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⁽¹⁾ Text with EEA relevance

I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COUNCIL REGULATION (EC) No 691/2007

of 18 June 2007

imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain saddles originating in the People's Republic of China

THE COUNCIL OF THE EUROPEAN UNION,

Commission analysed data covering the period from 1 January 2002 to the end of the investigation period (period considered).

Having regard to the Treaty establishing the European Community,

B. SUBSEQUENT PROCEDURE

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 Article 9 thereof,

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

Whereas:

- (3) Following the imposition of a provisional anti-dumping duty on imports of certain saddles originating in the PRC, some interested parties submitted comments in writing. The parties, who so requested, were also granted an opportunity to be heard. The Commission continued to seek and verify all information it deemed necessary for its definitive findings. All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive anti-dumping duty on imports of certain saddles originating in the PRC and the definitive collection of the amounts secured by way of the provisional duty. They were also granted a period within which they could make representations subsequent to this disclosure. The oral and written comments submitted by the parties were considered, and, where appropriate, the findings have been modified accordingly.

A. PROVISIONAL MEASURES

- (1) The Commission, by Regulation (EC) No 1999/2006⁽²⁾ (the provisional Regulation) imposed a provisional anti-dumping duty on imports of certain saddles, currently classifiable within CN codes 8714 95 00, ex 8714 99 90 and ex 9506 91 10, originating in the People's Republic of China (PRC).
- (2) It is recalled that the investigation of dumping and injury covered the period from 1 January 2005 to 31 December 2005 (investigation period or IP). With respect to the trends relevant for the injury assessment, the

C. PRODUCT CONCERNED AND LIKE PRODUCT

- (4) One importer argued against the inclusion into the scope of the investigation of essential parts of saddles (bases, cushions and covers) on the grounds that the inclusion of the latter was not justified by any evidence of dumping from either the complaint or the investigation. This importer claimed also that it is not sufficient to consider saddles and saddle parts as one single product on the basis that both were used for the same end product (i.e. bicycles and similar). The same importer further alleged that certain saddle parts were included in the product definition to prevent circumvention in case anti-dumping duties were imposed. On this basis, it was argued that importers in the Community should be allowed to request exemptions from the anti-dumping duty within the meaning of Article 13(4) of the basic Regulation.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

⁽²⁾ OJ L 379, 28.12.2006, p. 11.

- (5) It should be noted, first of all, that the complaint mentions saddles and essential parts thereof. It is considered, however, that the *prima facie* evidence of dumping necessary for initiating an investigation does not need to cover all product types included in the scope of the investigation. As long as the parts of a saddle have the same basic technical, physical and chemical characteristics and cannot have another end-use than being incorporated in the whole (i.e. into saddles) and, as such, they are not a distinct product, they are defined as part of the product concerned and should form part of the investigation. Furthermore, the fact that essential parts were not exported as such to the Community by the cooperating exporting producers during the IP does not preclude that this could have happened for the exporters which have not cooperated. It is recalled that the latter exporters represent over 75 % of the exports of the product concerned to the Community.
- (6) As outlined in recital 16 of the provisional Regulation, the investigation has shown that, despite differences in shapes, materials and production processes, the different types of the product concerned all share the same basic physical and technical characteristics and are basically used for the same purposes. This finding was not contested by the importer in question (or by any other interested party of this proceeding) who did also not provide any evidence or information which would have contradicted the provisional findings. It results that the determination whether or not certain saddle parts should be considered as one single product was not made on the sole basis of the end-use criterion. The importer's claim that certain essential parts of saddles should not be considered as the product concerned was therefore rejected.
- (7) Likewise, it results from the above that circumvention considerations were not decisive when determining the product concerned in the present investigation.
- (8) In the absence of any other comments concerning the product concerned and the like product, recitals 14 to 18 of the provisional Regulation are hereby confirmed.
- in its provisional findings as misleading should not lead to the rejection of IT, since the information concerned only the domestic market, and would thus affect the calculation of the normal value.
- (10) However, the company failed to give any satisfactory explanation as to the information which had been omitted, and it is therefore considered appropriate to maintain the provisional findings concerning their level of cooperation. The consequent doubts on the reliability of the whole information submitted by this exporting producer still exist, and in the absence of full cooperation of all related companies within one group of exporting producers, it cannot be determined whether the criteria set out in Article 9(5) of the basic Regulation concerning IT are met in relation to this group.
- (11) The Community industry claimed that the fact that some of the exporting producers benefited from tax exemptions aimed at encouraging foreign direct investment is incompatible with the granting of MET to these exporting producers. However, the actual benefits from these tax exemptions to the companies were found to be negligible, and it is therefore considered that they were not incompatible with MET.
- (12) The Community industry also argued that MET should have been denied to one of the groups of exporters, due to the fact that during the IP there were provisions in the Articles of Association of those exporters, specifying a certain percentage of export sales. However, it is considered that these provisions, which were not in practice followed by the exporters and have been removed after the IP, did not constitute either *de jure* or *de facto* restrictions on these companies' activities.
- (13) In the absence of any new arguments regarding the granting of MET and IT, the findings as set out in recitals 19 to 27 of the provisional Regulation are hereby confirmed.

D. DUMPING

1. Market economy treatment (MET) and individual treatment (IT)

- (9) Following the provisional disclosure, one group of exporting producers whose request for MET or IT was rejected on the grounds that it had provided misleading information within the meaning of Article 18 of the basic Regulation, argued that it should not be treated as non-cooperating and that the omission of certain information which was considered by the Commission
- (14) Following the provisional disclosure, one exporting producer submitted comments concerning the detailed calculations made for establishing the normal value. These comments were found to be justified, and the calculations of the normal value were corrected accordingly. In the absence of any other comments regarding the calculation of normal value, the general methodology as set out in recitals 28 to 40 of the provisional Regulation is hereby confirmed.

2. Normal value

(a) *Determination of normal value for the exporting producers in the PRC granted MET*

(b) *Determination of normal value for the exporting producers in the PRC not granted MET*

(i) *Analogue country*

- (15) Following the provisional disclosure, one importer reiterated a statement already made earlier in the procedure by another party, claiming that the only cooperating producer in Brazil enjoyed a dominant position in the Brazilian market and was furthermore related to the complainant, and contested the Commission's choice of Brazil as analogue country. These arguments were already analysed by the Commission and refuted in recital 47 of the provisional Regulation. As no new information was provided in the comments received after the provisional disclosure and there was no indication in the further investigation that the position of the cooperating Brazilian producer on the Brazilian market or its relationship to the complainant may have affected the reliability of the data submitted or the appropriateness of Brazil as analogue country, the conclusion made at provisional stage is confirmed. In the absence of any other comments regarding the use of Brazil as an analogue country, recitals 41 to 49 of the provisional Regulation are confirmed.

(ii) *Normal value*

- (16) The verification of the data submitted by the cooperating producer in Brazil took place before the imposition of provisional measures, but too late in the proceedings for its results to be reflected in those measures. In view of the results of that verification, the calculation of the normal value for the exporting producers in the PRC not granted MET was refined. In the absence of any comments with regard to the determination of the normal value for the exporting producers not granted MET, the general methodology as set out in recitals 41 to 51 of the provisional Regulation is definitively confirmed.

3. Export prices

- (17) In the absence of any comments with regard to export prices, the general methodology as set out in recitals 52 to 54 of the provisional Regulation, is hereby confirmed.

4. Comparison

- (18) Following the provisional disclosure, one exporting producer claimed that an adjustment for differences in commissions, according to Article 2(10)(i) of the basic

Regulation, made on the export price for sales made through a related company in Taiwan, was not warranted. The exporter claimed that the Taiwanese company does not perform any of the functions referred to in Article 2(10)(i). However, this claim is in contradiction with the description of the sales process given in the company's reply to the anti-dumping questionnaire and as verified during the on-the-spot investigation, and therefore this claim cannot be accepted. In the absence of any other comments in this respect, recitals 55 and 56 of the provisional Regulation are hereby confirmed.

5. Dumping margin

(a) *For the cooperating exporting producer granted MET*

- (19) One cooperating exporting producer claimed that an individual dumping margin should also be attributed to one company in the group who had not exported to the EC during the IP. Given that the group has fully cooperated in the investigation, their claim was accepted and the group's average dumping margin should also be attributed to this company, Cionlli Bicycle Components (Tianjin) Co., Ltd. In the light of the above mentioned revisions relating to normal value, the definitive dumping margins, expressed as a percentage of the cif Community frontier price, duty unpaid, are as follows:

Company	Definitive dumping margin
Cionlli Bicycle (Taicang) Co., Ltd, Shunde Hongli Bicycle Parts Co., Ltd, Safe Strong Bicycle Parts Shenzhen Co., Ltd and Cionlli Bicycle Components (Tianjin) Co., Ltd	5,8 %
Giching Bicycle Parts (Shenzhen) Co., Ltd and Velo Cycle Kunshan Co., Ltd	0 %

(b) *For all other exporting producers*

- (20) Following the provisional disclosure, one importer claimed that the countrywide dumping margin should not have been based on the single cooperating exporting producer to which neither MET nor IT was granted. According to this importer, the countrywide dumping margin should also have been based on the export price of the group of exporting producers mentioned in recital 9. However, as stated in recital 23 of the provisional Regulation, there are serious doubts on the integrity of the whole data provided by that exporter which had deliberately omitted to declare its relationship with one of its main domestic customers and was thus considered as non-cooperating in this investigation.

- (21) In light of the comments received it was considered nevertheless, that given the very small volume of exports represented by the single cooperating exporting producer to which neither MET nor IT was granted, it would be more appropriate to base the calculation of the countrywide duty also on import data from Eurostat, based on an average weight of 500 grams per saddle. Accordingly, the countrywide dumping margin was determined as the weighted average of:

— the dumping margin found for the cooperating exporter to which neither MET nor IT was granted and

— a dumping margin calculated from Eurostat import data, by excluding the value and quantity of exports from the cooperating exporting producers. Some minor corrections were also made to the normal value based on the analogue country data.

- (22) The Community industry claimed that the average weight of 500 grams per saddle used by the Commission in the calculation of the countrywide duty was an over-estimation. The industry argued that an average weight of 420 grams should have been used instead, which would have implied a lower average price per saddle on the basis of Eurostat data. However, the industry was not able to support this claim with enough verifiable evidence. Therefore, the estimate of an average weight of 500 grams, which is supported by the data gathered during the investigation, was maintained. On this basis, the definitive countrywide level of dumping is established at 29,6 % of the cif Community frontier price, duty unpaid.

E. INJURY

1. Community production

- (23) In the absence of comments concerning Community production, recitals 64 and 65 of the provisional Regulation are hereby confirmed.

2. Definition of the Community industry

- (24) In the absence of comments concerning the definition of the Community industry, recitals 66 and 67 of the provisional Regulation are hereby confirmed.

3. Community consumption

- (25) In the absence of comments concerning the Community consumption, recitals 68 and 69 of the provisional Regulation are hereby confirmed.

4. Imports into the Community from the country concerned

- (26) In the absence of any comments concerning the imports from the country concerned, recitals 70 to 76 of the provisional Regulation are hereby confirmed.

5. Situation of the Community industry

- (27) In the absence of comments concerning the situation of the Community industry, recitals 77 to 100 of the provisional Regulation are hereby confirmed.

F. CAUSATION

- (28) In the absence of any new and substantiated information or argument in this respect, recitals 105 to 118 of the provisional Regulation are hereby confirmed.

G. COMMUNITY INTEREST

- (29) In the absence of substantially new information or argument in this particular respect, recitals 119 to 135 of the provisional Regulation are hereby confirmed.

H. DEFINITIVE ANTI-DUMPING MEASURES

1. Injury elimination level

- (30) In the absence of any other comments concerning the injury elimination level, recitals 136 to 140 of the provisional Regulation are hereby confirmed.

2. Form and level of the duties

- (31) In the light of the foregoing and in accordance with Article 9(4) of the basic Regulation, a definitive anti-dumping duty should be imposed at the level sufficient to eliminate the injury caused by the imports without exceeding the dumping margin found.

- (32) On the basis of the above, the definitive duties are as follows:

Company	Definitive duty
Cionlli Bicycle (Taicang) Co., Ltd, Shunde Hongli Bicycle Parts Co., Ltd, Safe Strong Bicycle Parts Shenzhen Co., Ltd and Cionlli Bicycle Components (Tianjin) Co., Ltd	5,8 %
Giching Bicycle Parts (Shenzhen) Co., Ltd and Velo Cycle Kunshan Co., Ltd	0 %
All other companies	29,6 %

- (33) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of the present investigation. Therefore, they reflect the situation found during that investigation with respect to these companies. These duty rates (as opposed to the countrywide duty applicable to 'all other companies') are thus exclusively applicable to imports of products originating in the country concerned and produced by the companies and thus by the specific legal entities mentioned. Imported products produced by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.
- (34) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission ⁽¹⁾ forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for example, that name change or that change in the production and sales entities. If appropriate, the Regulation will then be amended accordingly by updating the list of companies benefiting from individual duty rates.
- (35) In order to ensure a proper enforcement of the anti-dumping duty, the residual duty level should not only apply to the non-cooperating exporters, but also to those companies which did not have any exports during the IP. However, the latter companies are invited, when they fulfil the requirements of Article 11(4) of the basic Regulation, second paragraph, to present a request for a review pursuant to that Article in order to have their situation examined individually.

3. Definitive collection of provisional duties and special monitoring

- (36) In view of the magnitude of the dumping margins found and in the light of the level of the injury caused to the Community industry, it is considered necessary that the amounts secured by way of the provisional anti-dumping duty, imposed by the provisional Regulation, i.e. Regulation (EC) No 1999/2006, should be definitively collected to the extent of the amount of the definitive

duties imposed. Where the definitive duties are lower than the provisional duties, amounts provisionally secured in excess of the definitive rate of anti-dumping duties shall be released. Where the definitive duties are higher than the provisional duties, only the amounts secured at the level of the provisional duties shall be definitively collected.

- (37) In order to minimise the risks of circumvention due to the high difference in the duty rates, it is considered that special measures are needed in this case to ensure the proper application of the anti-dumping duties. These special measures, which only apply to companies for which an individual duty rate is introduced, include the presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in the Annex to this Regulation. Imports not accompanied by such an invoice shall be made subject to the residual anti-dumping duty applicable to all other exporters.
- (38) It is recalled that should the exports by the companies benefiting from lower individual duty rates increase significantly in volume after the imposition of the anti-dumping measures, such an increase in volume could be considered as constituting in itself a change in the pattern of trade due to the imposition of measures within the meaning of Article 13(1) of the basic Regulation. In such circumstances, and provided the conditions are met, an anti-circumvention investigation may be initiated. This investigation may, *inter alia*, examine the need for the removal of individual duty rates and the consequent imposition of a countrywide duty,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of saddles and essential parts thereof i.e., bases, cushions and covers, of bicycles and other cycles (including delivery tricycles), not motorised, of cycles fitted with an auxiliary motor with or without sidecars, of fitness machines and of home trainers, falling within CN codes 8714 95 00, ex 8714 99 90 and ex 9506 91 10 (TARIC codes 8714 99 90 81 and 9506 91 10 10) and originating in the People's Republic of China.

⁽¹⁾ European Commission
Directorate-General for Trade
Direction H, office J-79 5/16
B-1049 Brussels.

2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Community-frontier price, before duty, of the products manufactured by the companies listed below shall be as follows:

Company	Anti-dumping duty	TARIC additional code
Cionlli Bicycle (Taicang) Co., Ltd, Shunde Hongli Bicycle Parts Co., Ltd, Safe Strong Bicycle Parts Shenzhen Co., Ltd and Cionlli Bicycle Components (Tianjin) Co., Ltd	5,8 %	A787
Giching Bicycle Parts (Shenzhen) Co., Ltd and Velo Cycle Kunshan Co., Ltd	0 %	A788
All other companies	29,6 %	A999

3. The application of the individual duty rates specified for the companies mentioned in paragraph 2 shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in the Annex. If no such invoice is

presented, the duty rate applicable to all other companies shall apply.

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

Article 2

Amounts secured by way of provisional anti-dumping duties pursuant to Commission Regulation (EC) No 1999/2006 on imports of saddles and essential parts thereof i.e., bases, cushions and covers, of bicycles and other cycles (including delivery tricycles), not motorised, of cycles fitted with an auxiliary motor with or without sidecars, of fitness machines and of home trainers, falling within CN codes 8714 95 00, ex 8714 99 90 and ex 9506 91 10 (TARIC codes 8714 99 90 81 and 9506 91 10 10) and originating in the People's Republic of China shall be definitively collected. The amounts secured in excess of the amount of the definitive anti-dumping duties shall be released. Where the definitive duties are higher than the provisional duties, only the amounts secured at the level of the provisional duties shall be definitely collected.

Article 3

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

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

Done at Luxembourg, 18 June 2007.

For the Council
The President
F.-W. STEINMEIER

ANNEX

The valid commercial invoice referred to in Article 1(3) of this Regulation must include a declaration signed by an official of the company, in the following format:

- (1) The name and function of the official of the company which has issued the commercial invoice.
- (2) The following declaration 'I, the undersigned, certify that the [volume] of saddles and essential parts thereof sold for export to the European Community covered by this invoice was manufactured by (company name and address) (TARIC additional code) in (country concerned). I declare that the information provided in this invoice is complete and correct.'

Date and signature

COMMISSION REGULATION (EC) No 692/2007**of 20 June 2007****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 21 June 2007.

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

Done at Brussels, 20 June 2007.

For the Commission

Jean-Luc 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 20 June 2007 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	MA	46,2
	TR	71,5
	ZZ	58,9
0707 00 05	TR	92,8
	ZZ	92,8
0709 90 70	TR	94,4
	ZZ	94,4
0805 50 10	AR	51,1
	TR	92,6
	UY	68,9
	ZA	57,9
	ZZ	67,6
0808 10 80	AR	86,9
	BR	82,8
	CL	85,8
	CN	95,2
	CO	90,0
	NZ	102,2
	US	98,5
	UY	49,5
	ZA	99,4
	ZZ	87,8
0809 10 00	IL	156,1
	TR	200,1
	ZZ	178,1
0809 20 95	TR	281,8
	US	326,5
	ZZ	304,2
0809 30 10, 0809 30 90	CL	101,4
	US	149,4
	ZA	88,5
	ZZ	113,1
0809 40 05	IL	164,9
	US	222,0
	ZZ	193,5

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 693/2007**of 20 June 2007****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Esrom (PGI)]**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) In accordance with the first subparagraph of Article 9(1), and in application of Article 17(2) of Regulation (EC) No 510/2006, the Commission has examined Denmark's application for the approval of amendments to the specification of the protected geographical origin 'Esrom' registered on the basis of Commission Regulation (EC) No 1107/96 ⁽²⁾.

- (2) As the amendments in question were not found to be minor within the meaning of Article 9 of Regulation (EC) No 510/2006, the Commission published the amendments in the *Official Journal of the European Union* ⁽³⁾, in application of Article 6 of that Regulation. As no objections were notified to the Commission under Article 7 of Regulation (EC) No 510/2006, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* on 24 October 2006 ⁽³⁾ regarding the name in the Annex to this Regulation are hereby approved.

Article 2

This Regulation shall enter into force on the 20th 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, 20 June 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12. Regulation as amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 148, 21.6.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 2156/2005 (OJ L 342, 24.12.2005, p. 54).

⁽³⁾ OJ C 256, 24.10.2006, p. 2.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.3. **Cheeses**

DENMARK

Esrom (PGI)

COMMISSION REGULATION (EC) No 694/2007**of 20 June 2007****setting the allocation coefficient for issuing of licences applied for from 11 to 15 June 2007 to
import sugar products under tariff quotas and preferential agreements**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽¹⁾,

Having regard to Commission Regulation (EC) No 950/2006 of 28 June 2006 laying down detailed rules for the 2006/07, 2007/08 and 2008/09 marketing years for importing and refining of sugar products under certain tariff quotas and preferential agreements ⁽²⁾, and in particular Article 5(3) thereof,

Whereas:

- (1) Applications for import licences were submitted to the competent authority during the week of 11 to 15 June 2007, in accordance with Regulation (EC) No 950/2006 or Commission Regulation (EC) No 1832/2006 of 13 December 2006 laying down transitional measures in the sugar sector by reason of the accession of Bulgaria

and Romania ⁽³⁾ for a total quantity equal to or exceeding the quantity available for serial numbers 09.4338, 09.4341 and 09.4351 (2006 to 2007).

- (2) In these circumstances, the Commission should fix an allocation coefficient in order to issue licences in proportion to the quantity available and inform the Member States that the set limit has been reached,

HAS ADOPTED THIS REGULATION:

Article 1

Licences shall be issued within the quantitative limits set in the Annex to this Regulation in respect of applications for import licences submitted from 11 to 15 June 2007, in accordance with Article 4(2) of Regulation (EC) No 950/2006 or Article 5 of Regulation (EC) No 1832/2006.

Article 2

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

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

Done at Brussels, 20 June 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 1. Regulation as amended by Regulation (EC) No 2006/2006 (OJ L 379, 28.12.2006, p. 95).

⁽³⁾ OJ L 354, 14.12.2006, p. 8.

ANNEX

ACP-India Preferential Sugar
Title IV of Regulation (EC) No 950/2006
2006/2007 marketing year

Serial No	Country	Week of 11.6.2007-15.6.2007: % of requested quantity to be granted	Limit
09.4331	Barbados	100	Reached
09.4332	Belize	0	
09.4333	Côte d'Ivoire	100	
09.4334	Republic of the Congo	100	
09.4335	Fiji	0	Reached
09.4336	Guyana	0	Reached
09.4337	India	0	Reached
09.4338	Jamaica	100	Reached
09.4339	Kenya	100	Reached
09.4340	Madagascar	100	
09.4341	Malawi	100	
09.4342	Mauritius	100	
09.4343	Mozambique	0	Reached
09.4344	Saint Kitts and Nevis	—	Reached
09.4345	Suriname	—	
09.4346	Swaziland	0	
09.4347	Tanzania	0	
09.4348	Trinidad and Tobago	100	Reached
09.4349	Uganda	—	
09.4350	Zambia	100	
09.4351	Zimbabwe	100	

ACP-India Preferential Sugar
Title IV of Regulation (EC) No 950/2006
2007/2008 marketing year

Serial No	Country	Week of 11.6.2007-15.6.2007: % of requested quantity to be granted	Limit
09.4331	Barbados	100	
09.4332	Belize	100	
09.4333	Côte d'Ivoire	100	
09.4334	Republic of the Congo	100	
09.4335	Fiji	100	
09.4336	Guyana	100	

Serial No	Country	Week of 11.6.2007-15.6.2007: % of requested quantity to be granted	Limit
09.4337	India	0	Reached
09.4338	Jamaica	100	
09.4339	Kenya	100	
09.4340	Madagascar	100	
09.4341	Malawi	100	
09.4342	Mauritius	100	
09.4343	Mozambique	100	
09.4344	Saint Kitts and Nevis	—	
09.4345	Suriname	—	
09.4346	Swaziland	100	
09.4347	Tanzania	100	
09.4348	Trinidad and Tobago	100	
09.4349	Uganda	—	
09.4350	Zambia	100	
09.4351	Zimbabwe	100	

Complementary Sugar

Title V of Regulation (EC) No 950/2006

2006/2007 marketing year

Serial No	Country	Week of 11.6.2007-15.6.2007: % of requested quantity to be granted	Limit
09.4315	India	100	
09.4316	ACP Protocol signatory countries	100	

CXL Concessions Sugar

Title VI of Regulation (EC) No 950/2006

2006/2007 marketing year

Serial No	Country	Week of 11.6.2007-15.6.2007: % of requested quantity to be granted	Limit
09.4317	Australia	0	Reached
09.4318	Brazil	0	Reached
09.4319	Cuba	0	Reached
09.4320	Other third countries	0	Reached

Balkans sugar**Title VII of Regulation (EC) No 950/2006****2006/2007 marketing year**

Serial No	Country	Week of 11.6.2007-15.6.2007: % of requested quantity to be granted	Limit
09.4324	Albania	100	Reached
09.4325	Bosnia and Herzegovina	0	
09.4326	Serbia, Montenegro and Kosovo	100	
09.4327	Former Yugoslav Republic of Macedonia	100	
09.4328	Croatia	100	

Exceptional import sugar and industrial import sugar**Title VIII of Regulation (EC) No 950/2006****2006/2007 Marketing year**

Serial No	Type	Week of 11.6.2007-15.6.2007: % of requested quantity to be granted	Limit
09.4380	Exceptional	—	
09.4390	Industrial	100	

Import of sugar under the transitional tariff quotas opened for Bulgaria and Romania**Chapter 1 Section 2 of Regulation (EC) No 1832/2006****2006/2007 marketing year**

Order No	Type	Week of 11.6.2007-15.6.2007: % of requested quantity to be granted	Limit
09.4365	Bulgaria	0	Reached
09.4366	Romania	0	Reached

COMMISSION REGULATION (EC) No 695/2007**of 20 June 2007****determining the extent to which applications lodged in June 2007 for import licences for certain pigmeat sector products pursuant to Regulation (EC) No 1233/2006 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1233/2006 of 16 August 2006 opening and providing for the administration of an import tariff quota of pigmeat allocated to the United States of America ⁽¹⁾, and in particular Article 5(5) thereof,

Whereas:

The applications for import licences lodged for the period 1 July to 30 September 2007 are less than the quantities available and can therefore be fulfilled entirely,

Article 1

1. Applications for import licences for the period 1 July to 30 September 2007 submitted pursuant to Regulation (EC) No 1233/2006 shall be met as referred to in the Annex to this Regulation.

2. Application for import licences for the period 1 October to 31 December 2007 may be lodged pursuant to Regulation (EC) No 1233/2006 for the total quantity as referred to in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 21 June 2007.

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

Done at Brussels, 20 June 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 225, 17.8.2006, p. 14.

ANNEX

Order No	Percentage of acceptance of import licences submitted for the period of 1.7.2007-30.9.2007	Total quantity available for the period of 1.10.2007-31.12.2007 (t)
09.4170	100	1 781,625

COMMISSION REGULATION (EC) No 696/2007**of 20 June 2007****determining the extent to which applications lodged in June 2007 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 July to 30 September 2007 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*Having regard to Commission Regulation (EC) No 1458/2003 of 18 August 2003 opening and providing for the administration of tariff quotas for certain products in the pigmeat sector ⁽¹⁾, and in particular Article 5(6) thereof,

1. Applications for import licences for the period 1 July to 30 September 2007 submitted pursuant to Regulation (EC) No 1458/2003 shall be met as referred to in Annex I.

Whereas:

2. For the period 1 October to 31 December 2007, applications may be lodged pursuant to Regulation (EC) No 1458/2003 for import licences for a total quantity as referred to in Annex II.

(1) The applications for import licences lodged for the third quarter of 2007 are for quantities less than the quantities available and can therefore be met in full.

Article 2

(2) The surplus to be added to the quantity available for the following period should be determined,

This Regulation shall enter into force on 21 June 2007.

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

Done at Brussels, 20 June 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 208, 19.8.2003, p. 3. Regulation as amended by Regulation (EC) No 341/2005 (OJ L 53, 26.2.2005, p. 28).

ANNEX I

Order No	Percentage of acceptance of import licences submitted for the period of 1.7.2007-30.9.2007
09.4038	100
09.4039	100
09.4071	—
09.4072	—
09.4073	—
09.4074	100

‘—’: No application for a licence has been sent to the Commission.

ANNEX II

(t)	
Order No	Total quantity available for the period 1.10.2007-31.12.2007
09.4038	13 634,875
09.4039	2 226,0
09.4071	1 501,0
09.4072	3 080,5
09.4073	7 533,5
09.4074	2 411,456

COMMISSION REGULATION (EC) No 697/2007**of 20 June 2007****determining the extent to which import licence applications lodged in June 2007 for certain poultrymeat sector products pursuant to Regulation (EC) No 1431/94 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽¹⁾, and in particular Article 7(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 1431/94 ⁽²⁾ lays down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 ⁽³⁾ opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products.

(2) The applications for import licences lodged in the first seven days of June 2007 for the subperiod from 1 July to

30 September 2007 relate to quantities in excess of those available. The extent to which licences may be issued should therefore be determined and the allocation coefficient to be applied to the quantities applied for should be laid down,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities for which import licence applications have been lodged for the subperiod from 1 July to 30 September 2007 pursuant to Regulation (EC) No 1431/94 shall be multiplied by the allocation coefficients set out in the Annex to this Regulation.

2. Applications for import licences for the period 1 October to 31 December 2007 may be lodged pursuant to Regulation (EC) No 1431/94 for the total quantity as referred to in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 21 June 2007.

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

Done at Brussels, 20 June 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 238, 1.9.2006, p. 13.

⁽²⁾ OJ L 156, 23.6.1994, p. 9. Regulation as last amended by Regulation (EC) No 1938/2006 (OJ L 407, 30.12.2006, p. 150).

⁽³⁾ OJ L 91, 8.4.1994, p. 1. Regulation as last amended by Commission Regulation (EC) No 2198/95 (OJ L 221, 19.9.1995, p. 3).

ANNEX

Serial No	Allocation coefficient for import licence applications submitted for the subperiod from 1.7.2007-30.9.2007 (%)	Total quantity available for the subperiod from 1.10.2007-31.12.2007 (t)
09.4410	1,002908	2 358,010
09.4411	—	5 100,000
09.4412	1,043681	825,006
09.4420	1,452472	450,008
09.4421	2,652550	175,003
09.4422	1,595656	621,255

‘—’: No licence application has been sent to the Commission.

COMMISSION REGULATION (EC) No 698/2007**of 20 June 2007****determining the extent to which import licence applications lodged in June 2007 for certain poultrymeat sector products pursuant to Regulation (EC) No 2497/96 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽¹⁾, and in particular Article 7(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 2497/96 ⁽²⁾ lays down procedures for applying in the poultrymeat sector the arrangements provided for in the Association Agreement between the European Community and Israel.

(2) The applications for import licences lodged in the first seven days of June 2007 for the subperiod from 1 July 2007 to 30 September 2007 relate to quantities in

excess of those available. The extent to which licences may be issued should therefore be determined and the allocation coefficient to be applied to the quantities applied for should be laid down,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities for which import licence applications have been lodged for the subperiod from 1 July 2007 to 30 September 2007 pursuant to Regulation (EC) No 2497/96 shall be multiplied by the allocation coefficients set out in the Annex to this Regulation.

2. Applications for import licences for the period 1 October 2007 to 31 December 2007 may be lodged pursuant to Regulation (EC) No 2497/96 for the total quantity as referred to in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 21 June 2007.

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

Done at Brussels, 20 June 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 238, 1.9.2006, p. 13.

⁽²⁾ OJ L 338, 28.12.1996, p. 48. Regulation as last amended by Regulation (EC) No 1937/2006 (OJ L 407, 30.12.2006, p. 143).

ANNEX

Serial No	Allocation coefficient for import licence applications submitted for the subperiod from 1.7.2007-30.9.2007 (%)	Total quantity available for the subperiod from 1.10.2007-31.12.2007 (t)
09.4091	—	560,0
09.4092	4,166765	392,001

‘—’: no licence application has been sent to the Commission.

COMMISSION REGULATION (EC) No 699/2007**of 20 June 2007****establishing a prohibition of fishing for cod in Skagerrak by vessels flying the flag of the Netherlands**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

(1) Council Regulation (EC) No 41/2007 of 21 December 2006 fixing for 2007 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down quotas for 2007.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2007.

(3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2007 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. It shall be prohibited to retain on board, tranship or land such stock caught by those vessels after that date.

*Article 3***Entry into force**

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, 20 June 2007.

For the Commission

Fokion FOTIADIS

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1967/2006 (OJ L 409, 30.12.2006, p. 11, corrected by OJ L 36, 8.2.2007, p. 6).

⁽³⁾ OJ L 15, 20.1.2007, p. 1. Regulation as last amended by Commission Regulation (EC) No 609/2007 (OJ L 141, 2.6.2007, p. 33).

ANNEX

No	13
Member State	The Netherlands
Stock	COD/03AN.
Species	Cod (<i>Gadus morhua</i>)
Zone	Skagerrak
Date	24 May 2007

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COMMISSION

COMMISSION DECISION

of 18 June 2007

concerning the non-inclusion of cadusafos in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance

(notified under document number C(2007) 2511)

(Text with EEA relevance)

(2007/428/EC)

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 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 of that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.

(2) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 703/2001 ⁽³⁾ lay down the detailed rules for the implementation of the second stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes cadusafos.

(3) For cadusafos the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulations (EC) No 451/2000 and (EC) No 703/2001 for a range of uses proposed by the notifier. Moreover, those Regulations designate the rapporteur Member States which have to submit the relevant assessment reports and recommendations to the European Food Safety Authority (EFSA) in accordance with Article 8(1) of Regulation (EC) No 451/2000. For cadusafos the rapporteur Member State was Greece and all relevant information was submitted on 1 June 2004.

(4) The assessment report was peer reviewed by the Member States and the EFSA and presented to the Commission on 24 April 2006 in the format of the EFSA conclusion regarding the peer review of the pesticide risk assessment of the active substance cadusafos ⁽⁴⁾. This report was reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 24 November 2006 in the format of the Commission review report for cadusafos.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2007/31/EC (OJ L 140, 1.6.2007, p. 44).

⁽²⁾ 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).

⁽³⁾ OJ L 98, 7.4.2001, p. 6.

⁽⁴⁾ EFSA Scientific Report (2006) 68, 1-70, Conclusion regarding the peer review of pesticide risk assessment of cadusafos.

- (5) During the evaluation of this active substance, a number of concerns were identified. Based on the available information, it has not been demonstrated that the estimated exposure of consumers resulting from the acute and chronic intake assessment is acceptable, due to insufficient information on the residue level. Moreover the risk to groundwater could not be assessed, due to a lack of data. Therefore it was not possible to conclude, on the basis of the information available, that cadusafos met the criteria for inclusion in Annex I to Directive 91/414/EEC.
- (6) The Commission invited the notifier to submit its comments on the results of the peer review and on its intention or not to further support the substance. The notifier submitted its comments which have been carefully examined. However, despite the arguments advanced, the above concerns remained unsolved, and assessments made on the basis of the information submitted and evaluated during the EFSA expert meetings have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing cadusafos satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.
- (7) Cadusafos should therefore not be included in Annex I to Directive 91/414/EEC.
- (8) Measures should be taken to ensure that authorisations granted for plant protection products containing cadusafos are withdrawn within a fixed period of time and are not renewed and that no new authorisations for such products are granted.
- (9) Any period of grace granted by Member States for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing cadusafos, should be limited to 12 months in order to allow existing stocks to be used in one further growing season.
- (10) This Decision does not prejudice the submission of an application for cadusafos according to the provisions of

Article 6(2) of Directive 91/414/EEC in view of a possible inclusion in its Annex I.

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

HAS ADOPTED THIS DECISION:

Article 1

Cadusafos shall not be included as active substance in Annex I to Directive 91/414/EEC.

Article 2

Member States shall ensure that:

- (a) Authorisations for plant protection products containing cadusafos are withdrawn by 18 December 2007;
- (b) no authorisations for plant protection products containing cadusafos are granted or renewed under the derogation provided for in Article 8(2) of Directive 91/414/EEC.

Article 3

Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and shall expire not later than 18 December 2008 at the latest.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 18 June 2007.

For the Commission

Markos KYPRIANOU

Member of the Commission

COMMISSION DECISION

of 18 June 2007

amending Decision 2005/429/EC establishing a specific monitoring programme related to the recovery of cod stocks*(notified under document number C(2007) 2550)***(only the Danish, German, English, French, Dutch and Swedish texts are authentic)**

(2007/429/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

prate level of implementation of the conservation and control measures applicable to fishing activities in relation to the recovery of cod stocks.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽¹⁾, and in particular Article 34c(1) thereof,

- (4) The specific monitoring programme is necessary for the organisation of operational cooperation between Member States concerned and to allow the Community Fisheries Control Agency to organise joint deployment plans in accordance with Article 9 of Council Regulation (EC) No 768/2005 ⁽⁷⁾.

Whereas:

- (1) Council Regulation (EC) No 423/2004 ⁽²⁾, lays down measures for the recovery of cod stocks in the Kattegat, the North Sea, the Skagerrak and the Eastern Channel, the West of Scotland and the Irish Sea.

- (5) In order to ensure the continued implementation of conservation and control measures, the specific monitoring programme should be extended for a period of one year.

- (2) Council Regulations (EC) No 27/2005 ⁽³⁾, (EC) No 51/2006 ⁽⁴⁾ and (EC) No 41/2007 ⁽⁵⁾, provide for interim fishing effort limitations and additional conditions for monitoring, inspection and surveillance in the context of certain stocks recovery measures applicable to all fisheries likely to catch cod in those waters.

- (6) Decision 2005/429/EC should therefore be amended accordingly.

- (3) Commission Decision 2005/429/EC ⁽⁶⁾ establishes a specific monitoring programme applicable for a period of two years with the objective of guaranteeing an appro-

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

HAS ADOPTED THIS DECISION:

⁽¹⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 1967/2006 (OJ L 409, 30.12.2006, p. 11).

⁽²⁾ OJ L 70, 9.3.2004, p. 8. Regulation as amended by Regulation (EC) No 441/2007 (OJ L 104, 21.4.2007, p. 28).

⁽³⁾ OJ L 12, 14.1.2005, p. 1. Regulation as last amended by Regulation (EC) 1936/2005 (OJ L 311, 26.11.2005, p. 1).

⁽⁴⁾ OJ L 16, 20.1.2006, p. 1. Regulation as last amended by Commission Regulation (EC) No 2017/2006 (OJ L 384, 29.12.2006, p. 44).

⁽⁵⁾ OJ L 15, 20.1.2007, p. 1. Regulation as amended by Commission Regulation (EC) No 609/2007 (OJ L 141, 2.6.2007, p. 33).

⁽⁶⁾ OJ L 148, 11.6.2005, p. 36.

Article 1

In Article 1 of Decision 2005/429/EC, the words 'for a period of two years' are replaced by the words 'for a period of three years'.

⁽⁷⁾ OJ L 128, 21.5.2005, p. 1.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, Ireland, the Kingdom of the Netherlands, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 18 June 2007.

For the Commission

Joe BORG

Member of the Commission

COMMISSION DECISION

of 19 June 2007

terminating the anti-dumping proceeding concerning imports of synthetic staple fibres of polyesters (PSF) originating in Malaysia and Taiwan and releasing the amounts secured by way of the provisional duties imposed

(2007/430/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

- (4) Some interested parties submitted comments in writing. Those parties who so requested were also granted an opportunity to be heard orally.

Having regard to the Treaty establishing the European Community,

- (5) The Commission continued to seek all information it deemed necessary for the purpose of its definitive findings. Based on these findings it arrived at the conclusion that compelling reasons existed on Community interest not to impose anti-dumping measures on imports of PSF from the countries concerned.

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⁾ ('basic Regulation'), and in particular Article 9 thereof,

After consulting the Advisory Committee,

- (6) The Commission disclosed all the essential facts and considerations on the basis of which it intended to terminate the proceeding. The interested parties were also granted a period within which to make presentations subsequent to this disclosure and were granted an opportunity to be heard orally. The written and oral comments submitted by the interested parties were considered and, where appropriate, taken into account for the definitive findings.

Whereas:

A. PROCEDURE

- (1) On 3 March 2006, the Commission received a complaint pursuant to Article 5 of the basic regulation concerning injurious dumping of imports of synthetic staple fibres of polyesters (PSF) originating in Malaysia and Taiwan. The complaint was lodged by CIRFS (Comité International de la Rayonne et des Fibres Synthétiques) representing more than 50 % of the total Community production of PSF.

- (7) Originally, after consultation of the advisory Committee, the Commission submitted to the Council a report on the results of the consultation, together with a proposal that the proceeding be terminated on grounds of Community interest.

- (2) Following the initiation of an anti-dumping investigation on 12 April 2006, the Commission, by Regulation (EC) No 2005/2006 ⁽²⁾, imposed provisional anti-dumping duties on imports into the Community of synthetic staple fibres of polyesters ('PSF') originating in Malaysia and Taiwan ('provisional Regulation'). The provisional anti-dumping duties which took the form of ad valorem duties ranging between 12,4 % and 23 % for Malaysia and 14,7 % and 29,5 % for Taiwan applied as of 29 December 2006.

- (3) Following the publication of the provisional Regulation, parties received disclosure of the facts and considerations on which the provisional Regulation was based. All parties were granted a period within which to make presentations subsequent to the disclosures.

B. WITHDRAWAL OF THE COMPLAINT AND TERMINATION OF THE PROCEEDING

- (8) In the meantime, by letter dated 23 May 2007 and addressed to the Commission, the complainant formally withdrew its complaint concerning the imports of synthetic staple fibres of polyesters (PSF) originating in Malaysia and Taiwan.

- (9) In accordance with Article 9(1) of the basic Regulation, the proceeding may be terminated where the complaint is withdrawn unless such termination would not be in the Community interest.

- (10) The Commission considered that the present proceeding should be terminated since the investigation had not brought to light any considerations showing that such termination would not be in the Community interest.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

⁽²⁾ OJ L 379, 28.12.2006, p. 65.

- (11) Indeed, during the investigation the Commission contacted all parties known to be concerned to obtain their views. In addition to the Community industry, users and users associations made submissions and/or have been heard concerning the possible impact of the imposition of definitive measures. Based on these new findings, the Commission arrived at the conclusion that compelling reasons exist on grounds of Community interest not to impose anti-dumping measures on imports of PSF from the countries concerned. An appreciation of the various interests taken as a whole was made on the basis of the arguments explained below.

Impact on importers and users

- (12) Indeed, following the imposition of provisional measures, one importer, a large number of users and users associations came forward and claimed that the level of the measures was particularly high and that they were, as a consequence, prevented from importing from their largest sources of supply in Asia. They confirmed the arguments already put forward by other users before the imposition of provisional measures, described in recitals 156 to 158 of the provisional Regulation, and made new claims.
- (13) In order to examine in detail the relevance of the new issues raised by users' industries, the Commission requested the parties to provide data and supporting evidence encouraging all users and their associations to further cooperate in the investigation. Cooperation increased compared to the situation before the imposition of provisional measures, as users representing over 10 % of total Community consumption of PSF and about 15 % of total imports from the countries concerned cooperated in the investigation. The participation of major users associations in the investigation (representing companies that account for more than 50 % of total consumption of PSF in the Community) was also taken into consideration, thereby confirming that the findings and conclusions reached on the need to terminate the investigation on grounds of Community interest were sufficiently substantiated.
- (14) According to users, the imposition of measures will aggravate the shortages of PSF supply because the Community industry is not able to satisfy EU demand. This situation will also play a role in increasing the price of PSF and thus prices of products in the downstream industries, threatening their competitiveness in a market where low-priced imports of finished products play an important role. Under these circumstances, losses in employment in the Community industries using PSF are to be expected in the short term.

(a) Shortages of supply

- (15) PSF users claim that they will become more dependent on imports from a very limited number of producers in other third countries as the supply offered by

Community producers in general for all types of PSF is deteriorating. This is due to the industrial conversion of Community producers from PSF to other products. For example, La Seda de Barcelona has reduced its production of PSF in order to increase its output of Polyethylene Terephthalate (PET). Similarly, the production problems caused by the fire in Trevira in December 2006 and the financial difficulties of Tergal (under administration due to insolvency ('procédure de sauvegarde') since November 2006) which was the most reliable supplier of PSF for the spinning industry are aggravating the supply problems. Finally, it must be recalled that one of the Community producers (Pennine Fibres) went bankrupt.

- (16) Users, mainly bedding and upholstering material manufacturers fear serious shortages, in particular for the following fibres used in the non-woven industry ⁽¹⁾:
1. HCS (hollow conjugated siliconised) for which only one Korean producer (apart from the Taiwanese suppliers) is able to deliver large quantities within a reasonable period of time;
 2. LMP: Allegedly, only one firm in Korea would be able to supply that fibre in rather large quantities.
- (17) Furthermore, the additional data supplied by one co-operating Community producer after provisional disclosure show that the types of PSF sold by the Community industry and the imported types of PSF from Malaysia and Taiwan are different.
- (18) Community users also claimed that it is difficult to switch to other sources of supply, notably in third countries not subject to anti-dumping measures. It was argued that it takes time for exporting producers of PSF to resume their exports to the Community, especially in the light of the risk that duties would be re-introduced as soon as their import volumes reached a certain volume level. Moreover, even if users were able to purchase PSF from new suppliers located in other countries, they need to test whether the types of PSF manufactured by these producers are suitable for their specific productions. In any event, users stated that there are no producers in the Community or in third countries not subject to anti-dumping measures which have the requested capacities to supply enough of the specific fibres produced in Taiwan.

⁽¹⁾ This is confirmed by independent sources. It is indeed stated in the August 2006 PCI report at page 16 that 'In certain cases, the European industry is unable to replicate the offering of the East Asian Industry-particularly in the low melt and bicomponents sector- and this will remain an area of vulnerability for European textile companies'.

(19) The available Eurostat figures show that imports from Indonesia, Thailand and India, for which anti-dumping measures were repealed as from the end of October 2006, have increased rapidly in relative term up to the end of 2006. This may suggest that other sources of supply are already available in the Community market. However, the volume concerned is still relatively low and they cannot respond rapidly to the users' demand. It is therefore very likely that, if measures are imposed on imports from Taiwan and Malaysia, users will have to order a large share of their fibres from countries subject to anti-dumping duties.

(20) In relation to the argument raised in recital 158 of the provisional Regulation regarding the limited capacity of the Community industry compared to the needs of Community users of PSF, the Community industry did not offer any comment. The evidence indicates that the Community industry and other Community producers are not in a position to make the necessary efforts to satisfy the Community demand. Moreover, the investigation carried out after the imposition of provisional measures has shown that Community users are running into serious difficulties when trying to obtain certain types of PSF from third countries not subject to anti-dumping measures.

(21) There are also indications showing that the increased demand in other third countries of certain types of PSF not available in the Community has already led to price increases. The other sources of supply are therefore also affected by the situation created by imposition of measures.

(22) Based on the above, even if there are some alternative sources of supply which are available to Community users, and in spite of the fact that new plants of PSF would have been installed recently ⁽¹⁾ and the capacity in Trevira would have been restored by the end of March 2007, the supply of PSF may remain problematic in the Community market.

(b) Price increases for PSF

(23) Community users of PSF claimed that following the imposition of provisional measures, they are suffering from significant price increases for certain types of PSF not only from the countries concerned but also from

other suppliers located in Korea and in India. The fact that the demand has increased compared to available sources of supply not subject to anti-dumping measures also led to increase the price of PSF on the Community market.

(24) Users provided information showing price increases in specialty fibres offered by suppliers in other third countries following the imposition of provisional anti-dumping measures on imports originating in Taiwan and Malaysia. The fact that Community users cannot fully rely on Community suppliers for certain types of PSF or on others established in other third countries not subject to anti-dumping measures, is likely to lead to further price increases in the short term.

(c) Cost impact of the proposed measures

(25) The further analysis carried out on the possible impact of the imposition of measures revealed that the bedding and upholstering industry may probably be more sensitive to possible raw material price increases than the spinning sector. Manufacturers of pillows, quilts, cushions, upholstery etc. have a profit margin below 5 % on average and PSF accounts for up to 30 % of their total cost of production. Given that they are the main users of LMP and HCS for which the alleged shortage of supply in the Community is likely to worsen with the imposition of measures, the likely impact on their costs of production may be as high as 6-8 %.

(26) It is clear that with such an increase in costs, the bedding industry will be seriously affected by the increasing competition they are facing from China on finished products and they will not be able to make attractive offers to their clients, namely the large chains of retailers with an extremely strong buyer market power. A decision to impose anti-dumping duties on imports from Malaysia and Taiwan will lead to further weaken their competitiveness.

(27) It was concluded in recital 164 of the provisional Regulation that the impact of the proposed measures on the downstream industry will be limited. Based on the above facts and considerations, the further investigation showed that on average the costs increase of users will be in a range of 0,4-1,5 % and can attain 6 %-8 % in the bedding industry, in particular in the case of users that obtain most of their PSF from Taiwan. Thus, the impact will not be evenly spread on the users and the economic situation of certain users will be seriously affected.

⁽¹⁾ According to the claims made by the Community industry, new plants of PSF have been installed in Poland, Romania and Bulgaria in 2006. However, no data have been provided on whether this would lead to an increase in capacity compared to the situation during the IIP. No indications have been supplied either on the evolution of the capacity of the EU industry in correlation to the evolution of demand.

(d) *Price increases for downstream products*

- (28) Users also claimed that should the anti-dumping measures be maintained at the current level on imports originating in Taiwan and Malaysia, it is inevitable that prices for downstream products will increase in the Community market. This in turn would trigger an increase in imports of low-priced downstream products and add to the problems encountered by the users industries. Recent statistics clearly show that after anti-dumping measures were imposed on imports of PSF from China import volumes of certain ready goods incorporating PSF ⁽¹⁾ increased by 39 %.

- (29) It is true that there has been a correlation between the imposition of anti-dumping measures on Chinese PSF and the increase of imports of downstream products from China. The statistics show that this is not an isolated situation and past anti-dumping measures on PSF from various third countries have lead to the same reaction from the countries concerned. Either the price increases of PSF will be borne fully by consumers of downstream products or there will be cuts in employment in the Community downstream industry if they cut their production due to increased imports from third countries.

(e) *Consequences for employment in the Community market*

- (30) The investigation showed that the production of PSF is not a labour intensive activity. The Community industry employs less than 700 people in the Community and total employment for PSF production in the Community is less than 3 000 jobs. Since, as indicated above, most of the PSF types sold by the Community industry are different from the types of imported PSF from Malaysia and Taiwan, and taking into account that demand of PSF in the Community is steadily increasing, it is not considered that many jobs are at risk if definitive measures are not imposed.

- (31) However, according to the figures provided to the Commission, users accounting for around 10 % of Community PSF consumption employ more than 7 000 people in the manufacture of products incorporating PSF. It can therefore be assumed that around 70 000 jobs depend on the users' industry in the present case and at least 10 % are in the bedding and upholstery industry which, as indicated above, has very low profit margins and is the main user of LMP and HCS fibres. Moreover, based on the share of labour costs on the cost of production of the users' industries, it was found that an average cost impact of 1 % is equivalent to 2,5 % to

7,75 % labour costs. Accordingly, the imposition of definitive measures may lead to substantial job losses in the short term in the Community downstream industry to compensate for the raw material cost increase or following the likely shutdown or decrease of production in the bedding industry.

Impact on the Community industry

- (32) Impact on the Community industry was also analysed before they withdrew their complaint. The information available showed that Community producers are not supplying all users in the Community with the quantities and types of PSF requested.
- (33) Furthermore, the investigation showed that the level of investment by the Community industry was low for a capital intensive activity and producers preferred to invest in other products such as PET.

Impact on suppliers of raw materials

- (34) As indicated in recital 166 of the provisional Regulation, only one provider of raw material cooperated in the investigation. He expressly supported the imposition of duties, which would allow the Community industry to remain viable and would also secure its own position. He did not provide information concerning the impact of imposition or non-imposition of measures on his business.

Impact on the environment

- (35) It was argued by the Community industry, which allegedly produces 40 % of PSF from recycled PET bottles, and by one association of producers active in the recycling sector that failure to take definitive measures on dumped PSF imports from Malaysia and Taiwan will reduce the capacity of the Community industry to convert waste bottles into PSF. Also, they argued that the non-imposition of measures will have a negative impact on the environment since it will increase the emissions of CO₂ if the recycling industry were to ship outside Europe the plastic wastes it sells now to the Community producers of PSF.
- (36) First, it has to be pointed out that a substantial amount of the fibres imported from the countries concerned are LMP or used by the spinning industry and, according to the information available at this stage, LMP and most of the fibres used for the spinning industry need to be made from virgin material.

⁽¹⁾ Articles of bedding and similar furnishings (quilts, eiderdowns, cushions, pouffes and pillows) fitted with other material than feathers whether or not covered (CN code 9404 90 90).

- (37) Second, according to the evidence submitted to the Commission, there is an important and growing demand of recycled PET bottles from Asia and the non-imposition of anti-dumping measures will not preclude PET bottle recyclers from selling their products on the world market.
- (38) Finally to the extent that the arguments on CO₂ could play a role in trade defence policy, it has been put forward for the first time one year after the initiation of the present procedure, which makes it impossible to duly verify its veracity.

Conclusion on Community interest

- (39) Taking into account the submissions made by the various parties and the results of the investigation, it is concluded that the imposition of definitive anti-dumping measures against dumped imports of PSF originating in Malaysia and Taiwan will impact significantly on the Community users. The conclusion, as set out in recital 168 of the provisional Regulation, cannot therefore be confirmed.
- (40) The overall advantages to be gained by the Community industry must be weighted against the probable disadvantages, in particular for users and, to some extent for consumers. The volume and the variety of supply offered by Community producers are deteriorating. This is due, among other reasons, to the industrial conversion of Community producers from PSF to other products (for example la Seda de Barcelona) and the financial difficulties of Tergal. There is a supply problem in the Community market for certain types of fibres and the Community producers cannot or are not willing to make the necessary efforts to meet the demand. Furthermore, it is likely that the imposition of duties will lead to substantial price increases of certain types of PSF which are not available in sufficient quantities in the Community. Moreover, account should be taken of the fact that certain users of PSF (in particular the bedding industry) have very low profit margins and will have to pass on to consumers any price increase in PSF or abandon their activities in case competition from third countries would not allow them to increase their prices.
- (41) Having regard to the above, it cannot be concluded that, following the withdrawal of the complaint, termination would not be in the Community interest.

- (42) Interested parties were informed accordingly and were given the opportunity to comment.
- (43) It is therefore concluded that the anti-dumping proceeding, concerning imports into the Community of synthetic staple fibres of polyesters (PSF) originating in Malaysia and Taiwan should be terminated without the imposition of anti-dumping measures.
- (44) Any duties provisionally secured on the basis of Regulation (EC) No 2005/2006 should be released,

HAS DECIDED AS FOLLOWS

Article 1

The anti-dumping proceeding concerning imports of synthetic staple fibres of polyesters, not carded, not combed or otherwise processed for spinning, falling within CN code 5503 20 00, originating in Malaysia and Taiwan is hereby terminated.

Article 2

Regulation (EC) No 2005/2006 is hereby repealed.

Article 3

The amounts secured by way of provisional anti-dumping duty imposed pursuant to Regulation (EC) No 2005/2006 shall be released.

Article 4

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

Done at Brussels, 19 June 2007.

For the Commission

Peter MANDELSON

Member of the Commission

CORRIGENDA

Corrigendum to Council Regulation (EC) No 580/2007 of 29 May 2007 concerning the implementation of Agreements in the form of Agreed Minutes between the European Community and Brazil, and between the European Community and Thailand pursuant to Article XXVIII of General Agreement on Tariffs and Trade 1994 (GATT 1994), amending and supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

(Official Journal of the European Union L 138 of 30 May 2007)

In the Contents on page 1 of the cover, and on page 1, in the title:

for: '29 May 2007'

read: '25 May 2007'

On page 1, in the date of signature:

for: '29 May 2007'

read: '25 May 2007'

On page 1, in the signature:

for: 'J. PLEWA'

read: 'A. SCHAVAN'

Corrigendum to Council Decision 2007/360/EC of 29 May 2007 on the conclusion of Agreements in the form of Agreed Minutes between the European Community and the Federative Republic of Brazil, and between the European Community and the Kingdom of Thailand pursuant to Article XXVIII of the General Agreement on Tariffs and Trade 1994 (GATT 1994) relating to the modification of concessions with respect to poultry meat

(Official Journal of the European Union L 138 of 30 May 2007)

In the Contents on page 1 of the cover, and on page 10, in the title:

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On page 11, in the date of signature:

for: '29 May 2007'

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On page 11, in the signature:

for: 'J. PLEWA'

read: 'A. SCHAVAN'
