucumbers, pumpkins, water-melons, melons, ornamentals'

4. The line concerning fenuron is deleted.

Part II

The Annex to Decision 2002/928/EC is replaced by the following:

'Column A	Column B	Column C
Active substance	Member State	Use
Benomyl	Slowakia	Lentil, tobacco, sugar beet, rye, forest nurseries'

Part III

The Annex II to Decision 2004/129/EC is amended as follows:

1. The line concerning alkyldimethylbenzyl ammonium chloride is replaced by the following:

'Alkyldimethylbenzyl ammonium chloride	Belgium	Disinfection of mushroom growth chambers and equipment
	France	Disinfection of surfaces of greenhouses and equipment'

2. The line concerning pretilachlor is replaced by the following:

'Pretilachlor	France	Rice
	Greece	Rice
	Italy	Rice'

Part IV

In the Annex to Decision 2004/140/EC the following line is added:

'Cyprus	Bait application in citrus and olives'
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Part V

In the Annex to Decision 2004/247/EC the line concerning the United Kingdom is replaced by the following:

'United Kingdom	Beans, asparagus, rhubarb, hardy ornamental nursery stock, strawberries, hops'
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Part VI

The Annex to Decision 2005/303/EC is amended as follows:

1. The line concerning dichlorophen is replaced by the following:

'Dichlorophen	France	Moss control on amenity turf and hard surfaces, winter treatment in fruit trees
	Ireland	Moss control in amenity turf and golf greens
	United Kingdom	Liverworts and mosses on ornamentals;
		Control of fungi and other plant pathogens on glasshouses surfaces and in nurseries.
		Moss control on managed amenity turf and hard surfaces'

2. The line concerning imazamethabenz is replaced by the following:

'Imazamethabenz	France	Cereals, minor crops for seed production
	Greece	Cereals
	Spain	Cereals'

COMMISSION REGULATION (EC) No 1336/2005**of 12 August 2005****amending Annex III to Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs ⁽¹⁾, and in particular the second indent of Article 13 thereof,

Whereas:

- (1) As a result of Article 8 of Regulation (EEC) No 2092/91 as amended by Council Regulation (EC) No 392/2004 ⁽²⁾, the scope of operators' activities subject to the inspection system provided for in Article 9 of Regulation (EEC) No 2092/91 covers all operators throughout the production, preparation and marketing process.
- (2) To cover adequately all the categories of operators referred to in Article 8(1) of Regulation (EEC) No 2092/91, it is necessary to extend the application of the general provisions set out in Annex III to that Regulation.

(3) It is appropriate to relate the frequency of random inspections to the risks of non-compliance with Regulation (EEC) No 2092/91.

(4) Annex III to Regulation (EEC) No 2092/91 should therefore be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee set up in accordance with Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EEC) No 2092/91 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 12 August 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 198, 22.7.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 2254/2004 (JO L 385, 29.12.2004, p. 20).

⁽²⁾ OJ L 65, 3.3.2004, p. 1.

ANNEX

Annex III to Regulation (EEC) No 2092/91 is amended as follows:

1. after the title, the following is inserted:

'The General Provisions set out in this Annex shall apply to all operators referred to in Article 8(1), to the extent that those provisions relate to the activities carried out by the operator concerned.

In addition to the General Provisions, the Specific Provisions shall apply to those operators who carry out the activities mentioned in the title of each subsection.;

2. the General Provisions are amended as follows:

- (a) points 3 to 6 are replaced by the following:

3. Initial inspection

When the inspection arrangements are first implemented, the operator responsible must draw up:

- a full description of the unit and/or premises and/or activity,
- all the practical measures to be taken at the level of the unit and/or premises and/or activity to ensure compliance with this Regulation, and in particular with the requirements in this Annex,
- the precautionary measures to be taken in order to reduce the risk of contamination by unauthorised products or substances and the cleaning measures to be taken in storage places and throughout the operator's production chain.

Where appropriate, those description and measures may be part of a quality system as set up by the operator.

The description and measures concerned must be contained in a declaration, signed by the responsible operator.

In addition, this declaration must include an undertaking by the operator:

- to perform the operations in accordance with Articles 5, 6, 6a and, where relevant, Article 11 of this Regulation, and/or Regulation (EC) No 223/2003,
- to accept, in the event of infringement or irregularities, the enforcement of the measures referred to in Article 9(9) of this Regulation and, where relevant, in Article 10(3) of this Regulation, and
- to accept to inform in writing the buyers of the product in order to ensure that the indications referring to the organic production method are removed from this production.

This declaration must be verified by the inspection body or authority that issues a report identifying the possible deficiencies and non-compliances with the provisions of this Regulation. The operator must countersign this report and take the necessary corrective measures.

4. Communications

The operator responsible must notify any change in the description or of the measures referred to in point 3 and in the initial inspection provisions foreseen in sections A, B, C, D and E of the Specific Provisions of this Annex to the inspection body or authority in due time.

5. Inspection visits

The inspection body or authority must make a full physical inspection, at least once a year, of all operators. The inspection body or authority may take samples for testing of products not authorised under this Regulation or for checking production techniques not in conformity with this Regulation. Samples may also be taken and analysed for detecting possible contamination by unauthorised products. However, such analysis must be carried out where the use of unauthorised products is suspected. An inspection report must be drawn up after each visit, countersigned by the responsible person of the unit or his representative.

Moreover, the inspection body or authority shall carry out random inspection visits, announced or not, based on a general evaluation of the risk of non-compliance with this Regulation and with Regulation (EC) No 223/2003, taking into account at least the results of previous inspections, the quantity of products concerned and the risk for exchange of products.

6. Documentary accounts

Stock and financial records must be kept in the unit or premises, to enable the operator to identify and the inspection body or authority to verify:

- the supplier and, where different, the seller, or the exporter of the products,
- the nature and the quantities of products as referred to in Article 1 delivered to the unit and, where relevant, of all materials bought and the use of such materials, and, where relevant, the composition of the compound feedingstuffs,
- the nature and the quantities of products as referred to in Article 1 held in storage at the premises,
- the nature, the quantities and the consignees and, where different, the buyers, other than the final consumers, of any products as referred to in Article 1, which have left the unit or the first consignee's premises or storage facilities,
- in case of operators who do not store or physically handle such products, the nature and the quantities of products as referred to in Article 1 bought and sold, and the suppliers, and where different, the sellers or the exporters and the buyers, and where different, the consignees.

The documentary accounts must also comprise the results of the verification at reception of products and any other information required by the inspection body or authority for the purpose of proper inspection.

The data in the accounts must be documented with appropriate justification documents.

The accounts must demonstrate the balance between the input and the output.;

- (b) the title of point 7 is replaced by the following:

'7. Packaging and transport of products to other operators or units';

- (c) after point 7, the following point 7a is inserted:

'7a. Reception of products from other units and other operators

On receipt of a product as referred to in Article 1, the operator shall check the closing of the packaging or container where it is required and the presence of the indications referred to in point 7. The operator shall crosscheck the information on the label referred to in point 7 with the information on the accompanying documents. The result of these verifications shall be explicitly mentioned in the documentary accounts referred to in point 6.;

(d) point 8 is replaced by the following

‘8. Storage of products

For the storage of products, areas must be managed in order to ensure identification of lots and to avoid any mixing with or contamination by products and/or substances not in compliance with this Regulation. Products referred to in Article 1 must be clearly identifiable at all times.’;

3. the Specific Provisions are amended as follows:

(a) in section A, the sixth paragraph is deleted;

(b) Section B is replaced by the following:

‘B. Units for preparation of plant and livestock products and foodstuffs composed of plant and livestock products

This Section applies to any unit involved in the preparation, as defined in Article 4(3), of products referred to in Article 1(1), for its own account or for account of a third party, and including in particular also:

- units involved in packaging and/or re-packaging of such products,
- units involved in labelling and/or re-labelling of such products.

1. Initial inspection

The full description of the unit referred to under point 3 of the General Provisions of this Annex must show the facilities used for the reception, the processing, packaging, labelling and storage of agricultural products before and after the operations concerning them, as well as the procedures for the transport of the products.

2. Preparation units handling also products not from organic production

Where products not referred to in Article 1 are also prepared, packaged or stored in the preparation unit concerned:

- the unit must have areas separated by place or time within the premises for the storage of products as referred to in Article 1, before and after the operations,
- operations must be carried out continuously until the complete run has been dealt with, separated by place or time from similar operations performed on products not covered by Article 1,
- if such operations are not carried out at regular times or on a fixed day, they must be announced in advance, with a deadline agreed on with the inspection body or authority,
- every measure must be taken to ensure identification of lots and to avoid mixtures or exchanges with products not obtained in accordance with the rules laid down in this Regulation,
- operations on products in accordance with the rules laid down in this Regulation must be carried out only after cleaning of the production equipment. The effectiveness of the cleaning measures must be checked and recorded.

3. Packaging and transport of products to preparation units

Milk, eggs and egg-products from organic farming shall be collected independently from products not produced in accordance with this Regulation. By derogation, and subject to prior approval by the inspection body or authority, simultaneous collection may occur, where appropriate measures are taken to prevent any possible mixture or exchange with products not produced in accordance with this Regulation and to ensure the identification of the products produced in accordance with the provisions of this Regulation. The operator keeps the information relating to collection days, hours, circuit and date and time of reception of the products available to the inspection body or authority.’;

(c) in section E, point 6 is deleted.

COMMISSION REGULATION (EC) No 1337/2005
of 12 August 2005
on the issuing of export licences for wine-sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 883/2001 of 24 April 2001, laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 as regards trade with third countries in products in the wine sector⁽¹⁾, and in particular Article 7 and Article 9(3) thereof,

Whereas:

- (1) Article 63(7) of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine⁽²⁾, limits the grant of export refunds for wine-sector products to the volumes and expenditure contained in the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations.
- (2) Article 9 of Regulation (EC) No 883/2001 lays down the conditions under which the Commission may take specific measures to prevent an overrun of the quantity laid down or the budget available under the said Agreement.
- (3) On the basis of information on export licence applications available to the Commission on 10 August 2005, the quantity still available for the period until 31 August 2005, for destination zones (2) Asia and (4) eastern Europe, referred to in Article 9(5) of Regulation

(EC) No 883/2001, could be exceeded unless the issue of export licences with advance fixing of the refund is restricted. Therefore, a single percentage for the acceptance of applications submitted from 3 to 9 August 2005 should be applied and the submission of applications and the issue of licences suspended for this zone until 16 September 2005,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export licences with advance fixing of the refund for wine-sector products for which applications are submitted from 3 to 9 August 2005 under Regulation (EC) No 883/2001 shall be issued in concurrence with 100,00 % of the quantities requested for zone (2) Asia and in concurrence with 100,00 % of the quantities requested for zone (4) eastern Europe.

2. The issue of export licences for wine-sector products referred to in paragraph 1 for which applications are submitted from 10 August 2005 and the submission of export licence applications from 13 August 2005 for destination zones (2) Asia and (4) eastern Europe shall be suspended until 16 September 2005.

Article 2

This Regulation shall enter into force on 13 August 2005.

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

Done at Brussels, 12 August 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 128, 10.5.2001, p. 1. Regulation as last amended by Regulation (EC) No 908/2004 (OJ L 163, 30.4.2004, p. 56).

⁽²⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Commission Regulation (EC) No 1795/2003 (OJ L 262, 14.10.2003, p. 13).

COMMISSION REGULATION (EC) No 1338/2005
of 12 August 2005
suspending the buying-in of butter in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾,

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

Whereas:

- (1) Article 2 of Regulation (EC) No 2771/1999 lays down that buying-in is to be opened or suspended by the Commission in a Member State, as appropriate, once it is observed that, for two weeks in succession, the market price in that Member State is below or equal to or above 92 % of the intervention price.

- (2) Commission Regulation (EC) No 1245/2005 ⁽³⁾ establishes the most recent list of Member States in which intervention is suspended. This list must be adjusted as a result of the market prices communicated by Latvia pursuant to Article 8 of Regulation (EC) No 2771/1999. In the interests of clarity, the list in question should be replaced and Regulation (EC) No 1245/2005 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in of butter as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Belgium, the Czech Republic, Denmark, Germany, Estonia, France, Ireland, Italy, Cyprus, Hungary, Malta, Greece, Luxembourg, the Netherlands, Austria, Portugal, Slovenia, Slovakia, Finland, Sweden and the United Kingdom.

Article 2

Regulation (EC) No 1245/2005 is hereby repealed.

Article 3

This Regulation shall enter into force on 13 August 2005.

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

Done at Brussels, 12 August 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 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

⁽³⁾ OJ L 200, 30.7.2005, p. 50.

COMMISSION REGULATION (EC) No 1339/2005**of 12 August 2005****fixing the import duties in the cereals sector applicable from 16 August 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Article 10 of Regulation (EC) No 1784/2003 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EC) No 1784/2003, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Regulation (EC) No 1784/2003 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in Annex I to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EC) No 1784/2003 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 16 August 2005.

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

Done at Brussels, 12 August 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

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

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 16 August 2005

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	43,17
1005 10 90	Maize seed other than hybrid	64,54
1005 90 00	Maize other than seed ⁽²⁾	64,54
1007 00 90	Grain sorghum other than hybrids for sowing	48,16

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— EUR 3/t, where the port of unloading is on the Mediterranean Sea, or

— EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

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

ANNEX II

Factors for calculating duties

period from 29.7.2005-11.8.2005

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	117,18 (***)	72,37	168,96	158,96	138,96	92,28
Gulf premium (EUR/t)	—	10,56	—			—
Great Lakes premium (EUR/t)	29,72	—	—			—

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

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

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

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

Freight/cost: Gulf of Mexico–Rotterdam: 14,55 EUR/t; Great Lakes–Rotterdam: 21,58 EUR/t.

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 July 2005

accepting an undertaking offered in connection with the anti-dumping proceeding concerning imports of polyester staple fibre originating, *inter alia*, in Saudi Arabia

(2005/613/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the basic Regulation), and in particular Articles 8 and 9 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

(1) The Council, by Regulation (EC) No 428/2005⁽²⁾ (the definitive Regulation), imposed definitive anti-dumping duties on imports of polyester staple fibre (PSF) originating in the People's Republic of China and Saudi Arabia, amended the definitive anti-dumping duties in force on such imports originating in South Korea and terminated the anti-dumping proceeding in respect to such imports originating in Taiwan.

(2) Following disclosure of definitive findings, Saudi Basic Industries Corporation (Sabic) presented to the Commission services, within the deadlines stipulated, an

offer for price undertaking as well as a revised offer thereon, on its behalf and of all related companies, including the related producer of the product concerned Arabian Industrial Fibres Company (Ibn Rushd). This undertaking offer was not accepted due to the reasons set out in recital 292 of the definitive Regulation. In particular, the minimum prices originally offered by Sabic did not eliminate the injurious effect of dumping. In addition, the sales structure of this company in the Community was such that it did not allow an effective monitoring of the undertaking.

(3) Subsequent meetings between Sabic's representatives and the Commission services then resulted in substantial revisions to the undertaking offer that overcame the above problems. The revised offer not only eliminated the injurious effect of dumping but also limited to a satisfactory degree the risk of circumvention in the form of cross-compensation with other products. In addition, the company amended its channels of sale in the Community to the extent that it was considered possible for the Commission to effectively monitor the undertaking.

(4) The final acceptable offer of a price undertaking was made by Sabic prior to the publication of the definitive findings, but at such a late stage in the proceeding that it was administratively impossible to include its acceptance in the definitive Regulation.

(5) The Community industry was informed of this revised offer and maintained that acceptance of a price undertaking would allow such imports to continue to cause serious injury to European producers, due to the cyclical nature of polyester staple fibre pricing.

⁽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 L 71, 17.3.2005, p. 1.

- (6) In this regard, it should be noted that the final offer made foresees the indexation of the minimum prices of PSF to public international quotations of its main raw materials, i.e. PTA and MEG. Consequently, the cyclical nature of PSF prices, which mainly reflects changes in the prices of its raw materials, is addressed in a way which reasonably eliminates the risk that the injurious dumping continues.
- (7) Finally, the undertaking offer foresees reporting also on products other than PSF sold to the same clients by Sabic related customers in the Community. Therefore, the risk of cross-compensation with other products is to a great extent eliminated.
- (8) Consequently, none of the arguments brought forward by the Community industry alters the Commission's conclusion that the undertaking offered by Sabic eliminates the injurious effect of dumping and limits to a sufficient degree the risk of circumvention in the form of cross-compensation with other products.

B. UNDERTAKING

- (9) In view of the foregoing, the Commission considers that the undertaking offered by Sabic, which includes an indexation of the minimum prices to public quotations of its main raw materials, can be accepted since it eliminates the injurious effects of dumping. Moreover, the regular and detailed reports which the company undertook to provide to the Commission will allow effective monitoring, and the risk of circumvention of the undertaking is limited,

HAS DECIDED AS FOLLOWS:

Article 1

The undertaking offered by the companies mentioned below, in connection with the anti-dumping proceeding concerning polyester staple fibres originating in the People's Republic of China and Saudi Arabia, is hereby accepted.

Country	Company	TARIC additional code
Saudi Arabia	Produced and sold by Arabian Industrial Fibres Company (Ibn Rushd), Yanbu Al-Sinaiyah, or produced by Arabian Industrial Fibres Company (Ibn Rushd), Yanbu Al-Sinaiyah, and sold by Saudi Basic Industries Corporation (Sabic), Riyadh, to the first customer in the Community acting as an importer	A671

Article 2

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

Done at Brussels, 18 July 2005.

For the Commission
Peter MANDELSON
Member of the Commission