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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1208/2004**of 28 June 2004**

extending the definitive anti-dumping measures imposed by Regulation (EC) No 119/97 on imports of certain ring-binder mechanisms originating in the People's Republic of China to imports of the same product consigned from the Socialist Republic of Vietnam

THE COUNCIL OF THE EUROPEAN UNION,

above anti-dumping measures ⁽³⁾ (the expiry review). This review is still ongoing.

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 (the basic regulation) ⁽¹⁾, and in particular Articles 9 and 13 thereof,

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

Whereas:

1.2. Request

- (4) On 18 August 2003, the Commission received a request pursuant to Article 13(3) of the basic Regulation to investigate the alleged circumvention of the anti-dumping measures imposed on imports of certain RBMs originating in the People's Republic of China. The request was submitted by SX Bürowaren and Ring-buchtechnik Handelsgesellschaft GmbH on behalf of producers representing a major proportion of the Community production of certain RBMs (the applicants). The request alleged that the anti-dumping measures in force on imports of certain RBMs originating in the People's Republic of China were being circumvented by means of transshipment via Vietnam.

1. PROCEDURE**1.1. Existing measures**

- (1) Pursuant to Regulation (EC) No 119/97 ⁽²⁾, (the original Regulation), the Council imposed definitive anti-dumping duties ranging from 32,5 % to 39,4 % on imports of certain ring-binder mechanisms (RBMs) originating in the People's Republic of China.
- (2) Following an investigation pursuant to Article 12 of Regulation (EC) No 384/96, the Council amended and increased the above duties through Regulation (EC) No 2100/2000 (the anti-absorption investigation). The amended definitive anti-dumping duties ranged from 51,2 % to 78,8 %.
- (3) In January 2002, pursuant to Article 11(2) of the basic Regulation, the Commission initiated a review of the

- (5) The request further alleged that there was insufficient due cause or justification other than the imposition of anti-dumping measures for such change in the pattern of trade and that the remedial effects of the existing anti-dumping measures on imports of certain RBMs originating in the People's Republic of China were being undermined both in terms of quantity and price. Significant volumes of imports of certain RBMs from Vietnam appeared to have replaced imports of certain RBMs from the People's Republic of China. In addition, there was sufficient evidence that this increase in imports was made at prices below the non-injurious price established in the investigation that led to the existing measures.
- (6) Finally, the applicants alleged that the prices of certain RBMs consigned from Vietnam were dumped in relation to the normal value previously established for the product concerned.

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

⁽²⁾ OJ L 22, 24.1.1997, p. 1. Regulation as amended by Regulation (EC) No 2100/2000 (OJ L 250, 5.10.2000, p. 1).

⁽³⁾ OJ C 21, 24.1.2002, p. 25.

1.3. Initiation

- (7) Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of an investigation pursuant to Article 13 of the basic Regulation, the Commission initiated an investigation according to Regulation (EC) No 1733/2003⁽¹⁾ (the initiating Regulation). Pursuant to Articles 13(3), 14(3) and 14(5) of the basic Regulation, the Commission, by the initiating Regulation, also directed the customs authorities to register imports of certain RBMs consigned from Vietnam, whether declared as originating in Vietnam or not, as from 2 October 2003.

1.4. Investigation

- (8) The Commission officially advised the authorities of the People's Republic of China and Vietnam, the producers/exporters, the importers in the Community known to be concerned and the applicant Community industry of the initiation of the investigation. Questionnaires were sent to the producers/exporters in the People's Republic of China and Vietnam as well as to the importers in the Community named in the request or known to the Commission from the original investigation. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation.
- (9) One producer/exporter in Vietnam, related to a Chinese exporting producer, submitted a reply to the questionnaire whilst no reply was received from Chinese producers/exporters. Replies to the questionnaire were also submitted by five unrelated importers in the Community.
- (10) The following companies cooperated in the investigation and submitted replies to the questionnaires:

Unrelated importers

- Industria Meccanica Lombarda Srl, Italy
- KWH Plast Danmark A/S, Denmark
- OY KWH Plast AB, Finland
- KWH Plast Sverige AB, Sweden
- KWH Plast (UK) Ltd, United Kingdom

Vietnamese producers/exporters

- Office Xpress Manufacturing Company Limited, Vietnam; and its related company
- Hong Kong Stationery Manufacturing Corporation Limited, Hong Kong

- (11) Verification visits were carried out at the premises of the following companies:

— Office Xpress Manufacturing Company Limited, Vietnam; and its related company

— Hong Kong Stationery Manufacturing Corporation Limited, Hong Kong

1.5. Investigation period

- (12) The investigation period covered the period from 1 July 2002 to 30 June 2003 (the IP). Data was collected from 1999 up to the IP to investigate the change in the pattern of trade.

2. RESULTS OF THE INVESTIGATION

2.1. General considerations

(i) Determination of the import volume

- (13) The export sales volume of RBMs to the Community during the IP reported by the sole cooperating Vietnamese producer/exporter, Office Xpress Manufacturing Company Limited (Office Xpress Manufacturing), substantially exceeded (i.e. by around 50 %) the total import volume of RBMs from Vietnam as recorded in Eurostat during the same period. This was due to the fact that the reported weight did not correspond to the shipment's actual weight but rather to a theoretical, i.e. estimated, weight of the parts. The investigation revealed also that there was only one exporter of RBMs in Vietnam, i.e. Office Xpress Manufacturing. On this basis, it was concluded that the data recorded in Eurostat as imports from Vietnam relate very likely exclusively to exports of Office Xpress Manufacturing. Under these circumstances it was considered that Eurostat data was more reliable than the data reported by Office Xpress Manufacturing.
- (14) As far as import trends of RBMs since 1999 are concerned, it should be noted that Office Xpress Manufacturing's related trader in Hong Kong, Hong Kong Stationery Manufacturing Corporation Limited (Hong Kong Stationery) through whom all of Office Xpress Manufacturing's exports to the EU are made, did not provide any such export data pertaining to RBM sales in years prior to the IP. Therefore, in the absence of any other more reasonable basis or source of consistently comparable information, Eurostat data were used in order to determine actual import volumes of RBMs in the IP and their import trends from different sources since 1999. Finally, the relevant import data provided by two cooperating unrelated importers confirmed the general findings on Eurostat.

⁽¹⁾ OJ L 249, 1.10.2003, p. 24.

(ii) *Community industry*

- (15) The investigation revealed that one of the unrelated importers in the Community also produced RBMs in the Community during the IP. This company claimed that due to the bankruptcy and closure of one of the applicant's production facilities in the Community, it now produces a major proportion of the Community production of the like product. This importer/producer concluded therefore that the applicants do not have sufficient standing anymore and that the current proceeding should consequently be terminated without extending the anti-dumping measures in force to imports originating in Vietnam.
- (16) It should be noted that Article 4(1)(a) of the basic Regulation foresees that Community producers which also import the allegedly dumped product may be excluded from the definition of Community industry. It should also be noted that Article 13(3) of the basic Regulation does not require that a request to initiate an anti-circumvention investigation has to be submitted by Community producers representing a major proportion of the Community production of the like product. Consequently, the fact that a Community producer opposing such investigation would allegedly represent a higher proportion than the party which requested it is not in itself a reason to terminate the proceeding. In any event, and even if this importer would indeed have to be considered as part of the Community industry, the investigation revealed that, even with the closure of one production facility after the IP, the applicants still produced significant quantities and still represented a major proportion of the Community production of the like product. Consequently, the claim to terminate the ongoing proceeding had to be rejected.

2.2. Product concerned and like product

- (17) The product concerned is, as defined in the original Regulation, certain RBMs currently classifiable within CN code ex 8305 10 00. These RBMs consist of two rectangular steel sheets or wires with at least four half-rings made of steel wire fixed on it and which are kept together by a steel cover. They can be opened either by pulling the half rings or by using a small steel-made trigger mechanism fixed to the product concerned. Generally, RBMs are composed of such as ring, blade, cover, eyelet and, where applicable, trigger.
- (18) The investigation showed that the RBMs exported to the Community from the People's Republic of China and those consigned from Vietnam to the Community have

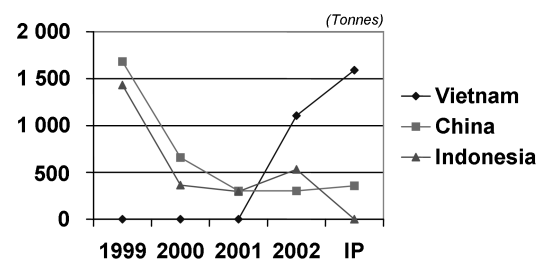
the same basic physical characteristics and have the same uses. They are therefore to be considered as like products within the meaning of Article 1(4) of the basic Regulation.

2.3. Nature of the circumvention practice**2.3.1. Change in the pattern of trade**

- (19) The investigation revealed that after the imposition of definitive measures on imports of RBMs from the People's Republic of China, and in particular after the substantial increase in these measures in 2000 further to the anti-absorption investigation mentioned in recital 2, imports from the People's Republic of China decreased significantly, i.e. from 1 684,3 tonnes in 1999 to 301,9 tonnes in 2002 and to 357,1 tonnes in the IP. During the same period, imports of RBMs from Vietnam increased significantly, i.e. from 0 tonnes between 1999 and 2001 to 1 105 tonnes in 2002. During the IP, imports from Vietnam increased further to 1 589,2 tonnes.
- (20) In this context it should be noted that the cooperating Vietnamese producer/exporter's related company, Hong Kong Stationery, has production facilities in China and set up a production/assembly facility in Indonesia in about 1998. The Indonesian facility was shut down in 2002 and there were no imports of RBM from Indonesia during the IP of the current investigation. The setting up of the Indonesian facility and the subsequent EU imports from Indonesia led to the Community industry requesting the initiation of the investigation which resulted in the imposition of anti-dumping and countervailing measures on imports of the product concerned from Indonesia in 2002.
- (21) In March 2002, Office Xpress Manufacturing started assembly operations in Vietnam (see below) and imports increased from 0 to 1 105 tonnes reaching import levels similar to those from the People's Republic of China in 1999 before the significant increase of the duties in 2000 (see recitals 1 and 2). This increase occurred immediately prior to the imposition of definitive anti-dumping and countervailing duties on imports of RBMs originating in Indonesia in 2002.

Chart 1

Evolution of imports of Ring Binder Mechanisms originating in Vietnam, China and Indonesia



Source: Eurostat.

UP = Investigation period.

- (22) It was therefore concluded that there had been a change in the pattern of trade between the Community on the one hand and the People's Republic of China and Vietnam on the other hand and that imports of RBMs originating in the People's Republic of China were substituted by imports of the same product from Vietnam.
- (23) The Vietnamese exporter argued that there would be no link between the ceasing of the related company's exports from China and the start of operations in Vietnam, due to the time gap between these events. Thus the change in the pattern of trade would not stem from the establishment of the Vietnamese facility. However, precise export figures of the related Chinese company prior to the IP could not be verified, and therefore this company's export volumes could not be determined. Therefore, it cannot be confirmed that the related Chinese company's exports of RBM indeed ceased prior to the establishment of the operations in Vietnam, as claimed. In any event, the mere fact that exports from China ceased prior to the start of the operations in Vietnam does not have any impact on the conclusion whether or not there has been a change in the pattern of trade. In the current investigation, it was clearly established that exports of RBM from China were replaced by imports of the same product from Vietnam. This was considered to be a clear change in the pattern of trade in accordance with Article 13 of the basic Regulation, irrespective of whether the exports from China were replaced immediately or only after a certain time period. The Vietnamese exporter's argument had therefore to be rejected.
- (24) The Vietnamese exporter claimed that since the Commission did not specifically request information regarding the cost of production for the assembly operation in Vietnam no conclusions should be drawn regarding the criteria specified under Article 13(2)(b) of the basic Regulation.
- (25) It should first be noted that determinations were made on the basis of the information submitted within the questionnaire replies and collected during the on-the-spot verifications. This information was provided voluntarily by the companies concerned upon request by the Commission. Consequently, the conclusions made with regard to Article 13(2)(b) of the basic Regulation were exclusively made on the basis of information actually provided, including that related to the cost of production, by the company concerned, within the context of the current anti-circumvention investigation. The above argument had, therefore, to be rejected.
- was registered in January 2002 and started actual operations in March 2002.
- (27) It was found that both machinery and equipment used in Vietnam have been transferred from related companies dealing with RBMs which are located in People's Republic of China or were previously located in Indonesia. The transfer of equipment from Indonesia and the People's Republic of China to Vietnam began in February 2002, immediately prior to the imposition of definitive measures on imports of RBMs originating in Indonesia and subsequent to the imposition of definitive anti-dumping measures on imports of the product concerned from China.
- (28) The investigation also revealed that, during the IP, the entirety of the Vietnamese exporter's needs for RBM components were manufactured by the related companies located in the People's Republic of China, the country subject to measures. In some cases, components were imported in semi-assembled form, such as half-rings assembled with the blade.
- (29) The Commission examined the proportion of the parts imported from China in the total value of the parts of the assembled product, as laid down in Article 13(2)(b) of the basic Regulation. In this regard, the value of the parts, both imported and of the total assembled product, has been established in respect of the purchase value of all ring-binder components such as ring, blade, cover, eyelet and trigger.
- (30) On this basis, the value of the parts imported by Office Xpress Manufacturing from the People's Republic of China was found to represent significantly more than 60 % of the total value of the parts of the assembled product. Indeed, the entirety of the parts of the assembled product were purchased during the IP by Office Xpress from its related companies in China.
- (31) The Commission also examined the value added by Office Xpress Manufacturing in the assembly operation during the IP. This was done by deducting from the net turnover, excluding revenue from sales of scrap, those expenses incurred for intermediate consumption, i.e. all expenses paid to suppliers and needed to run the company and produce the product concerned (such as supplies of goods and services). In this respect the value added by Office Xpress to the parts brought in during the IP was found to be significantly less than 25 % of the company's manufacturing cost.

2.3.2. Practice, process or work

- (26) The Vietnamese production/assembly facility of Office Xpress Manufacturing, the sole cooperating exporter,
- (32) Consequently, it had to be concluded that the operations in Vietnam constituted an assembly operation within the meaning of Article 13(2) of the basic Regulation.

2.3.3. *Insufficient due cause or economic justification other than the imposition of the anti-dumping duty*

- (33) The above-described change in the pattern of trade coincided with the establishment of assembly operations of RBMs in Vietnam and no economic justification was found for such change in the pattern of trade. Indeed the company purchased its RBM components entirely from related companies in China with little value added in Vietnam. Moreover, it would be expected that any alleged economic advantages of assembling products in Vietnam would be reflected in all sales of such product by the group. Nevertheless, it was found that only sales of RBMs to the Community were made from Vietnam, while other markets continued to be supplied directly from the People's Republic of China. The company even admitted that sales to the Community were only made from Vietnam because of the anti-dumping duties in place on RBMs originating in the People's Republic of China.
- (34) It was found that orders from Community customers were received by the related trader, Hong Kong Stationery. This company informed Office Xpress Manufacturing in Vietnam and its related companies in China of the necessary components and assembly operations to satisfy the requested orders. The components were then shipped to Vietnam where the final product was assembled. This procedure differs from the one used for sales to third countries other than the Community where the finished product is entirely produced by the Chinese producers.
- (35) All products assembled in Vietnam are destined for the Community market and exported via the related trader in Hong Kong which takes care of the invoicing to the Community customers. As mentioned above, RBMs exported to third countries were produced in and directly exported from the People's Republic of China.
- (36) The Vietnamese exporter argued that the reason for starting the operation in Vietnam was that the Vietnamese government created a favourable environment for foreign investments and improved infrastructure. Furthermore, labour costs would be considerably lower than in other Far Eastern countries. Finally, it was claimed that RBMs assembled in Vietnam were exclusively exported to the Community given the particular market situation with regard to demand, product types and prices in comparison with other third countries' markets.
- (37) As far as the attraction of foreign investment in Vietnam is concerned, no convincing evidence was submitted which could confirm that such factors were indeed taken into account at the time of the decision to start the operation in that country. The specific circumstances of the present case, in particular the timing of the start of

the operation and the type of the operation, rather indicate that the reason behind relocation to Vietnam was due to the existence of anti-dumping measures on imports from China.

- (38) Regarding labour costs, it should be noted that no evidence was submitted which could support this argument or that this was a factor which was decisive in the company's decision to relocate to Vietnam. Even if labour costs were substantially lower in Vietnam than in China, the investigation revealed that labour costs constituted only a minor part of the cost of RBMs (on average approximately 3 % of cost of manufacturing), and that this could not be regarded, in isolation, as sufficient due cause in the sense of Article 13 of the basic Regulation.
- (39) With regard to the different market situations in the Community and other third markets, no evidence was provided and this argument had therefore to be rejected.
- (40) Consequently, the change in the pattern of trade between the exporting countries concerned and the Community was found to stem from a process of assembly of Chinese parts in Vietnam for which no other economic justification was found other than the imposition of the duty on imports of RBMs from the People's Republic of China.

2.3.4. *Undermining of the remedial effect of the anti-dumping duty*

- (41) It was analysed whether the imported products have, in terms of prices and/or quantities, undermined the remedial effects of the measures in force on imports of RBMs from the People's Republic of China.
- (42) The trade flow analysis shows that the change in the pattern of Community imports, which occurred since the imposition of definitive measures on imports originating in China and Indonesia, has undermined the remedial effects of the anti-dumping measures in terms of quantities imported into the Community market. Indeed, the Vietnamese company exported significantly more to the Community during the IP of this investigation than its related company in the People's Republic of China had during the investigation period of the original investigation.
- (43) With regard to prices of the product consigned from Vietnam, it was found that the prices to unrelated customers in the Community were on overall average lower than the dumped export prices from its related company in the People's Republic of China during the IP in the original investigation. In addition, prices of Vietnamese exports are below the injury elimination level established for Community producers in the original investigation.

- (44) The Vietnamese exporter argued that the Commission had not examined whether imports of RBMs from Vietnam have undermined the impact of anti-dumping duties from the perspective of the Community industry, i.e. whether imports from Vietnam are having significant adverse effects on the Community producers. It was argued that, in particular, no proper assessment of the competitive conditions in the market place and its changes since the imposition of the original duties has been carried out.
- (45) It should be noted that no such examination is required by the basic Regulation within the framework of the current investigation. The objective of this investigation is merely to determine whether imports from Vietnam are circumventing the measures in force on imports of the product concerned from China. As mentioned above, this was found to be the case. The remedial effect of the original anti-dumping duties were through this circumvention practice undermined given the large quantities imported at prices even lower than during the original investigation period. The argument was therefore rejected.
- (46) Therefore, it was concluded that the imports of the product concerned from Vietnam undermined the remedial effects of the duty in terms of prices and quantities.

2.3.5. Evidence of dumping

- (47) Finally, in accordance with Article 13(1) of the basic Regulation it was examined whether there was evidence of dumping in relation to the normal value previously established for the like or similar products. In this regard, export prices of the Vietnamese cooperating producer/exporter of RBMs during the IP were compared with the normal value established in the investigation leading to the imposition of the definitive measures for the like product.
- (48) For the purpose of a fair comparison between the normal value and the export price, due allowance, in the form of adjustments, was made for differences which affect prices and price comparability. These adjustments were made in accordance with Article 2(10) of the basic Regulation in respect of transport, insurance and credit.
- (49) In accordance with Article 2(11) and (12) of the basic Regulation, a comparison of the weighted average normal value as established in the original investigation and the weighted average of export prices during this investigation's IP, expressed as a percentage of the cif price at the Community frontier duty unpaid, revealed significant dumping.
- (50) One unrelated importer argued that the Commission should not establish the dumping margin with reference to the normal value as determined in the original investigation but that it should rather use the normal value determined in the ongoing expiry review. Similarly, the Vietnamese exporter argued that the Commission should establish normal value on the basis of the costs incurred in Vietnam.
- (51) It should be noted that according to Article 13, evidence of dumping should be examined in relation to the normal values previously established. As regards the ongoing expiry review, no conclusions have yet been reached which could have been potentially used in the present investigation. These claims were therefore rejected.

2.4. Community interest

- (52) One unrelated importer claimed that although not expressly mentioned in Article 13 of the basic Regulation, the Community interest should have been investigated in detail in particular taking into account the change in circumstances since the imposition of definitive measures.
- (53) It is noted that the investigation leading to imposition of the original measures revealed that their imposition was in the Community interest. Article 13 does not require an investigation of whether circumstances with regard to the Community interest determination have changed since the imposition of measures. Nevertheless, irrespective of whether such investigation might be warranted, it is noted that in any event no elements have been put forward by any interested party suggesting that the imposition of measures would no longer be in the Community interest. Therefore, it is concluded that the extension of the measures to Vietnam, to counteract the circumvention taking place and which undermined the remedial effects of the original measures, is also in the Community interest. Consequently, this argument had to be rejected.

3. CONCLUSIONS

- (54) The current investigation was initiated following a request received from the Community industry containing sufficient evidence of alleged transshipment of RBMs originating in the People's Republic of China via Vietnam. The above findings have indeed shown that there is circumvention of the measures on RBMs from China via Vietnam. Parts and components are shipped from the People's Republic of China to Vietnam and are subsequently assembled there before export of the finished product to the Community. In view of the finding of circumvention, it is proposed that the existing anti-dumping measures imposed on imports of the product concerned originating in the People's Republic of China be extended to the same product consigned from Vietnam, whether declared as originating in Vietnam or not.

(55) The measures to be extended should be the ones established in Article 1(2) of the original Regulation, as last amended by the anti-absorption proceeding, and are as follows:

a) for mechanisms with 17 and 23 rings (TARIC code: 8305 10 00 20), the amount of duty shall be equal to the difference between the minimum import price of EUR 325 per 1 000 pieces and the free-at-Community-frontier not cleared through customs price;

b) for mechanisms other than those with 17 or 23 rings (TARIC code: 8305 10 00 10), the residual duty of 78,8 %.

(56) In accordance with Article 14(5) of the basic Regulation, which provides that any extended measures should apply to imports which entered the Community under registration imposed by the initiating Regulation, duties should be collected on those registered imports of certain RBMs consigned from Vietnam.

4. REQUEST FOR EXEMPTION

(57) The sole cooperating exporter has lodged a request to be exempted from the proposed extended anti-dumping duty pursuant to Article 13(4) of the basic Regulation.

(58) The investigation revealed that this company's exports circumvented the measures imposed on imports of the product concerned originating in the People's Republic of China. Consequently, in line with Article 13(4) of the basic Regulation, the request for exemption should be refused.

(59) Although during this investigation no other exporter of RBMs to the Community was found to exist in Vietnam, other exporters concerned which intend to lodge a request for an exemption from the extended anti-dumping duty pursuant to Article 13(4) of the basic Regulation will be required to complete a questionnaire in order to enable the Commission to determine whether an exemption may be warranted. Such exemption may be granted after the assessment of the market situation of the product concerned, production capacity and capacity utilisation, procurement and sales and the likelihood of continuation of practices for which there is insufficient due cause or economic justification and the evidence of dumping. The Commission would normally also carry out an on-the-spot verification visit. The request would have to be addressed to the Commission forthwith, with all relevant information, in particular any modification in the company's activities linked to production and export sales of the product under consideration,

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duties imposed by Regulation (EC) No 119/97 on imports of certain ring-binder mechanisms, falling within CN code ex 8305 10 00 originating in the People's Republic of China, are hereby extended to imports of certain ring-binder mechanisms, consigned from Vietnam, whether declared as originating in Vietnam or not (TARIC codes 8305 10 00 11 and 8305 10 00 21).

For the purpose of this Regulation, ring-binder mechanisms shall consist of two rectangular steel sheets or wires with at least four half-rings made of steel wire fixed on it and which are kept together by a steel cover. They can be opened either by pulling the half-rings or with a small steel-made trigger mechanism fixed to the ring-binder mechanism.

2. The duties extended by paragraph 1 of this Article shall be collected on imports registered in accordance with Articles 13 (3) and 14(5) of Regulation (EC) No 384/96.

3. The provisions in force concerning customs duties shall apply.

Article 2

1. Requests for exemption from the duty extended by Article 1 shall be made in writing in one of the official languages of the Community and must be signed by a person authorised to represent the applicant. The request must be sent to the following address:

European Commission
Directorate-General for Trade
Directorate B
Office: J-79 05/17
B-1049 Brussels
Fax (32-2) 295 65 05
Telex COMEU B 21877

2. In accordance with Article 13(4) of Regulation (EC) No 384/96, the Commission, after consulting the Advisory Committee, may authorise, by decision, the exemption of imports from companies which do not circumvent the anti-dumping measures imposed by Regulation (EC) No 119/97, from the duty extended by Article 1.

Article 3

Customs authorities are hereby directed to discontinue the registration of imports, established in accordance with Article 2 of Regulation (EC) No 1733/2003.

Article 4

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, 28 June 2004.

For the Council

The President

M. CULLEN

COMMISSION REGULATION (EC) No 1209/2004**of 30 June 2004****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 1 July 2004.

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

Done at Brussels, 30 June 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 1947/2002 (OJ L 299, 1.11.2002, p. 17).

ANNEX

to the Commission Regulation of 30 June 2004 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
0707 00 05	052	101,8
	999	101,8
0709 90 70	052	83,4
	999	83,4
0805 50 10	382	55,6
	388	57,9
	508	49,3
	528	60,1
	999	55,7
0808 10 20, 0808 10 50, 0808 10 90	388	85,5
	400	105,4
	404	106,8
	508	70,1
	512	74,9
	528	72,2
	720	76,7
	804	93,7
0809 10 00	999	85,7
	052	231,3
	092	165,3
	624	104,3
0809 20 95	999	167,0
	052	347,6
	068	127,8
	400	366,6
	616	146,8
0809 30 10, 0809 30 90	999	247,2
	052	152,4
	624	106,1
	999	129,3
0809 40 05	052	107,2
	512	96,4
	624	191,1
	999	131,6

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1210/2004**of 30 June 2004****fixing the representative prices and additional import duties for certain products in the sugar sector
in the 2004/05 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular Article 24(4) thereof,

Whereas:

- (1) Pursuant to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses⁽²⁾, the cif import prices for raw sugar and white sugar set in accordance with Commission Regulation (EEC) No 784/68⁽³⁾ are to be considered the representative prices. Those prices are fixed for the standard qualities defined in Annex I(I) and II to Regulation (EC) No 1260/2001.
- (2) For the purpose of fixing the representative prices, account must be taken of all the information provided for in Article 2 of Regulation (EEC) No 764/68, except in the cases provided for in Article 3 of that Regulation.
- (3) For the purpose of adjusting prices not relating to the standard quality, the price increases or reductions referred to in Article 5(1)(a) of Regulation (EEC) No 784/68 must be applied to the offers taken into consideration in the

case of white sugar. In the case of raw sugar, the corrective factors provided for in point (b) of that paragraph must be applied.

- (4) Where there is a difference between the trigger price for the product concerned and the representative price, additional import duties should be fixed under the terms laid down in Article 3 of Regulation (EC) No 1423/95.
- (5) The representative prices and additional import duties for the products concerned should be fixed in accordance with the second paragraph of Article 1(2) and Article 3 (1) of Regulation (EC) No 1423/95.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto for the 2004/05 marketing year.

Article 2

This Regulation shall enter into force on 1 July 2004.

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

Done at Brussels, 30 June 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Director-General for Agriculture

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

⁽²⁾ OJ L 141, 24.6.1995, p. 16. Regulation as last amended by Regulation (EC) No 624/98 (OJ L 85, 20.3.1998, p. 5).

⁽³⁾ OJ L 145, 27.6.1968, p. 10. Regulation as amended by Regulation (EC) No 260/96 (OJ L 34, 13.2.1996, p. 16).

ANNEX

Representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 for the 2004/05 marketing year

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	17,39	7,61
1701 11 90 ⁽¹⁾	17,39	13,77
1701 12 10 ⁽¹⁾	17,39	7,42
1701 12 90 ⁽¹⁾	17,39	13,26
1701 91 00 ⁽²⁾	19,64	16,66
1701 99 10 ⁽²⁾	19,64	11,21
1701 99 90 ⁽²⁾	19,64	11,21
1702 90 99 ⁽³⁾	0,20	0,44

⁽¹⁾ Fixed for the standard quality defined in Annex I.II to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽²⁾ Fixed for the standard quality defined in Annex I.I to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽³⁾ Fixed per 1 % sucrose content.

COMMISSION REGULATION (EC) No 1211/2004**of 30 June 2004****fixing the production refund on white sugar used in the chemical industry for the period from 1 to 31 July 2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular the fifth indent of Article 7(5) thereof,

Whereas:

- (1) Pursuant to Article 7(3) of Regulation (EC) No 1260/2001, production refunds may be granted on the products listed in Article 1(1)(a) and (f) of that Regulation, on syrups listed in Article 1(1)(d) thereof and on chemically pure fructose covered by CN code 1702 50 00 as an intermediate product, that are in one of the situations referred to in Article 23(2) of the Treaty and are used in the manufacture of certain products of the chemical industry.
- (2) Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry⁽²⁾ provides that these refunds shall be determined according to the refund fixed for white sugar.

- (3) Article 9 of Regulation (EC) No 1265/2001 provides that the production refund on white sugar is to be fixed at monthly intervals commencing on the first day of each month.

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

HAS ADOPTED THIS REGULATION:

Article 1

The production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to EUR 43,062/100 kg net for the period from 1 to 31 July 2004.

Article 2

This Regulation shall enter into force on 1 July 2004.

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

Done at Brussels, 30 June 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ L 178, 30.6.2001, p. 63.

COMMISSION REGULATION (EC) No 1212/2004**of 30 June 2004****on granting of import licences for cane sugar for the purposes of certain 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 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations⁽²⁾,

Having regard to Commission Regulation (EC) No 1159/2003 of 30 June 2003 laying down detailed rules of application for the 2003/04, 2004/05 and 2005/06 marketing years for the import of cane sugar under certain tariff quotas and preferential agreements and amending Regulations (EC) No 1464/95 and (EC) No 779/96⁽³⁾, and in particular Article 5(3) thereof,

Whereas:

- (1) Article 9 of Regulation (EC) No 1159/2003 stipulates how the delivery obligations at zero duty of products of CN code 1701, expressed in white sugar equivalent, are to be determined for imports originating in signatory countries to the ACP Protocol and the Agreement with India.
- (2) Article 16 of Regulation (EC) No 1159/2003 stipulates how the zero duty tariff quotas for products of CN code 1701 11 10, expressed in white sugar equivalent, are to be determined for imports originating in signatory

countries to the ACP Protocol and the Agreement with India.

- (3) Article 22 of Regulation (EC) No 1159/2003 opens tariff quotas at a duty of EUR 98 per tonne for products of CN code 1701 11 10 for imports originating in Brazil, Cuba and other third countries.
- (4) In the week of 21 June to 25 June 2004 applications were presented to the competent authorities in line with Article 5(1) of Regulation (EC) No 1159/2003 for import licences for a total quantity exceeding a country's delivery obligation quantity of ACP-India preferential sugar determined pursuant to Article 9 of that Regulation.
- (5) In these circumstances the Commission must set reduction coefficients to be used so that licences are issued for quantities scaled down in proportion to the total available and must indicate that the limit in question has been reached,

HAS ADOPTED THIS REGULATION:

Article 1

In the case of import licence applications presented from 21 June to 25 June 2004 in line with Article 5(1) of Regulation (EC) No 1159/2003 licences shall be issued for the quantities indicated in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 July 2004.

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

Done at Brussels, 30 June 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 2).

⁽²⁾ OJ L 146, 20.6.1996, p. 1.

⁽³⁾ OJ L 162, 1.7.2003, p. 25. Regulation as amended by Regulation (EC) No 96/2004 (OJ L 15, 22.1.2004, p. 3).

ANNEX

ACP — INDIA preferential sugar

Title II of Regulation (EC) No 1159/2003

2003/04 marketing year

Country	Week of 21 June to 25 June 2004: percentage of requested quantity to be granted	Limit
Barbados	100	
Belize	0	reached
Congo	0	reached
Fiji	0	reached
Guyana	0	reached
India	0	reached
Côte d'Ivoire	0	reached
Jamaica	100	
Kenya	100	
Madagascar	100	
Malawi	0	reached
Mauritius	0	reached
Saint Kitts and Nevis	0	reached
Swaziland	0	reached
Tanzania	100	
Trinidad and Tobago	100	
Zambia	100	
Zimbabwe	0	reached

2004/05 marketing year

Country	Week of 21 June to 25 June 2004: percentage of requested quantity to be granted	Limit
Barbados	100	
Belize	100	
Congo	100	
Fiji	100	
Guyana	100	
India	0	reached
Côte d'Ivoire	100	
Jamaica	100	
Kenya	100	
Madagascar	100	
Malawi	100	
Mauritius	100	
Saint Kitts and Nevis	100	
Swaziland	100	
Tanzania	100	
Trinidad and Tobago	100	
Zambia	100	
Zimbabwe	97,3420	reached

Special preferential sugar**Title III of Regulation (EC) No 1159/2003****2003/04 marketing year****Quota opened for the Member States referred to in Article 39 of Regulation (EC) No 1260/2001, except Slovenia**

Country	Week of 21 June to 25 June 2004: percentage of requested quantity to be granted	Limit
India	100	reached
ACP	0	

Special preferential sugar**Title III of Regulation (EC) No 1159/2003****2003/04 marketing year****Quota opened for Slovenia**

Country	Week of 21 June to 25 June 2004: percentage of requested quantity to be granted	Limit
ACP	100	reached

CXL concessions sugar**Title IV of Regulation (EC) No 1159/2003****2003/04 marketing year**

Country	Week of 21 June to 25 June 2004: percentage of requested quantity to be granted	Limit
Brazil	0	reached
Cuba	0	reached
Other third countries	0	reached

COMMISSION REGULATION (EC) No 1213/2004

of 30 June 2004

opening tariff quotas for the import of special preferential raw cane sugar from the ACP States and India for supply to refineries in the period 1 July 2004 to 28 February 2005

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular Article 39(6) thereof,

Whereas:

(1) Article 39(1) of Regulation (EC) No 1260/2001 lays down that, during the 2001/02 to 2005/06 marketing years and in order to ensure adequate supplies to Community refineries, a special reduced duty is to be levied on imports of raw cane sugar originating in states with which the Community has concluded supply arrangements on preferential terms. At present such agreements have been concluded by Council Decision 2001/870/EC⁽²⁾ with the ACP States referred to in Protocol No 3 on ACP sugar⁽³⁾ attached to Annex V to the ACP-EC Partnership Agreement, and with the Republic of India.

(2) The agreements in the form of an exchange of letters concluded by Decision 2001/870/EC lay down that the refiners in question must pay a minimum purchase price equal to the guaranteed price for raw sugar, minus the adjustment aid fixed for the marketing year in question. This minimum price must therefore be fixed by taking account of the factors applying in the 2004/05 marketing year.

(3) The quantities of special preferential sugar to be imported are calculated in accordance with Article 39 of Regulation (EC) No 1260/2001 on the basis of a Community forecast supply balance. The balance indicates the need to import raw sugar and to open for the 2004/05 marketing year tariff quotas at the special reduced rate of duty as provided for in the above agreements so that the Community refineries' supply needs can be met for part of the year.

(4) In view of the forecasts for raw cane sugar production which are now available for the 2004/05 marketing year and the shortfall resulting from the forecast supply balance, provision should be made to authorise imports for the period 1 July 2004 to 28 February 2005.

(5) It should be stipulated that Commission Regulation (EC) No 1159/2003 of 30 June 2003 laying down detailed rules of application for the 2003/04, 2004/05 and 2005/06 marketing years for the import of cane sugar under certain tariff quotas and preferential agreements and amending Regulations (EC) No 1464/95 and (EC) No 779/96⁽⁴⁾ applies to the new quota.

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

HAS ADOPTED THIS REGULATION:

Article 1

The following quotas are hereby opened for the period 1 July 2004 to 28 February 2005 pursuant to Decision 2001/870/EC in respect of imports of raw cane sugar for refining falling within CN code 1701 11 10:

a) a tariff quota of 138 000 tonnes expressed as white sugar originating in the ACP States parties to the agreements in the form of an exchange of letters approved by Decision 2001/870/EC;

and

b) a tariff quota of 10 000 tonnes expressed as white sugar originating in India.

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

⁽²⁾ OJ L 325, 8.12.2001, p. 21.

⁽³⁾ OJ L 317, 15.12.2000, p. 3.

⁽⁴⁾ OJ L 162, 1.7.2003, p. 25. Regulation as amended by Regulation (EC) No 96/2004 (OJ L 15, 22.1.2004, p. 3).

Article 2

1. The special reduced duty per 100 kg of standard-quality raw sugar applying to imports of the quantities referred to in Article 1 shall be EUR 0.

2. The minimum purchase price to be paid by Community refiners for the period referred to in Article 1 shall be EUR 49,68 per 100 kg of standard-quality raw sugar.

Article 3

Regulation (EC) No 1159/2003 shall apply to the tariff quota opened by this Regulation.

Article 4

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

It shall apply from 1 July 2004.

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

Done at Brussels, 30 June 2004.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1214/2004

of 30 June 2004

derogating from Regulation (EC) No 2424/1999 laying down detailed rules of application for an import tariff quota of dried boneless beef provided for in Council Regulation (EC) No 2249/1999

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal⁽¹⁾, and in particular Article 32(1) thereof,

Having regard to Decision 2002/309/EC, Euratom of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation⁽²⁾, and in particular Article 5(3) thereof,

Whereas,

- (1) Commission Regulation (EC) No 2424/1999⁽³⁾ opened an import tariff quota of dried boneless beef for imports from Switzerland on a pluriannual basis for an annual volume of 700 tonnes from 1 July to 30 June of the following year.
- (2) Since the entry into force of Regulation (EC) No 2424/1999, the final version of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products entered into force. That Agreement was approved on behalf of the European Community by Decision 2002/309/EC, Euratom.
- (3) That Agreement provides for tariff-free imports of a quantity of 1 200 tonnes per annum for meat of bovine animals, boneless, dried, falling under CN code ex 0210 20 90. However, due to the BSE crisis the parties declared in the Joint Declaration on the meat sector, included in the Final Act to that Agreement⁽⁴⁾, that, by way of an exception, an annual autonomous quota shall be opened by the Community for 700 tonnes net weight dried beef subject to *ad valorem* duty and exempt from the specific duty.

(4) It was initially established that this exception should apply for one year from the entry into force of the Agreement but that the situation should be reviewed in case that the import restrictions imposed by certain Member States on Switzerland have not been lifted by that date.

(5) At the first meeting of the Joint Committee on Agriculture, held in Brussels on 12 December 2002, the parties reiterated their position as stated in the Joint Declaration.

(6) The situation was, indeed, reviewed one year after the entry into force of the Agreement, at the second meeting of the Joint Committee on Agriculture, held in Bern on 11 June 2003, which concluded at the time that the situation had not changed yet so that the preferences in meat products provided for by the Agreement could not be implemented but that the autonomous measures provided for by the joint declaration should continue.

(7) At its third meeting held in Brussels on 4 December 2003 the Joint Committee on Agriculture concluded that after the adoption of Decision No 2/2003 of the Joint Veterinary Committee set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products of 25 November 2003, amending Appendices 1, 2, 3, 4, 5, 6 and 11 to Annex 11 to the Agreement⁽⁵⁾, and the subsequent lifting of the restrictive measures by the Member States on Switzerland, the concessions as provided for in the Agreement should be applied as soon as possible. However, with consideration to the change in rules of origin, it has been jointly felt necessary to allow sufficient time for operators to adjust and to take appropriate steps in relation to possible stocks so that this implementation is foreseen as of 1 January 2005.

(8) Provisions should therefore be made for the remaining months of the year 2004 before a new regime for the implementation of the concessions as of 1 January 2005 will be put into place.

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

⁽²⁾ OJ L 114, 30.4.2002, p. 1.

⁽³⁾ OJ L 294, 16.11.1999, p. 13. Regulation as amended by Regulation (EC) No 2589/1999 (OJ L 315, 9.12.1999, p. 6).

⁽⁴⁾ OJ L 114, 30.4.2002, p. 352.

⁽⁵⁾ Decision 2004/78/EC (OJ L 23, 28.1.2004, p. 27).

- (9) The concession provides for the import of an annual quantity of 700 tonnes. For the months July to December 2004, the quantity should be restricted to half of that amount. In case that import licences for less than 700 tonnes will have been issued in the year 2004, the difference should be added to the quantities available for the year 2005. That situation should be reviewed after the end of the year 2004.
- (10) It is therefore appropriate to provide for the necessary derogations from Regulation (EC) No 2424/1999.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. By way of derogation from Article 1(1) of Regulation (EC) No 2424/1999 a Community tariff quota for dried boneless meat of bovine animals falling within CN code ex 0210 20 90 shall be opened for a volume of 350 tonnes for the period from 1 July 2004 to 31 December 2004.

2. By way of derogation from Article 5 of Regulation (EC) No 2424/1999, the term of validity of the certificates of authenticity and import licences issued as of 1 July 2004 shall expire, at the latest, on 31 December 2004.

Article 2

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

It shall apply from 1 July 2004.

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

Done at Brussels, 30 June 2004.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1215/2004

of 30 June 2004

amending the specification of a name appearing in the Annex to Regulation (EC) No 1107/96 on the registration of geographical indications and designations of origin (Scotch Beef)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and food-stuffs ⁽¹⁾, and in particular Article 9 thereof,

Whereas:

- (1) Under Article 9 of Regulation (EEC) No 2081/92, the United Kingdom authorities have requested amendments to the description and the method of production of 'Scotch Beef', registered as a protected designation of origin by Commission Regulation (EC) No 1107/96 of 12 June 1996 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92 ⁽²⁾.
- (2) Following examination of this request for amendment, it has been decided that the amendments concerned are not minor.
- (3) In accordance with the procedure laid down in Article 9 of Regulation (EEC) No 2081/92 and since the amendments are not minor, the Article 6 procedure applies *mutatis mutandis*.

(4) It has been decided that the amendments in this case comply with Regulation (EEC) No 2081/92. No statement of objection within the meaning of Article 7 of the Regulation has been sent to the Commission following the publication in the *Official Journal of the European Union* ⁽³⁾ of the above amendments.

(5) Consequently, these amendments must be registered and published in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments set out in Annex I to this Regulation shall be registered and published in accordance with Article 6(4) of Regulation (EEC) No 2081/92.

A summary of the main points of the specification is given in Annex II to this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 30 June 2004.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 208, 24.7.1992, p. 1. Regulation as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 148, 21.6.1996, p. 1. Regulation as last amended by Regulation (EC) No 526/2004 (OJ L 85, 23.3.2004, p. 3).

⁽³⁾ OJ C 99, 25.4.2003, p. 2 (Scotch Beef).

ANNEX I

Council Regulation (EEC) No 2081/92

AMENDMENT TO THE SPECIFICATION OF A PROTECTED GEOGRAPHICAL INDICATION (Article 9)

No EC: UK/0274/25.1.1994

1. **Registered name:** PGI Scotch Beef2. **Amendments(s) requested:**

Specification heading:

- ☐ Name
- ☒ Description
- ☐ Geographical area
- ☐ Proof of origin
- ☒ Method of production
- ☐ Link
- ☐ Labelling
- ☐ National requirement

3. **Amendment(s):***Description*

So as better to reflect current practice, take account of consumer concerns about more transparent labelling and improve the quality of Scotch Beef, the current description:

'The product is derived from cattle finished, for a minimum period of three months, slaughtered and dressed in the designated area.'

is hereby amended as follows:

'The product is derived from cattle born, reared throughout their lives, slaughtered and dressed in the designated geographical area. The animals will have been produced and slaughtered in accordance with quality assurance schemes accredited to European Standard EN 45011 (ISO Guide 65) and having the same standards, assessments and assessment frequencies as those set by the applicant.'

Method of production

As a result of the amendment to the description described above it is necessary to amend the details of the method of production. In addition, when the original application was submitted, Scotch Beef was almost never sold frozen. While this practice is still not widespread, the applicant would like to remove the words 'Only fresh or chilled product may be sold' to allow Scotch Beef to be sold frozen if a processor so wishes.

Accordingly, the current description:

'Cattle are finished in Scotland for a period of not less than three months. They are slaughtered and dressed in accordance with the specifications. Only fresh or chilled product may be sold.'

is hereby amended as follows:

'Cattle are born and reared throughout their lives in the designated geographical area. The animals will have been produced and slaughtered in accordance with quality assurance schemes accredited to European Standard EN 45011 (ISO Guide 65) and having the same standards, assessments and assessment frequencies as those set by the applicant. They are slaughtered and dressed in the designated geographical area in accordance with the specifications.'

ANNEX II

SUMMARY

Council Regulation (EEC) No 2081/92

'SCOTCH BEEF'

No EC: UK/0274/25.1.1994

PDO () PGI (X)

This summary has been drawn up for information purposes only. For full details, in particular the producers of the products covered by the PDO or PGI concerned, please consult the complete version of the product specification obtainable at national level or from the European Commission⁽¹⁾.

1. **Responsible department in the Member State:**

Name: Department for Environment, Food and Rural Affairs Food Chain Marketing and Competitiveness Division

Address: Room 338
Nobel House
17 Smith Square
London, SW1P 3JR
United Kingdom

Tel.: (44-207) 238 66 87

Fax: (44-207) 238 57 28

e-mail: rlf.feedback@defra.gsi.gov.uk

2. **Group:**

2.1. Name: Quality Meat Scotland

2.2. Address: Rural Centre
West Mains
Ingliston
Newbridge
Midlothian, EH28 8NZ
United Kingdom

Tel.: (44-131) 472 40 40

Fax: (44-131) 472 40 38

e-mail: info@qmscotland.co.uk

2.3. *Composition:* producers (8 969), processors (32), other (310).

3. **Type of product:** Group 1.1 Fresh meat (and offal)

4. **Specification:**

(summary of requirements under Article 4(2))

4.1. *Name:* 'Scotch Beef'

4.2. *Description:*

The product is derived from cattle born, reared for the entirety of their lives, slaughtered and dressed in the designated geographical area. The animals will have been produced and slaughtered in accordance with quality assurance schemes accredited to European Standard EN 45011 (ISO Guide 65) and having the same standards, assessments and assessment frequencies as those set by the applicant.

4.3. *Geographical area:*

The area is defined as the mainland of Scotland, including the islands off the west coast, Orkney and Shetland.

⁽¹⁾ European Commission, Directorate-General for Agriculture, Agricultural product quality policy, B-1049 Brussels.

4.4. *Proof of origin:*

Since the 19th century Scotch beef has been renowned for its consistently superior qualities due to traditional feeding systems and it has established a high reputation in the UK meat market and beyond.

4.5. *Method of production:*

Cattle are born and reared throughout their lives in the designated geographical area. The animals will have been produced and slaughtered in accordance with quality assurance schemes accredited to European Standard EN 45011 (ISO Guide 65) and having the same standards, assessments and assessment frequencies as those set by the applicant. They are slaughtered and dressed in the designated geographical area in accordance with the specifications.

4.6. *Link:*

Scotch beef has a quality and characteristics arising from extensive grazing on the characteristic pastures of Scotland.

4.7. *Inspection body:*

Name: Scottish Food Quality Certification

Address: Royal Highland Centre
10th Avenue
Ingliston
Edinburgh, EH28 8NF
United Kingdom

Tel.: (44-131) 335 66 15

Fax: (44-131) 335 66 01

e-mail: enquiries@sfqc.co.uk

4.8. *Labelling:* PGI

4.9. *National requirements:* —

COMMISSION REGULATION (EC) No 1216/2004**of 30 June 2004****fixing the derived intervention prices for white sugar for the 2004/05 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular Article 2(4) thereof,

Whereas:

- (1) Article 2(1)(a) of Regulation (EC) No 1260/2001 fixes the intervention price for white sugar for non-deficit areas at EUR 631.9 per tonne for the 2001/02 to 2005/06 marketing years.
- (2) Article 2(1)(b) of that Regulation provides that derived intervention prices for white sugar are to be fixed for each deficit area each year. When those prices are fixed, account is to be taken of the regional variations in the price of sugar, which, given a normal harvest and free movement of sugar, may be expected to occur under natural conditions of price formation on the market and in view of experience gained and the costs of transporting sugar from surplus areas to deficit areas.
- (3) To establish whether an area is a deficit area, projections should be made on the basis of the data returned by the Member States relating both to the current marketing year as regards consumption trends, and to the prospects for the coming marketing year as regards developments in available production. As a result, areas should be recognised as deficit areas only where the projections clearly indicate that a deficit is likely to occur.

(4) On this basis, the areas of production in Greece, Spain, Ireland and the United Kingdom, Italy, Portugal and Finland are likely to be deficit areas.

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

HAS ADOPTED THIS REGULATION:

Article 1

The derived intervention prices for white sugar in the deficit areas of the Community for the 2004/05 marketing year shall be:

- (a) EUR 655,30 per tonne for all areas in Greece;
- (b) EUR 648,80 per tonne for all areas in Spain;
- (c) EUR 646,50 per tonne for all areas in Ireland and the United Kingdom;
- (d) EUR 655,30 per tonne for all areas in Italy;
- (e) EUR 646,50 per tonne for all areas in Portugal;
- (g) EUR 646,50 per tonne for all areas in Finland.

Article 2

This Regulation shall enter into force on 1 July 2004.

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

Done at Brussels, 30 June 2004.

For the Commission

Franz FISCHLER

Member of the Commission

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

COMMISSION REGULATION (EC) No 1217/2004**of 29 June 2004****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽¹⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993⁽²⁾ laying down provisions for the implementation of Regulation (EEC) No 2913/92, and in particular Article 173 (1) thereof,

Whereas:

- (1) Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation.

- (2) The result of applying the rules and criteria laid down in the abovementioned Articles to the elements communicated to the Commission in accordance with Article 173(2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173(1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 July 2004.

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

Done at Brussels, 29 June 2004.

For the Commission

Erkki LIIKANEN

Member of the Commission

⁽¹⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No 2700/2000 (OJ L 311, 12.12.2000, p. 17).

⁽²⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 2286/2003 (OJ L 343, 31.12.2003, p. 1).

ANNEX

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.10	New potatoes 0701 90 50	— — —	— — —	— — —	— — —	— — —	— — —
1.30	Onions (other than seed) 0703 10 19	25,14 86,81 230,01	14,62 16,47 16,76	796,01 10,70	186,85 114,84	393,37 6 024,74	6 360,62 1 002,82
1.40	Garlic 0703 20 00	125,76 434,23 1 150,56	73,13 82,40 83,83	3 981,85 53,54	934,66 574,46	1 967,74 30 137,41	31 817,58 5 016,36
1.50	Leeks ex 0703 90 00	45,21 156,10 413,62	26,29 29,62 30,14	1 431,44 19,25	336,00 206,51	707,38 10 834,12	11 438,13 1 803,34
1.60	Cauliflowers 0704 10 00	—	—	—	—	—	—
1.80	White cabbages and red cabbages 0704 90 10	41,98 144,95 384,07	24,41 27,51 27,98	1 329,17 17,87	312,00 191,76	656,84 10 060,09	10 620,94 1 674,50
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	61,43 212,11 562,01	35,72 40,25 40,95	1 945,00 26,15	456,55 280,61	961,17 14 721,09	15 541,79 2 450,32
1.100	Chinese cabbage ex 0704 90 90	75,36 260,20 689,45	43,82 49,38 50,23	2 386,05 32,08	560,08 344,24	1 179,13 18 059,27	19 066,08 3 005,96
1.110	Cabbage lettuce (head lettuce) 0705 11 00	—	—	—	—	—	—
1.130	Carrots ex 0706 10 00	26,74 92,33 244,64	15,55 17,52 17,82	846,64 11,38	198,73 122,15	418,39 6 407,97	6 765,22 1 066,61
1.140	Radishes ex 0706 90 90	44,01 151,96 402,64	25,59 28,84 29,34	1 393,44 18,74	327,08 201,03	688,61 10 546,56	11 134,53 1 755,47
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	374,31 1 292,42 3 424,48	217,66 245,25 249,51	11 851,39 159,34	2 781,87 1 709,81	5 856,67 89 699,53	94 700,30 14 930,46

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.170	Beans:						
1.170.1	— Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	119,93 414,11 1 097,26	69,74 78,58 79,95	3 797,38 51,06	891,36 547,85	1 876,57 28 741,20	30 343,53 4 783,96
1.170.2	— Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	126,14 435,54 1 154,03	73,35 82,65 84,08	3 993,84 53,70	937,47 576,19	1 973,66 30 228,19	31 913,42 5 031,47
1.180	Broad beans ex 0708 90 00	—	—	—	—	—	—
1.190	Globe artichokes 0709 10 00	—	—	—	—	—	—
1.200	Asparagus:						
1.200.1	— green ex 0709 20 00	375,21 1 295,54 3 432,76	218,19 245,84 250,12	11 880,05 159,73	2 788,60 1 713,94	5 870,83 89 916,45	94 929,32 14 966,56
1.200.2	— other ex 0709 20 00	281,45 971,79 2 574,93	163,66 184,41 187,61	8 911,27 119,81	2 091,74 1 285,64	4 403,74 67 446,68	71 206,85 11 226,48
1.210	Aubergines (eggplants) 0709 30 00	89,80 310,07 821,59	52,22 58,84 59,86	2 843,36 38,23	667,42 410,21	1 405,12 21 520,51	22 720,29 3 582,08
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	90,50 312,50 828,01	52,63 59,30 60,33	2 865,57 38,53	672,63 413,42	1 416,10 21 688,62	22 897,76 3 610,06
1.230	Chantarelles 0709 59 10	806,38 2 784,27 7 377,41	468,91 528,34 537,53	25 531,60 343,28	5 993,02 3 683,46	12 617,11 193 240,90	204 014,14 32 164,89
1.240	Sweet peppers 0709 60 10	136,93 472,78 1 252,72	79,62 89,71 91,28	4 335,39 58,29	1 017,64 625,47	2 142,45 32 813,23	34 642,58 5 461,75
1.250	Fennel 0709 90 50	—	—	—	—	—	—
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	88,42 305,28 808,90	51,41 57,93 58,94	2 799,43 37,64	657,11 403,88	1 383,41 21 188,03	22 369,27 3 526,74
2.10	Chestnuts (<i>Castanea</i> spp.) fresh ex 0802 40 00	—	—	—	—	—	—
2.30	Pineapples, fresh ex 0804 30 00	83,47 288,21 763,67	48,54 54,69 55,64	2 642,91 35,53	620,37 381,29	1 306,06 20 003,37	21 118,57 3 329,56

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.40	Avocados, fresh ex 0804 40 00	148,80 513,77 1 361,32	86,53 97,49 99,19	4 711,24 63,34	1 105,87 679,69	2 328,18 35 657,95	37 645,89 5 935,25
2.50	Guavas and mangoes, fresh ex 0804 50	—	—	—	—	—	—
2.60	Sweet oranges, fresh:						
2.60.1	— Sanguines and semi-sanguines 0805 10 10	48,60 167,81 444,63	28,26 31,84 32,40	1 538,77 20,69	361,20 222,00	760,42 11 646,50	12 295,80 1 938,56
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	56,97 196,69 521,16	33,13 37,32 37,97	1 803,63 24,25	423,36 260,21	891,31 13 651,09	14 412,15 2 272,22
2.60.3	— Others 0805 10 50	48,60 167,81 444,63	28,26 31,84 32,40	1 538,77 20,69	361,20 222,00	760,42 11 646,50	12 295,80 1 938,56
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkins and similar citrus hybrids, fresh:						
2.70.1	— Clementines ex 0805 20 10	75,89 262,04 694,33	44,13 49,73 50,59	2 402,93 32,31	564,04 346,67	1 187,47 18 187,02	19 200,95 3 027,22
2.70.2	— Monreales and satsumas ex 0805 20 30	52,75 182,15 482,64	30,68 34,56 35,17	1 670,32 22,46	392,07 240,98	825,43 12 642,14	13 346,94 2 104,28
2.70.3	— Mandarines and wilkins ex 0805 20 50	24,73 85,39 226,25	14,38 16,20 16,49	783,00 10,53	183,79 112,96	386,94 5 926,30	6 256,69 986,43
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	80,60 278,30 737,39	46,87 52,81 53,73	2 551,96 34,31	599,02 368,17	1 261,12 19 314,98	20 391,80 3 214,97
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90	90,28 311,71 825,93	52,50 59,15 60,18	2 858,35 38,43	670,94 412,38	1 412,53 21 634,00	22 840,11 3 600,97
2.90	Grapefruit, fresh:						
2.90.1	— white ex 0805 40 00	55,91 193,03 511,48	32,51 36,63 37,27	1 770,11 23,80	415,50 255,38	874,75 13 397,43	14 144,34 2 230,00
2.90.2	— pink ex 0805 40 00	65,29 225,43 597,31	37,97 42,78 43,52	2 067,15 27,79	485,22 298,23	1 021,54 15 645,64	16 517,89 2 604,21

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.100	Table grapes 0806 10 10	156,68 541,00 1 433,47	91,11 102,66 104,45	4 960,93 66,70	1 164,47 715,72	2 451,57 37 547,73	39 641,03 6 249,81
2.110	Water melons 0807 11 00	42,35 146,23 387,45	24,63 27,75 28,23	1 340,88 18,03	314,74 193,45	662,63 10 148,73	10 714,52 1 689,25
2.120	Melons (other than water melons):						
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onte- niente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	47,12 162,70 431,09	27,40 30,87 31,41	1 491,91 20,06	350,20 215,24	737,27 11 291,84	11 921,36 1 879,52
2.120.2	— Other ex 0807 19 00	88,90 306,95 813,33	51,70 58,25 59,26	2 814,76 37,84	660,71 406,09	1 390,99 21 304,04	22 491,75 3 546,05
2.140	Pears						
2.140.1	— Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	— Other ex 0808 20 50	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 00	— — —	— — —	— — —	— — —	— — —	— — —
2.160	Cherries 0809 20 95 0809 20 05	— — —	— — —	— — —	— — —	— — —	— — —
2.170	Peaches 0809 30 90	— — —	— — —	— — —	— — —	— — —	— — —
2.180	Nectarines ex 0809 30 10	— — —	— — —	— — —	— — —	— — —	— — —
2.190	Plums 0809 40 05	— — —	— — —	— — —	— — —	— — —	— — —
2.200	Strawberries 0810 10 00	112,40 388,09 1 028,33	65,36 73,64 74,93	3 558,81 47,85	835,36 513,43	1 758,68 26 935,54	28 437,20 4 483,41

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.205	Raspberries 0810 20 10	304,95	177,33	9 655,33	2 266,39	4 771,43	77 152,35
		1 052,93	199,80	129,82	1 392,98	73 078,22	12 163,85
		2 789,93	203,28				
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 605,61	933,66	50 836,82	11 932,89	25 122,34	406 219,33
		5 543,85	1 052,00	683,51	7 334,27	384 768,38	64 044,57
		14 689,40	1 070,30				
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	105,19	61,17	3 330,49	781,76	1 645,85	26 612,77
		363,20	68,92	44,78	480,49	25 207,44	4 195,77
		962,35	70,12				
2.230	Pomegranates ex 0810 90 95	253,43	147,37	8 024,10	1 883,49	3 965,32	64 117,79
		875,04	166,05	107,89	1 157,64	60 731,97	10 108,82
		2 318,58	168,94				
2.240	Khakis (including sharon fruit) ex 0810 90 95	285,47	166,00	9 038,64	2 121,63	4 466,68	72 224,62
		985,68	187,04	121,53	1 304,01	68 410,70	11 386,94
		2 611,73	190,30				
2.250	Lychees ex 0810 90	—	—	—	—	—	—

COMMISSION REGULATION (EC) No 1218/2004
of 30 June 2004
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton ⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme ⁽³⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated

of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for unginned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 22,224/100 kg.

Article 2

This Regulation shall enter into force on 1 July 2004.

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

Done at Brussels, 30 June 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).

COMMISSION REGULATION (EC) No 1219/2004**of 30 June 2004****fixing the production refund for olive oil used in the manufacture of certain preserved foods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats⁽¹⁾, and in particular Article 20a thereof,

Whereas:

- (1) Article 20a of Regulation No 136/66/EEC provides for the granting of a production refund for olive oil used in the preserving industry. Pursuant to paragraph 6 of that Article, and without prejudice to paragraph 3 thereof, the Commission shall fix this refund every two months.
- (2) By virtue of Article 20a(2) of the abovementioned Regulation, the production refund must be fixed on the basis of the gap between prices on the world market and on the Community market, taking account of the import charge applicable to olive oil falling within CN subheading 1509 90 00 and the factors used for fixing

the export refunds for those olive oils during the reference period. It is appropriate to take as a reference period the two-month period preceding the beginning of the term of validity of the production refund.

- (3) The application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of July and August 2004, the amount of the production refund referred to in Article 20a(2) of Regulation No 136/66/EEC shall be EUR 44,00/100 kg.

Article 2

This Regulation shall enter into force on 1 July 2004.

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

Done at Brussels, 30 June 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ 172, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 1513/2001 (OJ L 201, 26.7.2001, p. 4).

COMMISSION REGULATION (EC) No 1220/2004
of 30 June 2004
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties.
- (2) Pursuant to Article 12(3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product.
- (3) Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector.

(4) The import duties are applicable until new duties are fixed and enter into force. They also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing.

(5) In order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties.

(6) Application of the second subparagraph of Article 4(1) of Regulation (EC) No 1503/96 results in an adjustment of the import duties that have been fixed as from 24 June 2004 by Commission Regulation (EC) No 1157/2004 ⁽³⁾ as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11(1) and (2) of Regulation (EC) No 3072/95 shall be adjusted in compliance with Article 4 of Regulation (EC) No 1503/96 and fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 July 2004.

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

Done at Brussels, 30 June 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

Agriculture Director-General

⁽¹⁾ OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

⁽²⁾ OJ L 189, 30.7.1996, p. 71. Regulation as last amended by Regulation (EC) No 2294/2003 (OJ L 340, 24.12.2003, p. 12).

⁽³⁾ OJ L 223, 24.6.2004, p. 31.

ANNEX I

Import duties on rice and broken rice

(EUR/t)

CN code	Duties ⁽⁵⁾				
	Third countries (except ACP and Bangladesh) ⁽³⁾	ACP ⁽¹⁾ ⁽²⁾ ⁽³⁾	Bangladesh ⁽⁴⁾	Basmati India and Pakistan ⁽⁶⁾	Egypt ⁽⁸⁾
1006 10 21	(7)	69,51	101,16		158,25
1006 10 23	(7)	69,51	101,16		158,25
1006 10 25	(7)	69,51	101,16		158,25
1006 10 27	(7)	69,51	101,16		158,25
1006 10 92	(7)	69,51	101,16		158,25
1006 10 94	(7)	69,51	101,16		158,25
1006 10 96	(7)	69,51	101,16		158,25
1006 10 98	(7)	69,51	101,16		158,25
1006 20 11	264,00	88,06	127,66		198,00
1006 20 13	264,00	88,06	127,66		198,00
1006 20 15	264,00	88,06	127,66		198,00
1006 20 17	177,63	57,83	84,47	0,00	133,22
1006 20 92	264,00	88,06	127,66		198,00
1006 20 94	264,00	88,06	127,66		198,00
1006 20 96	264,00	88,06	127,66		198,00
1006 20 98	177,63	57,83	84,47	0,00	133,22
1006 30 21	416,00	133,21	193,09		312,00
1006 30 23	416,00	133,21	193,09		312,00
1006 30 25	416,00	133,21	193,09		312,00
1006 30 27	(7)	133,21	193,09		312,00
1006 30 42	416,00	133,21	193,09		312,00
1006 30 44	416,00	133,21	193,09		312,00
1006 30 46	416,00	133,21	193,09		312,00
1006 30 48	(7)	133,21	193,09		312,00
1006 30 61	416,00	133,21	193,09		312,00
1006 30 63	416,00	133,21	193,09		312,00
1006 30 65	416,00	133,21	193,09		312,00
1006 30 67	(7)	133,21	193,09		312,00
1006 30 92	416,00	133,21	193,09		312,00
1006 30 94	416,00	133,21	193,09		312,00
1006 30 96	416,00	133,21	193,09		312,00
1006 30 98	(7)	133,21	193,09		312,00
1006 40 00	(7)	41,18	(7)		96,00

⁽¹⁾ The duty on imports of rice originating in the ACP States is applicable, under the arrangements laid down in Council Regulation (EC) No 2286/2002 (OJ L 348, 21.12.2002, p. 5) and amended Commission Regulation (EC) No 638/2003 (OJ L 93, 10.4.2003, p. 3).

⁽²⁾ In accordance with Regulation (EC) No 1706/98, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11(3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4.12.1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9.4.1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101(1) of amended Council Decision 91/482/EEC (OJ L 263, 19.9.1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of EUR/t 250 applies (Article 4a of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15.11.1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1.2.1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (EUR/tonne)	(¹)	177,63	416,00	264,00	416,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (EUR/tonne)	—	373,80	220,64	295,83	378,01	—
(b) fob price (EUR/tonne)	—	—	—	271,18	353,36	—
(c) Sea freight (EUR/tonne)	—	—	—	24,65	24,65	—
(d) Source	—	USDA and operators	USDA and operators	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 1221/2004
of 30 June 2004
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organisation of the market in cereals ⁽¹⁾,

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

Whereas:

- (1) Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Regulation (EEC) No 1766/92 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in Annex I to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 July 2004.

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

Done at Brussels, 30 June 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

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

ANNEX I

Import duties for the products covered by Article 10(2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	1,44
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	20,79
1005 10 90	Maize seed other than hybrid	49,87
1005 90 00	Maize other than seed ⁽²⁾	49,87
1007 00 90	Grain sorghum other than hybrids for sowing	30,88

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

- EUR 3 per tonne, where the port of unloading is on the Mediterranean Sea, or
- EUR 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

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

ANNEX II

Factors for calculating duties

period from 16.6.2004 to 29.6.2004

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2 (14 %)	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	136,16 (***)	89,08	155,18 (****)	145,18 (****)	125,18 (****)	105,83 (****)
Gulf premium (EUR/t)	—	9,19	—	—	—	—
Great Lakes premium (EUR/t)	8,74	—	—	—	—	—

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

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

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

(****) Fob Duluth.

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

Freight/cost: Gulf of Mexico–Rotterdam: 18,98 EUR/t; Great Lakes–Rotterdam: 30,41 EUR/t.

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 28 June 2004

on the request by Burkina Faso to accede to the Protocol on ACP Sugar

(2004/527/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with the first sentence of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The Joint Declaration on Protocol 3 on ACP Sugar to the ACP-EC Partnership Agreement⁽¹⁾ provides that any request from an African, Caribbean or Pacific (ACP) State Contracting Party to the Convention not specifically referred to in that Protocol to participate in its provisions shall be examined.

(2) Burkina Faso is an ACP State Contracting Party to the ACP-EC Partnership Agreement and it requested in November 2000 to participate in the provisions of the said Protocol.

(3) In a letter of 30 September 2002, the ACP States signified their assent to the accession of Burkina Faso to the said Protocol.

(4) An examination of the request of Burkina Faso has shown that the country is not a net exporter of sugar and is not capable of exporting sugar on a permanent basis.

(5) It is appropriate to transmit this conclusion to Burkina Faso by letter,

HAS DECIDED AS FOLLOWS:

Sole Article

The request by Burkina Faso to accede to Protocol 3 on ACP sugar to the ACP-EC Partnership Agreement is not accepted.

The attached letter shall be sent to Burkina Faso.

Done at Luxembourg, 28 June 2004.

For the Council
The President
M. CULLEN

⁽¹⁾ OJ L 317, 15.12.2000, p. 269.

ANNEX

Brussels,

Your Excellency,

I have the honour to refer to your letter dated 8 November 2000 requesting accession to the Protocol on ACP sugar. In conformity with the Joint Declaration annexed to the Protocol on ACP sugar the European Community has examined your request and has come to the conclusion that Burkina Faso is at present not in a position to fulfil on a permanent basis the obligations of the Protocol. In previous cases, the capacity to fulfil these obligations was defined by the fact that the country in question was a net exporter of sugar.

I regret therefore that the Community cannot accept Burkina Faso's request to join the Sugar Protocol.

A copy of this letter is sent to the Secretary General of the ACP States.

Please accept, Your Excellency, the assurance of my highest consideration.

On behalf of the Council of the European Union
