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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 1079/2008

of 4 November 2008

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 Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 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 Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 November 2008.

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

Done at Brussels, 4 November 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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	41,3
	MK	43,0
	TR	49,3
	ZZ	44,5
0707 00 05	JO	175,3
	MA	26,4
	TR	147,3
	ZZ	116,3
0709 90 70	MA	44,6
	TR	126,1
	ZZ	85,4
0805 20 10	MA	95,2
	ZZ	95,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	28,3
	TR	79,0
	ZZ	53,7
0805 50 10	AR	82,1
	MA	103,9
	TR	107,6
	ZA	102,7
	ZZ	99,1
0806 10 10	BR	236,2
	TR	129,7
	US	272,9
	ZA	218,0
	ZZ	214,2
0808 10 80	CA	96,3
	CL	68,1
	CN	66,8
	NZ	104,3
	US	132,8
	ZA	96,9
	ZZ	94,2
0808 20 50	CN	51,0
	US	208,3
	ZZ	129,7

⁽¹⁾ Nomenclature of countries laid down 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 1080/2008

of 4 November 2008

amending Regulation (EC) No 1100/2006 laying down, for the marketing years 2006/07, 2007/08 and 2008/09, detailed rules for the opening and administration of tariff quotas for raw cane-sugar for refining, originating in least developed countries, as well as detailed rules applying to the importation of products of tariff heading 1701 originating in least developed countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 980/2005 of 27 June 2005 applying a scheme of generalised tariff preferences ⁽¹⁾, and in particular Article 12(6) thereof,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽²⁾, and in particular Article 134 in combination with Article 4 thereof,

Whereas:

(1) Article 5(7)(d) of Commission Regulation (EC) No 1100/2006 of 17 July 2006 laying down, for the marketing years 2006/07, 2007/08 and 2008/09, detailed rules for the opening and administration of tariff quotas for raw cane-sugar for refining, originating in least developed countries, as well as detailed rules applying to the importation of products of tariff heading 1701 originating in least developed countries ⁽³⁾, limits the applications for import licenses of sugar from Least Developed Countries (LDC) to 'approved operators'.

(2) Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011 and amending Regulations (EC) No 552/97, (EC) No 1933/2006 and Commission Regulations (EC) No

1100/2006 and (EC) No 964/2007 ⁽⁴⁾ (GSP Regulation) provides for a more inclusive definition: 'the applicant'. However, the amendment it introduces will become applicable only from 1 January 2009, at the start of application of the new period of the GSP Regulation, and not from the beginning of the next marketing year for sugar, which starts on 1 October 2008. In order to avoid discrimination between operators willing to supply the market, the new definition shall coincide with the starting of the marketing year of sugar. Regulation (EC) No 1100/2006 should therefore be amended accordingly.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Generalised Preferences Committee.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 5(7)(d) of Regulation (EC) No 1100/2006, the words 'the approved operator's pledge' shall be replaced by the words 'the applicant's pledge'.

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, 4 November 2008.

For the Commission
Catherine ASHTON
Member of the Commission

⁽¹⁾ OJ L 169, 30.6.2005, p. 1.

⁽²⁾ OJ L 299, 16.11.2007, p. 1.

⁽³⁾ OJ L 196, 18.7.2006, p. 3.

⁽⁴⁾ OJ L 211, 6.8.2008, p. 1.

COMMISSION REGULATION (EC) No 1081/2008

of 4 November 2008

repealing Regulation (EEC) No 2968/79 laying down detailed rules for the provision of administrative assistance in connection with the export of soft ripened cow's milk cheeses eligible for special treatment on import into a non-member country and Regulation (EEC) No 1552/80 laying down detailed rules for the provision of administrative assistance in connection with the export of certain cheeses eligible for special treatment on import into Australia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 172(2) in conjunction with Article 4 thereof,

Whereas:

(1) Article 172(1) of Regulation (EC) No 1234/2007, which has repealed Council Regulation (EEC) No 2931/79 ⁽²⁾ as from 1 January 2008, provides that when agricultural products are exported which may, in accordance with agreements concluded by the Community, benefit from a special treatment on importation into a third country if certain conditions are respected, the competent authorities of the Member States have to, on request and after appropriate checks, issue a document certifying that the conditions have been met. In accordance with that Regulation, Commission Regulations (EEC) No 2968/79 ⁽³⁾ and (EEC) No 1552/80 ⁽⁴⁾ require exporters to present a certificate attesting that the cheese complies with the definition provided for in those Regulations, in order to benefit from free and unlimited access respectively in the USA and in Australia.

(2) The USA competent import authorities have confirmed that they verify the classification of those cheeses on

import by visual examination and laboratory analysis of samples and that the certificate referred to in Article 1 of Regulation (EEC) No 2968/79 is no longer required.

(3) In the same context the Australian competent authorities have confirmed that, in order to allow free of any quantitative restrictions the import of certain types of Community cheeses referred to in Article 1 of Regulation (EEC) No 1552/80, they will no longer require the certificate of identity and origin.

(4) Regulations (EEC) No 2968/79 and (EEC) No 1552/80 should therefore be repealed.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2968/79 and (EEC) No 1552/80 are repealed.

Article 2

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

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

Done at Brussels, 4 November 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 334, 28.12.1979, p. 8.

⁽³⁾ OJ L 336, 29.12.1979, p. 25.

⁽⁴⁾ OJ L 153, 21.6.1980, p. 23.

COMMISSION REGULATION (EC) No 1082/2008**of 4 November 2008**

on initiating a 'new exporter' review of Council Regulation (EC) No 192/2007 imposing a definitive anti-dumping duty on imports of certain polyethylene terephthalate originating, *inter alia*, in Malaysia, repealing the duty with regard to imports from one exporter in this country and making these imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the basic Regulation) and in particular Article 11(4),

Whereas:

A. REQUEST FOR A REVIEW

- (1) The Commission has received an application for a 'new exporter' review pursuant to Article 11(4) of the basic Regulation. The application was lodged by Eastman Chemical (Malaysia) SDN.BHD (the applicant), an exporting producer in Malaysia (the country concerned).

B. PRODUCT

- (2) The product under review is polyethylene terephthalate having a viscosity number of 78 ml/g or higher, according to ISO Standard 1628-5 originating in Malaysia (the product concerned), currently classifiable within CN code 3907 60 20.

C. EXISTING MEASURES

- (3) The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 192/2007 ⁽²⁾ under which imports into the Community of the product concerned originating in Malaysia, and produced by the applicant, are subject to a definitive antidumping duty of EUR 160,1/t with the exception of several companies specially mentioned which are subject to individual duties.

D. GROUNDS FOR THE REVIEW

- (4) The applicant alleges that it did not export the product concerned to the Community during the period of investigation on which the anti-dumping measures were based, i.e. the period from 1 October 1998 to 30 September 1999 (the original investigation period) and that it is not related to any of the exporting producers of the product which are subject to the above mentioned anti-dumping measures.

- (5) The applicant further alleges that it began exporting the product concerned to the Community after the end of the original investigation period.

E. PROCEDURE

- (6) Community producers known to be concerned have been informed of the above application and have been given an opportunity to comment. No comments have been received.

- (7) Having examined the evidence available, the Commission concludes that there is sufficient evidence to justify the initiation of a 'new exporter' review, pursuant to Article 11(4) of the basic Regulation, with a view to determine the applicant's individual margin of dumping and, should dumping be found, the level of the duty to which their imports of the product concerned into the Community should be subject.

- (8) If it is determined that the applicant fulfils the requirements to have an individual duty established, it may be necessary to amend the rate of duty currently applicable to imports of the product concerned from companies not individually mentioned in Article 1 of Regulation (EC) No 192/2007.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send a questionnaire to the applicant.

(b) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known in writing and to provide supporting evidence.

Furthermore, the Commission may hear interested parties, provided that they make a request in writing showing that there are particular reasons why they should be heard.

Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the parties making themselves known within the period provided for by the present Regulation.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 59, 27.2.2007, p. 1.

F. REPEAL OF THE DUTY IN FORCE AND REGISTRATION OF IMPORTS

- (9) Pursuant to Article 11(4) of the basic Regulation, the anti-dumping duty in force should be repealed with regard to imports of the product concerned which are produced and sold for export to the Community by the applicant. At the same time, such imports should be made subject to registration in accordance with Article 14(5) of the basic Regulation, in order to ensure that, should the review result in a finding of dumping in respect of the applicants, anti-dumping duties can be levied retroactively from the date of the initiation of this review. The amount of the applicant possible future liabilities cannot be estimated at this stage of the proceeding.

G. TIME LIMITS

- (10) In the interest of sound administration, time limits should be stated within which:
- (a) interested parties may make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in Article 4(1) of this Regulation or provide any other information to be taken into account during the investigation,
- (b) interested parties may make a written request to be heard by the Commission.

H. NON-COOPERATION

- (11) In cases in which any interested party refuses access to or does not provide the necessary information within the time limits or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (12) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made, in accordance with Article 18 of the basic Regulation, of the facts available. If an interested party does not cooperate or cooperates only partially, and findings are therefore based on the facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

I. PROCESSING OF PERSONAL DATA

- (13) It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and the Council on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾.

J. HEARING OFFICER

- (14) It is also noted that if interested parties consider that they are encountering difficulties in the exercise of their rights of defence, they may request the intervention of the Hearing Officer of DG Trade. He acts as an interface between the interested parties and the Commission services, offering, where necessary, mediation on procedural matters affecting the protection of their interests in this investigation, in particular with regard to issues concerning access to the file, confidentiality, extension of time limits and the treatment of written and/or oral submission of views. For further information and contact details, interested parties may consult the Hearing Officer's web pages on the website of DG Trade (<http://ec.europa.eu/trade>),

HAS ADOPTED THIS REGULATION:

Article 1

A review of Regulation (EC) No 192/2007 is hereby initiated pursuant to Article 11(4) of Regulation (EC) No 384/96 in order to determine if and to what extent the imports of polyethylene terephthalate having a viscosity number of 78 ml/g or higher, according to ISO Standard 1628-5, falling within CN code 3907 60 20 originating in Malaysia, produced and sold for export to the Community by Eastman Chemical (Malaysia) SDN.BHD (TARIC additional code A898) should be subject to the antidumping duty imposed by Regulation (EC) No 192/2007.

Article 2

The anti-dumping duty imposed by Regulation (EC) No 192/2007 is hereby repealed with regard to the imports identified in Article 1.

Article 3

The customs authorities are hereby directed, pursuant to Article 14(5) of Regulation (EC) No 384/96, to take the appropriate steps to register the imports identified in Article 1. Registration shall expire nine months following the date of entry into force of this Regulation.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

Article 4

1. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in recital 10(a) of this Regulation or any other information, unless otherwise specified, within 40 days of the entry into force of this Regulation. Interested parties may also apply in writing to be heard by the Commission within the same 40-day time limit.

2. All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as 'Limited' ⁽¹⁾ and, in accordance with

Article 19(2) of Regulation (EC) No 384/96, shall be accompanied by a non-confidential version, which will be labelled 'FOR INSPECTION BY INTERESTED PARTIES'.

Any information relating to the matter and/or any request for a hearing should be sent to the following address:

European Commission
Directorate-General for Trade
Directorate H
Office: N-105 4/92
B-1049 Brussels
Fax (32-2) 295 65 05

Article 5

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, 4 November 2008.

For the Commission
Catherine ASHTON
Member of the Commission

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 384/96 (OJ L 56, 6.3.1996, p. 1) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

NOTE TO THE READER

The institutions have decided no longer to quote in their texts the last amendment to cited acts.

Unless otherwise indicated, references to acts in the texts published here are to the version of those acts currently in force.