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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1009/2006**of 3 July 2006****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 4 July 2006.

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

Done at Brussels, 3 July 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 3 July 2006 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	60,2
	204	35,2
	999	47,7
0707 00 05	052	84,0
	999	84,0
0709 90 70	052	84,5
	999	84,5
0805 50 10	388	57,5
	528	58,3
	999	57,9
0808 10 80	388	85,4
	400	112,7
	404	102,9
	508	82,2
	512	87,1
	524	54,3
	528	86,0
	720	113,3
	804	105,3
0809 10 00	999	92,1
0809 20 95	052	206,7
	999	206,7
0809 20 95	052	316,6
	068	82,7
	608	218,2
	999	205,8

⁽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 1010/2006**of 3 July 2006****on certain exceptional market support measures in the eggs and poultry sector in certain Member States**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular point (b) of the first subparagraph of Article 14(1) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽²⁾, and in particular point (b) of the first subparagraph of Article 14(1) thereof,

Whereas:

(1) Because of occurrences of highly pathogenic avian influenza (H5N1) in areas near the Community since the autumn of 2005 and in several Member States since February 2006, the consumption of poultrymeat and, to a lesser extent, of eggs, has fallen appreciably in some Member States.

(2) The sharp and significant fall in the consumption of poultrymeat has led to a fall in prices. The poultrymeat market has suffered serious disruption as a result.

(3) Since this serious market disruption is directly linked to a loss of consumer confidence arising from risks to animal health, it is justified, at the request of the Member States concerned, to adopt exceptional market support measures as referred to in Article 14 of Regulation (EEC) No 2771/75 and Article 14 of Regulation (EEC) No 2777/75 and to grant aid to offset part of the financial losses resulting from the destruction of eggs for hatching or chicks, the early partial slaughter of breeding flocks, the temporary fall in production, or the slaughter of ready-to-lay pullets, given the preventive biosafety measures imposed by some Member States.

(4) The compensation paid for eggs for hatching that are processed into egg products must be less than that for eggs for hatching that are destroyed.

(5) The maximum quantities eligible for financial compensation in respect of each exceptional market support measure should be fixed by the Commission after scrutinising the applications received from Member States.

(6) The measures adopted pursuant to Article 14 of Regulation (EEC) No 2771/75 and Article 14 of Regulation (EEC) No 2777/75 have been in force since 11 May 2006. This Regulation should therefore also be applicable from that date.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The destruction of eggs for hatching falling within CN codes 0407 00 11 and 0407 00 19 shall be regarded as an exceptional market support measure pursuant to Article 14 of Regulation (EEC) No 2771/75.

2. Compensation shall be payable, in respect of each Member State concerned, for the destruction referred to in paragraph 1, subject to both the maximum number of pieces laid down in Annex I and the time limits specified therein.

The maximum level of compensation shall be set at a flat rate of:

(a) EUR 0,15 per 'standard chicken' egg for hatching falling within CN code 0407 00 19;

(b) EUR 0,23 per 'free range chicken' egg for hatching falling within CN code 0407 00 19;

(c) EUR 0,23 per guinea fowl egg for hatching falling within CN code 0407 00 19;

(d) EUR 0,35 per duck egg for hatching falling within CN code 0407 00 19;

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p. 1).

⁽²⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 679/2006.

- (e) EUR 0,66 per turkey egg for hatching falling within CN code 0407 00 11;
- (f) EUR 1,20 per goose egg for hatching falling within CN code 0407 00 11.

Article 2

1. The processing of eggs for hatching falling within CN code 0407 00 19 shall be regarded as an exceptional market support measure under Article 14 of Regulation (EEC) No 2771/75.

2. Compensation shall be payable, in respect of each Member State concerned, for the processing referred to in paragraph 1, subject to both the maximum number of pieces laid down in Annex II and the time limits specified therein.

The maximum level of compensation shall be that provided for in Article 1(2), in each case less EUR 0,03 per egg for hatching, or less the selling price if the latter exceeds EUR 0,03.

Article 3

1. The destruction of chicks falling within CN codes 0105 11, 0105 12 and 0105 19 shall be regarded as an exceptional market support measure under Article 14 of Regulation (EEC) No 2777/75.

2. Compensation shall be payable, in respect of each Member State concerned, for the destruction referred to in paragraph 1, subject to both the maximum number of pieces laid down in Annex III and the time limits specified therein.

The maximum level of compensation shall be set at a flat rate of:

- (a) EUR 0,24 per 'chicken' chick;
- (b) EUR 0,40 per 'guinea fowl' chick;
- (c) EUR 0,54 per 'duck' chick;
- (d) EUR 0,85 per 'turkey' chick;
- (e) EUR 1,50 per 'goose' chick.

Article 4

1. The slaughter of part of a breeding flock shall, where it is brought forward by six weeks or more in order to reduce the production of eggs for hatching falling within CN codes 0105 92 00, 0105 93 00, 0105 99 10, 0105 99 20, 0105 99 30 and 0105 99 50, be regarded as an exceptional market support measure pursuant to Article 14 of Regulation (EEC) No 2777/75, provided no bird is then put into production at the location in question during that period.

2. Compensation shall be payable, in respect of each Member State concerned, for the early slaughter referred to in paragraph

1, subject to both the maximum number of pieces laid down in Annex IV and the time limits specified therein.

The maximum level of compensation shall be set at a flat rate of:

- (a) EUR 3,2 per breeding hen falling within CN codes 0105 92 00 and 0105 93 00;
- (b) EUR 3,2 per breeding duck falling within CN code 0105 99 10;
- (c) EUR 30 per breeding goose falling within CN code 0105 99 20;
- (d) EUR 15 per breeding turkey hen falling within CN code 0105 99 30;
- (e) EUR 5 per breeding guinea hen falling within CN code 0105 99 50.

Article 5

1. Voluntarily extending stamping out (depopulation) beyond a three-week period shall be regarded as an exceptional market support measure pursuant to Article 14 of Regulation (EEC) No 2777/75, provided no bird is then put into production during that period.

2. Compensation shall be payable, in respect of each Member State concerned, per m² and week of depopulation over and above three weeks for poultry farms, subject to both the maximum surface area laid down in Annex V and the time limits specified therein, for extending the period of depopulation as referred to in paragraph 1.

The maximum level of compensation shall be set at a flat rate of:

- (a) EUR 0,46/m² per week in the case of broiler farms;
- (b) EUR 0,41/m² per week in the case of turkey farms;
- (c) EUR 0,62/m² per week in the case of duck farms;
- (d) EUR 0,41/m² per week in the case of guinea fowl farms.

3. Member States which have already granted compensation for the surface areas concerned shall ensure that any amounts already paid at national level are deducted from the compensation provided for in paragraph 2.

Article 6

1. Voluntarily lowering production by placing fewer chicks in order to reduce density shall be regarded as an exceptional market support measure under Article 14 of Regulation (EEC) No 2777/75.

2. Compensation shall be payable, in respect of each Member State concerned, per bird by which the actual production falls below that of a normal production cycle on each specific production site, subject to both the maximum number of birds laid down in Annex VI and the time limits specified therein.

The maximum level of compensation shall be set at a flat rate of:

- (a) EUR 0,20 per bird in the case of broiler farms;
- (b) EUR 1,24 per bird in the case of turkey farms;
- (c) EUR 0,75 per bird in the case of duck farms;
- (d) EUR 0,40 per bird in the case of guinea fowl farms.

Article 7

1. The early slaughter of ready-to-lay pullets shall be regarded as an exceptional market support measure pursuant to Article 14 of Regulation (EEC) No 2777/75.

2. Compensation shall be payable, in respect of each Member State concerned, for slaughter as referred to in paragraph 1, subject to both the maximum number of birds laid down in Annex VII and the time limits specified therein.

The maximum level of compensation shall be set at a flat rate of EUR 3,2 per ready-to-lay pullet.

Article 8

Member States which have communicated to the Commission amounts of partial compensation that are lower than those payable under Articles 1 to 7 must limit themselves to the amounts they have communicated.

Article 9

The operative event for the conversion rate for the aids referred to in this Regulation shall be the first working day in May 2006.

The conversion rate to be used shall be the rate most recently fixed by the European Central Bank prior to the operative event.

Article 10

Expenditure incurred by Member States in respect of the payments referred to in Articles 1 to 7 shall not be eligible for Community funding pursuant to Article 14 of Regulation (EEC) No 2771/75 and Article 14 of Regulation (EEC) No 2777/75, unless the payments are made to the recipients by the Member States before 31 December 2006.

Article 11

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

It shall apply from 11 May 2006.

This Regulation shall be binding in its entirety and directly applicable in every Member State.

Done at Brussels, 3 July 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

Maximum number of eggs for hatching, by Member State

	Standard chicken	'Quality label' chicken	Guinea fowl	Turkey	Duck	Goose	Period of application
BE	—	—	—	—	—	—	—
CZ	19 522 800	—	—	126 515	587 034	25 181	2/2006-4/2006
DK	—	—	—	—	—	—	—
DE	—	—	—	—	—	1 500 000	1/2006-4/2006
EE	—	—	—	—	—	—	—
EL	15 975 000	—	—	200 000	—	—	10/2005-4/2006
ES	7 800 000	—	—	—	—	—	10/2005-4/2006
FR	60 000 000	21 450 000	4 166 000	4 960 000	2 663 000	—	12/2005-4/2006
IE	—	—	—	400 000	170 000	—	1/2006-4/2006
IT	5 635 600	—	413 300	195 600	35 550	17 800	9/2005-4/2006
CY	442 000	—	—	—	—	—	10/2005-4/2006
LV	—	—	—	—	—	—	—
LT	—	—	—	—	—	—	—
LU	—	—	—	—	—	—	—
HU	12 705 000	—	—	—	—	—	11/2005-4/2006
MT	—	—	—	—	—	—	—
NL	—	—	—	—	—	—	—
AT	2 500 000	—	—	—	—	—	1/2006-4/2006
PL	2 141 098	—	—	—	621 586	77 029	10/2005-4/2006
PT	6 000 000	—	—	—	—	—	10/2005-3/2006
SI	—	—	—	—	—	—	—
SK	—	—	—	—	—	—	—
FI	—	—	—	—	—	—	—
SE	—	—	—	—	—	—	—
UK	—	—	—	—	—	—	—

ANNEX II

Maximum number of eggs for hatching processed, by Member State

	Chicken	Period of application
BE	—	—
CZ	—	—
DK	—	—
DE	—	—
EE	—	—
EL	—	—
ES	1 800 000	10/2005-4/2006
FR	—	—
IE	—	—
IT	16 364 500	9/2005-4/2006
CY	—	—
LV	—	—
LT	—	—
LU	—	—
HU	8 390 000	11/2005-4/2006
MT	—	—
NL	25 000 000	12/2005-4/2006
AT	—	—
PL	64 594 006	10/2005-4/2006
PT	—	—
SI	—	—
SK	1 145 000	10/2005-4/2006
FI	—	—
SE	—	—
UK	—	—

ANNEX III

Maximum number of chicks, by Member State

	Chicken	Guinea fowl	Turkey	Duck	Goose	Period of application
BE	—	—	—	—	—	—
CZ	—	—	—	—	—	—
DK	—	—	—	—	—	—
DE	—	—	—	—	—	—
EE	—	—	—	—	—	—
EL	4 138 440	—	10 000	—	—	10/2005-4/2006
ES	—	—	—	—	—	—
FR	—	—	—	—	—	—
IE	—	—	—	—	—	—
IT	13 537 800	894 200	147 200	89 000	44 500	9/2005-4/2006
CY	143 725	—	—	—	—	10/2005-4/2006
LV	—	—	—	—	—	—
LT	—	—	—	—	—	—
LU	—	—	—	—	—	—
HU	2 000 000	—	—	—	—	11/2005-4/2006
MT	—	—	—	—	—	—
NL	—	—	—	—	—	—
AT	—	—	—	—	—	—
PL	—	—	—	—	—	—
PT	4 000 000	—	—	—	—	10/2005-3/2006
SI	—	—	—	—	—	—
SK	—	—	—	—	—	—
FI	—	—	—	—	—	—
SE	—	—	—	—	—	—
UK	—	—	—	—	—	—

ANNEX IV

Maximum number of breeding birds slaughtered, by Member State

	Chicken	Guinea fowl	Turkey	Duck	Goose	Period of application
BE	—	—	—	—	—	—
CZ	635 000	—	11 000	10 000	20 000	2/2006-4/2006
DK	—	—	—	—	—	—
DE	—	—	—	—	40 000	1/2006-4/2006
EE	—	—	—	—	—	—
EL	454 300	—	16 000	—	—	10/2005-4/2006
ES	151 000	—	—	—	—	10/2005-11/2005
FR	1 400 000	60 000	130 000	60 000	—	1/2006-4/2006
IE	94 500	—	—	9 100	—	1/2006-4/2006
IT	1 746 000	10 700	41 800	2 200	1 250	9/2005-4/2006
CY	—	—	—	—	—	—
LV	—	—	—	—	—	—
LT	—	—	—	—	—	—
LU	—	—	—	—	—	—
HU	55 000	—	—	—	—	11/2005-4/2006
MT	—	—	—	—	—	—
NL	1 293 750	—	—	—	—	12/2005-4/2006
AT	—	—	—	—	—	—
PL	1 060 109	—	—	—	—	10/2005-4/2006
PT	300 000	—	—	—	—	10/2005-3/2006
SI	—	—	—	—	—	—
SK	22 000	—	—	—	—	10/2005-4/2006
FI	—	—	—	—	—	—
SE	—	—	—	—	—	—
UK	—	—	—	—	—	—

ANNEX V

Maximum number of m² and weeks, by Member State

	Chicken	Guinea fowl	Turkey	Duck	Period of application
BE	—	—	—	—	—
CZ	—	—	—	—	—
DK	—	—	—	—	—
DE	—	—	—	—	—
EE	—	—	—	—	—
EL	2 350 000	—	—	—	7 weeks, between 10/2005 and 4/2006
ES	—	—	—	—	—
FR	2 200 000	—	—	—	16 weeks, between 10/2005 and 4/2006
IE	—	—	—	—	—
IT	—	—	—	—	—
CY	—	—	—	—	—
LV	—	—	—	—	—
LT	—	—	—	—	—
LU	—	—	—	—	—
HU	203 178	—	30 000	15 000	16 weeks, between 11/2005 and 4/2006
MT	—	—	—	—	—
NL	—	—	—	—	—
AT	—	—	—	—	—
PL	—	—	—	—	—
PT	489 130	—	—	—	4 weeks, between 10/2005 and 3/2006
SI	—	—	—	—	—
SK	—	—	—	—	—
FI	—	—	—	—	—
SE	—	—	—	—	—
UK	—	—	—	—	—

ANNEX VI

Maximum number of birds, by Member State

	Chicken	Guinea fowl	Turkey	Duck	Period of application
BE	—	—	—	—	
CZ	9 180 000	—	70 000	300 000	2/2006-4/2006
DK	—	—	—	—	—
DE	—	—	—	—	—
EE	—	—	—	—	—
EL	—	—	—	—	—
ES	15 000 000	—	—	—	10/2005-3/2006
FR	—	—	—	—	—
IE	2 000 000	—	439 000	350 000	1/2006-4/2006
IT	—	—	—	—	—
CY	2 626 075	—	—	—	11/2005-4/2006
LV	—	—	—	—	—
LT	—	—	—	—	—
LU	—	—	—	—	—
HU					
MT	—	—	—	—	—
NL	23 000 000	—	—	—	12/2005-4/2006
AT	4 500 000	—	—	—	10/2005-4/2006
PL	—	—	—	—	—
PT	—	—	—	—	—
SI	—	—	—	—	—
SK	4 734 800	—	—	—	10/2005-4/2006
FI	—	—	—	—	—
SE	—	—	—	—	—
UK	—	—	—	—	—

ANNEX VII

Maximum number of 'ready-to-lay pullets', by Member State

	Ready-to-lay pullets	Period of application
BE	—	—
CZ	—	—
DK	—	—
DE	1 000 000	1/2006-4/2006
EE	—	—
EL	—	—
ES	—	—
FR	—	—
IE	—	—
IT	—	—
CY	—	—
LV	—	—
LT	—	—
LU	—	—
HU	—	—
MT	—	—
NL	—	—
AT	850 000	10/2005-4/2006
PL	—	—
PT	—	—
SI	—	—
SK	—	—
FI	—	—
SE	—	—
UK	—	—

COMMISSION REGULATION (EC) No 1011/2006**of 3 July 2006****correcting Regulation (EC) No 1008/2006 fixing the import duties in the cereals sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (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) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 1008/2006 ⁽³⁾.

- (2) A calculation error has been discovered in the Annexes to Regulation (EC) No 1008/2006. The Regulation in question should therefore be corrected. This correction should apply retroactively and will not cause detrimental effects on operators,

HAS ADOPTED THIS REGULATION:

Article 1

The Annexes to Regulation (EC) No 1008/2006 are hereby 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*.

It shall apply from 1 July 2006.

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

Done at Brussels, 3 July 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽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).

⁽³⁾ OJ L 179, 1.7.2006, p. 48.

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from 1 July 2006

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	32,64
1005 10 90	Maize seed other than hybrid	56,38
1005 90 00	Maize other than seed ⁽²⁾	56,38
1007 00 90	Grain sorghum other than hybrids for sowing	47,63

⁽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

(16.6.2006-29.6.2006)

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)	149,09 (***)	71,68	153,25	143,25	123,25	89,83
Gulf premium (EUR/t)	—	14,42	—			—
Great Lakes premium (EUR/t)	26,67	—	—			—

(*) 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: 19,55 EUR/t; Great Lakes–Rotterdam: 24,56 EUR/t.

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

COMMISSION REGULATION (EC) No 1012/2006
of 3 July 2006
amending the import duties in the cereals sector applicable from 4 July 2006

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) The import duties in the cereals sector are fixed by Commission Regulation (EC) No 1008/2006 ⁽³⁾.

- (2) Article 2(1) of Regulation (EC) No 1249/96 provides that if during the period of application, the average import duty calculated differs by EUR 5 per tonne from the duty fixed, a corresponding adjustment is to be made. Such a difference has arisen. It is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1008/2006,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1008/2006 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 4 July 2006.

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

Done at Brussels, 3 July 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 29.9.2003, p. 78. Regulation as amended by Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽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).

⁽³⁾ OJ L 179, 1.7.2006, p. 48.

ANNEX I

**Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from
4 July 2006**

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	5,95
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	34,94
1005 10 90	Maize seed other than hybrid	56,38
1005 90 00	Maize other than seed ⁽²⁾	56,38
1007 00 90	Grain sorghum other than hybrids for sowing	49,93

⁽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

(for 30.6.2006)

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)	149,09 (***)	71,68	145,52	135,52	115,52	86,53
Gulf premium (EUR/t)	—	14,42	—			—
Great Lakes premium (EUR/t)	26,67	—	—			—

(*) 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: 19,55 EUR/t; Great Lakes–Rotterdam: 24,56 EUR/t.

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

II

(Acts whose publication is not obligatory)

COUNCIL

Note concerning the entry into force of the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part

With the instruments notifying completion of the procedures required for entry into force of the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part ⁽¹⁾, signed in Luxembourg on 17 June 2002, having been exchanged on 14 February 2006, the Agreement entered into force on 1 April 2006, in accordance with Article 92 thereof.

⁽¹⁾ OJ L 143, 30.5.2006, p. 2.

COMMISSION

COMMISSION DECISION

of 17 December 2002

relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement against SGL Carbon AG, Le Carbone-Lorraine SA, Ibiden Co. Ltd, Tokai Carbon Co. Ltd, Toyo Tanso Co. Ltd, GrafTech International Ltd, NSCC Techno Carbon Co. Ltd, Nippon Steel Chemical Co. Ltd, Intech EDM BV and Intech EDM AG

(Case C.37.667 — Specialty Graphite)

(notified under document number C(2002) 5083)

(Only the English, French, German and Dutch versions are authentic)

(2006/460/EC)

On 17 December 2002, the Commission adopted a decision relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003 ⁽¹⁾, the Commission herewith publishes the names of the parties and the main content of the decision, having regard to the legitimate interest of undertakings in the protection of their business interests. A non-confidential version of the full text of the decision can be found in the authentic languages of the case and in the Commission's working languages on the Competition Directorate-General website (http://ec.europa.eu.int/comm/competition/index_en.html)

1. SUMMARY OF THE INFRINGEMENT

1.1. Addressees

- (1) This decision is addressed to the following undertakings:

on account of the cartel affecting the isostatic specialty graphite market:

- GrafTech International Ltd,
- SGL Carbon AG,
- Le Carbone-Lorraine SA,
- Ibiden Co. Ltd,
- Tokai Carbon Co. Ltd,
- Toyo Tanso Co. Ltd,
- Nippon Steel Chemical Co., Ltd/NSCC Techno Carbon Co. Ltd,
- Intech EDM BV/Intech EDM AG;

on account of the cartel affecting the extruded specialty graphite market:

- SGL Carbon AG,
- GrafTech International Ltd.

1.2. Nature of the infringement

- (2) The case concerns two hard-core cartels between the producers of isostatic and extruded specialty graphite, respectively. The Commission has gathered evidence that from July 1993 to February 1998 in the isostatic cartel, and from February 1993 to November 1996 in the extruded one, the cartel participants agreed on price targets for the product and exchanged sales volume and other commercial information. The two cartels covered the whole world. The Decision deals with infringements in the Community, as well as in the EEA since 1 January 1994.
- (3) Both infringements consists on the participation of the abovementioned addressees in continuing agreements and/or concerted actions contrary to Article 81(1) of the EC Treaty (from February 1986) and Article 53 of the EEA Agreement (from January 1994) covering the whole of the EEA, by which they agreed on price targets for the product; agreed on price increases; exchanged sales volume and other commercial information and monitored and enforced their agreements. The arrangements on the isostatic market also concerned the agreement of trading conditions and, notably at local level, occasional repartition of customers.

⁽¹⁾ OJ L 1, 4.1.2003, p. 1. Regulation as amended by Regulation (EC) No 411/2004 (OJ L 68, 6.3.2004, p. 1).

1.3. Product

- (4) 'Specialty graphites' is the general term widely used in the industry to describe a group of graphite products for diverse applications. Specialty graphite products are often categorised by the way the graphite is produced: isostatic graphite (produced through isostatic moulding), used in EDM electrodes, continuous-casting dies, hot-press moulds, semiconductor applications; and extruded graphite (produced through extrusion), used in electrolytic anodes and cathodes, boats, sintering trays, crucibles. The present proceedings concern isostatic and extruded specialty graphite in blocks and cut blocks.

1.4. Origin and procedural steps taken

- (5) Beginning in June 1997, the Commission carried out an investigation on the graphite electrodes market. In the course of that investigation, UCAR approached the Commission in order to submit an application under the 'Leniency notice'. The submission took place on the 13 April 1999, and concerned alleged anticompetitive practices in a market, specialty graphite, related to the market on graphite electrodes.
- (6) On the basis of the documents submitted by UCAR, the Commission addressed requests for information pursuant to Article 11 of Regulation No 17 ⁽¹⁾. Requests were sent in March 2000 to SGL, Intech, POCO, LCL, Nippon Steel Corporation, Ividen, Tokai and Toyo Tanso, requiring detailed explanations concerning contacts with competitors, evolution of prices and relevant turnover. A second set of letters was sent in July 2000 to Nippon Carbon, NSCC and Schunk. The companies replied to those requests for information during the months of May to November 2000.
- (7) The Commission addressed a further set of requests to the addressees of the Statement of Objections (SO) in September and October 2001. The replies were received between the end of October and the beginning of December 2001.
- (8) Upon reception of those responses, the Commission sent a final request for information to the same undertakings on 22 November 2001, to which they replied in December 2001.
- (9) On 17 May 2002, the Commission sent a SO to the addressees of this Decision. All parties submitted written observations in response to the Commission's SO. Nippon Steel Chemical Co., Ltd and NSCC Techno Carbon Co., Ltd submitted a joint response. Similarly,

Intech EDM BV and Intech EDM AG also replied jointly to the Commission's objections.

- (10) Replies to the SO were received between 19 and 25 July 2002. All the companies but Intech EDM AG and Intech EDM BV recognised the infringement. None of the companies substantially contested the facts. An oral hearing was held on 10 September 2002, during which all parties had the opportunity to be heard.

2. FINES

2.1. Basic amount

- (11) In fixing the amount of any fine, the Commission must have regard to all relevant circumstances and particularly the gravity and duration of the infringement, which are the two criteria explicitly referred to in Article 15(2) of Regulation 17.

2.1.1. Gravity

- (12) According to the Guidelines, the Commission must take account of (i) the nature of the infringement, (ii) its actual impact on the market, and (iii) the size of the relevant geographic market.
- (13) The present infringements consist mainly of price-fixing practices and the exchange of commercial information, which are by their very nature very serious violations of Article 81(1) EC and Article 53(1) EEA.
- (14) The cartel agreements were carefully implemented by producers which, for the relevant period, covered the vast majority of the worldwide market for isostatic and extruded specialty graphite. They must therefore have had an actual impact on both markets in the EEA.
- (15) The cartels covered the whole of the common market and, following its creation, the whole of the EEA. Every part of the common market, and later that of the territory covered by the EEA, was under their influence.
- (16) Taking into account the nature of the behaviour under scrutiny, the actual impact on the isostatic and extruded markets, and the fact that they covered the whole of the common market and, following its creation, the whole of the EEA, the Commission considers that the addressees of the present draft Decision committed, in both cases, a very serious infringement of Article 81(1) EC and Article 53(1) EEA.

⁽¹⁾ OJ L3, 21.2.1962, p. 204/62.

2.1.2. Differential treatment

- (17) Within the category of very serious infringements, the proposed scale of likely fines makes it possible to apply differential treatment to undertakings in order to take account of the effective economic capacity of the offenders to cause significant damage to competition and to set the fine at a level which ensures it has sufficient deterrent effect.
- (18) In the circumstances of this case, which involves several undertakings, it will be necessary in setting the basic amount of the fines to take account of the specific weight and therefore the real impact of the offending conduct of each undertaking on competition.
- (19) For the purposes of calculating the fine on account of the isostatic cartel, we propose to divide the companies into five categories on the basis of their worldwide product turnover. The first category includes SGL; the second Toyo Tanso; in the third are placed LCL and Tokai; in the fourth Ibiden and NSC/NSCC; and in the fifth UCAR and Intech.
- (20) As for the cartel in the extruded specialty market, UCAR and SGL had a similar presence in the worldwide market for this product. They are therefore placed in a single category.

2.1.3. Duration

2.1.3.1. Isostatic specialty graphite

- (21) SGL, LCL, Ibiden, Tokai, Toyo Tanso and NSC/NSCC infringed Article 81(1) of the Treaty from July 1993 until February 1998 and Article 53(1) of the EEA Agreement from 1 January 1994 until February 1998. UCAR committed the same infringement from February 1996 to May 1997, and Intech from February 1994 to May 1997.
- (22) Consequently, SGL, LCL, Ibiden, Tokai, Toyo Tanso and NSC/NSCC have committed an infringement of four years and six months, i.e. of medium duration. The starting amounts of the fines, determined by their gravity, are therefore increased by 45 %.
- (23) Intech committed an infringement, of medium duration, of three years and two months. The starting amount of

the fine determined for gravity is therefore increased by 30 %.

- (24) UCAR committed an infringement of medium duration of one year and two months. The starting amount of the fine determined for gravity is therefore increased by 10 %.

2.1.3.2. Extruded specialty graphite

- (25) SGL and UCAR have infringed Article 81(1) of the Treaty from February 1993 to November 1996 and Article 53(1) of the EEA Agreement from 1 January 1994 until November 1996, or three years and eight months, i.e. of medium duration. The starting amounts of the fines, determined by their gravity, are therefore increased by 35 % for each company.

2.2. Aggravating circumstances (role of leader in the infringement)

- (26) SGL was the leader and instigator of the infringement in the isostatic specialty market. SGL has not contested the Commission's finding in this regard. This aggravating circumstance justifies an increase of 50 % in the basic amount of the fines to be imposed on SGL for its infringements affecting the isostatic specialty market.

- (27) The Commission also considers that no specific ring-leader can be identified for the infringement affecting the extruded specialty market.

2.3. Attenuating circumstances

- (28) The Commission considers that there is only an attenuating circumstance to be applied to Intech, in the isostatic cartel, on account of some specific circumstances that only concern this undertaking. The involvement of Intech in the isostatic cartel was particular in that it was, to a considerable extent, under instructions from Ibiden, in order to implement by its participation in the European and local meetings, as Ibiden's distributor, the decisions of principle taken at higher level (where Ibiden participated, but not Intech). The Commission considers that those specific circumstances justify a reduction of 40 % in the basic amount of the fine to be imposed on Intech for its participation in the infringement affecting the isostatic market.

2.4. Application of the Leniency Notice

- (29) The addressees of the Decision have cooperated with the Commission at different stages of the investigation for the purpose of receiving favourable treatment set out in the Commission's Leniency Notice. In the draft Decision it is proposed to apply the Leniency Notice as follows:

2.4.1. *Non-imposition of a fine or a very substantial reduction of its amount (Section B: reduction from of 75 to 100 %)*

- (30) The Commission accepts that UCAR was the first undertaking to submit decisive evidence on the existence of an international cartel affecting the EEA in the isostatic and extruded specialty graphite industries. The Commission also acknowledges that, when it was approached by UCAR, it had not undertaken investigations, nor had it sufficient information to establish the existence of the infringements. UCAR had also put an end to its involvement at the time at which it disclosed the cartels and did not compell other enterprises to take part in those cartels. UCAR therefore fulfils, for both infringements, the conditions set out in Section B of the Leniency Notice. The Commission accordingly grants UCAR a 100 % reduction of the fine that would otherwise have been imposed on account of the each infringement.

2.4.2. *Substantial reduction in a fine (Section C: reduction from 50 to 75 %)*

- (31) Neither SGL, LCL, Toyo Tanso, Tokai, Ibiden, NSC/NSCC or Intech were the first to provide the Commission with decisive information on the isostatic or extruded specialty cartels, as required under point (a) of Section C of the Leniency Notice. Consequently none of the above undertakings meet the conditions as set out in this section C.

2.4.3. *Significant reduction of a fine (Section D: reduction from 10 to 50 %)*

- (32) Before the Commission adopted its SO, SGL, LCL, Ibiden, Tokai, Toyo Tanso and NSC/NSCC provided the Commission with information and documents which materially contributed to establishing the existence of the infringements. None of them substantially contests the facts on which the Commission based its SO. The information and documents provided allowed the Commission to confirm and identify the functioning of the cartels and certain elements thereof.
- (33) Given that any cooperation under the Leniency Notice must be voluntary and in particular outside the exercise

of any investigatory power, the Commission considers that part of the information provided by these undertakings was, in fact, an integral part of their replies to the Commission's formal requests for information. The information provided by the undertakings is therefore regarded as a voluntary contribution within the meaning of the Leniency Notice only where it went beyond that requested pursuant to Article 11 of Regulation No 17.

- (34) The Commission concludes that the documents referred to above provided detailed evidence of the organisational structure of the cartel arrangements affecting the two markets and contributed decisively to establishing and/or confirming essential aspects of these infringements. Together with UCAR's statement, these documents constitute the main source of evidence used by the Commission in preparing the present Decision.
- (35) Furthermore, the Commission considers that it is not possible to make a distinction as to the value added, that those submissions provided, to the investigation in the isostatic market, since they all took place, with short differences in time, in reaction to the Commission's formal request for information, and they all provided evidence of similar quality. Moreover, none of the submissions was on its own essential for the Commission to keep the substance of its objections in the infringement, since they substantially overlapped each other as to the evidence provided.
- (36) Intech did not provide any documentary evidence on meetings in its reply to the Commission's request for information. However, it did not substantially contest the facts on which the Commission bases its allegations in the SO.
- (37) SGL, LCL, Ibiden, Tokai, Toyo Tanso and NSC/NSCC therefore fulfil the conditions set out in section D(2), first and second indent, of the Leniency Notice and are granted a 35 % reduction of the fine. Intech fulfils the conditions set out in section D(2), second indent, of the Leniency Notice and is granted a 10 % reduction of fine.

2.5. Point 5(b) of the Guidelines on fines

- (38) According to point 5(b) of the Guidelines on fines, the Commission should take certain objective factors into account, depending on the circumstances of a given case, when fixing fines.

2.5.1. *Ability to pay*

- (39) SGL and NSC have presented arguments relating to their ability to pay. In particular, both companies have highlighted [...] (*).
- (40) In order to consider this argument, the Commission requested detailed information on the companies' financial positions. After examining the companies' replies of 20 November 2002, as well as SGL's further submission made on 8 November 2002, the Commission concludes that it is not appropriate to adjust the amount of the fines in this case. Although the financial data provided by the two undertakings show that both SGL and NSC are [...], to take account of the mere fact of the undertakings [...], mainly due to general market conditions, would be tantamount to conferring an unjustified competitive advantage on them.

2.5.2. *Other factors*

- (41) SGL is [...].
- (42) On 18 July 2001 the Commission imposed on SGL a fine of EUR 80,2 million for violation of Article 81 of the Treaty, as a result of the undertaking's involvement in the graphite electrodes cartel.
- (43) It follows that SGL is both in [...] and has relatively recently been imposed a significant fine by the Commission. The Commission considers that, in these particular circumstances, imposing the full amount of the fine does not appear necessary in order to ensure effective deterrence.
- (44) In view of these two factors, the Commission considers that, in this specific case, the fine should be reduced by 33 %.

3. **DECISION**

- (45) The following undertakings have infringed Article 81(1) of the Treaty and Article 53(1) of the EEA Agreement by participating, for the periods indicated, in a complex of agreements and concerted practices affecting the Community and EEA markets for isostatic specialty graphite:
1. GrafTech International Ltd, from February 1996 to May 1997;
 2. SGL Carbon AG, from July 1993 to February 1998;
 3. Le Carbone-Lorraine SA, from July 1993 to February 1998;
 4. Ibiden Co., Ltd, from July 1993 to February 1998;
 5. Tokai Carbon Co. Ltd, from July 1993 to February 1998;

6. Toyo Tanso Co. Ltd, from July 1993 to February 1998;

7. Nippon Steel Chemical Co. Ltd and NSCC Techno Carbon Co. Ltd, jointly and severally liable, from July 1993 to February 1998;

8. Intech EDM BV and Intech EDM AG, jointly and severally liable, from February 1994 to May 1997.

- (46) The following undertakings have infringed Article 81(1) of the Treaty and Article 53(1) of the EEA Agreement by participating, for the periods indicated, in a complex of agreements and concerted practices affecting the Community and EEA markets for extruded specialty graphite:

1. SGL Carbon AG, from February 1993 to November 1996;

2. GrafTech International, Ltd, from February 1993 to November 1996.

- (47) The undertakings listed above shall immediately bring to an end the infringements referred to in that Article, in so far as they have not already done so. They shall refrain from repeating any act or conduct referred to above, and from any act or conduct having the same or equivalent object or effect.

- (48) For the infringements referred to above, the following fines are imposed on the following undertakings:

(a) GrafTech International, Ltd

— Isostatic specialty graphite: EUR 0,

— Extruded specialty graphite: EUR 0;

(b) SGL Carbon AG

— Isostatic specialty graphite: EUR 18 940 000,

— Extruded specialty graphite: EUR 8 810 000;

(c) Le Carbone-Lorraine SA: EUR 6 970 000;

(d) Ibiden Co. Ltd: EUR 3 580 000;

(e) Tokai Carbon Co. Ltd: EUR 6 970 000;

(f) Toyo Tanso Co. Ltd: EUR 10 790 000;

(g) Nippon Steel Chemical Co., Ltd and NSCC Techno Carbon Co. Ltd, jointly and severally liable: EUR 3 580 000;

(h) Intech EDM BV and Intech EDM AG, jointly and severally liable: EUR 980 000.

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

COMMISSION DECISION
of 26 June 2006
on the allocation to the United Kingdom of additional fishing days within ICES division VIIe

(notified under document number C(2006) 2438)

(Only the English text is authentic)

(2006/461/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 51/2006 of 22 December 2005 fixing for 2006 the fishing opportunities and associated conditions for certain fish stocks and groups of stocks, applicable in Community waters and for Community vessels in waters where catch limitations are required⁽¹⁾, and in particular point 9 of Annex IIC,

Whereas:

- (1) Point 7 of Annex IIC to Regulation (EC) No 51/2006 specifies the maximum number of days (216) on which Community vessels of length overall equal to or greater than 10 meters carrying on board beam trawls of mesh size equal to or greater than 80 mm or static nets with mesh size less than 220 mm may be present within ICES division VIIe from 1 February 2006 to 31 January 2007.
- (2) Point 9 of that Annex enables the Commission to allocate an additional number of fishing days on which a vessel may be present within that area when carrying on board such beam trawls or static nets, on the basis of permanent cessations of fishing activities that have taken place since 1 of January 2004.
- (3) The United Kingdom has submitted data demonstrating a reduction in 2006 of 5 % in the fleet capacity of vessels present in the area and carrying on board beam trawls of mesh size equal to or greater than 80 mm.

- (4) In view of the data submitted, 12 additional days at sea should be allocated to United Kingdom for the period between 1 February 2006 and 31 January 2007 for vessels carrying on board such beam trawls.

- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The maximum number of days a fishing vessel flying the flag of the United Kingdom and carrying on board beam trawls of mesh size equal to or greater than 80 mm may be present in ICES division VIIe, as laid down in table I of Annex IIC to Regulation (EC) No 51/2006, shall be amended to 228 days per year.

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 26 June 2006.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 16, 20.1.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 898/2006 (OJ L 167, 20.6.2006, p. 16).

CORRIGENDA

Corrigendum to the Guideline of the European Central Bank of 17 November 2005 amending Guideline ECB/2002/7 on the statistical reporting requirements of the European Central Bank in the field of quarterly financial accounts

(ECB/2005/13)

(2006/43/EC)

(Official Journal of the European Union L 30 of 2 February 2006)

On page 9, in Table 3 in the second row, page 10, Table 4 in the second row and page 11, Table 5 in the second row:

for: 'Creditor / Debtor',

read: 'Debtor / Creditor'.
