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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 564/2005**of 8 April 2005**

amending Regulation (EC) No 1601/2001 imposing a definitive anti-dumping duty and definitively collecting the provisional anti-dumping duty imposed on imports of certain iron or steel ropes and cables originating in the Czech Republic, Russia, Thailand and Turkey

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ ('the basic Regulation'), and in particular Article 11(3) thereof,

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

Whereas:

A. PREVIOUS PROCEDURE

- (1) On 5 May 2000, the Commission initiated an anti-dumping proceeding⁽²⁾ on imports of certain iron or steel ropes and cables originating, *inter alia*, in Turkey.
- (2) This proceeding ultimately resulted in a definitive anti-dumping duty being imposed by Council Regulation (EC) No 1601/2001⁽³⁾ in order to eliminate the injurious effects of dumping.

B. REQUEST FOR AN INTERIM REVIEW

- (3) A request for a partial interim review of Regulation (EC) No 1601/2001 was received from Has Çelik ve Halat Sanayi Ticaret A.S. ('Has Çelik', or 'the applicant'), a Turkish exporting producer of certain iron or steel ropes and cables subject to the anti-dumping measures in force.

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

⁽²⁾ OJ C 127, 5.5.2000, p. 12.

⁽³⁾ OJ L 211, 4.8.2001, p. 1. Regulation as last amended by Regulation (EC) No 1268/2003 (OJ L 180, 18.7.2003, p. 23).

- (4) In this request pursuant to Article 11(3) of the basic Regulation it was claimed that the circumstances with regard to dumping on the basis of which the measures in force were established have changed and that these changes are of a lasting nature.

- (5) According to the request, the applicant has undergone structural changes which have had a significant impact on the normal value. Furthermore, it was claimed that a comparison of normal value based on its costs or domestic prices and export prices to the Community would lead to a reduction of dumping significantly below the level of the current measures applying to imports from the applicant, i.e. 17,8 %. Therefore, the continued imposition of measures at the existing levels, which were based on the level of dumping previously established, would no longer be necessary to offset dumping.

- (6) Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of a partial interim review, the Commission published a notice ('Notice of Initiation')⁽⁴⁾ and commenced an investigation, limited in scope to the examination of dumping by the applicant.

C. PROCEDURE

- (7) The Commission officially advised the representatives of the exporting country and the applicant of the initiation of the partial interim review and gave all the parties directly concerned the opportunity to make their views known in writing and to request a hearing. A submission was received from EWRIS, the Liaison Committee of E.U. Wire Rope Industries which was the complainant in the original case.

- (8) The Commission also sent a questionnaire to the applicant, which replied within the time limits set in the Notice of Initiation.

⁽⁴⁾ OJ C 67, 17.3.2004, p. 5.

- (9) The Commission sought and verified all information it deemed necessary for the purpose of a determination of dumping and carried out a verification visit at the premises of the applicant.
- (10) The investigation of dumping covered the period from 1 July 2003 to 29 February 2004 ('the investigation period').

D. PRODUCT

Product concerned

- (11) The product concerned is the same as in the investigation which lead to the imposition of the existing measures ('the previous investigation'), i.e. iron or steel ropes and cables, including locked coil ropes, excluding ropes and cables of stainless steel, with a maximum cross-sectional dimension exceeding 3 mm, with fittings attached or not ('steel wire ropes' or 'SWR'), originating in Turkey, currently classifiable within CN codes 7312 10 82, 7312 10 84, 7312 10 86, 7312 10 88 and 7312 10 99.

Like product

- (12) As in the previous investigation, this investigation has shown that the SWR produced in Turkey by the applicant and sold on the Turkish market or exported to the Community have the same basic physical characteristics and the same uses, and therefore are to be considered a like product within the meaning of Article 1(4) of the basic Regulation.

E. DUMPING

Normal value

- (13) As far as the determination of normal value is concerned, it was first established whether the applicant's total domestic sales of the like product were representative in comparison with its total export sales to the Community. In accordance with Article 2(2) of the basic Regulation this was found to be the case since its domestic sales volume constituted at least 5 % of its total export sales volume to the Community.
- (14) For each of the types sold by the applicant on its domestic market and found to be directly comparable to the types exported to the Community, it was examined whether domestic sales were sufficiently representative for the purposes of Article 2(2) of the basic Regulation. This was considered to be the case when, during the investigation period, the total domestic sales volume of a type represented 5 % or more of the total sales volume of the same type exported to the Community. For most of the types exported to the Community during the investigation period a comparable representative type sold on the domestic market was found.

- (15) For the product types meeting the 5 % test, an examination was then made as to whether the domestic sales of each comparable type could be regarded as having been made in the ordinary course of trade, by establishing the proportion of sales to independent customers of the type in question not made at a loss. In all cases, sales of a type not made at a loss represented more than 80 % of the total domestic sales volume of that type and, therefore, normal value was based on a weighted average price of all domestic sales made during the investigation period.

- (16) For the product types exported to the Community where no comparable types sold on the domestic market were found, normal value was constructed on the basis of the costs of manufacturing incurred by the applicant for the exported product types in question plus a reasonable amount for selling, general and administrative costs and profits in accordance with Article 2(3) and 2(6) of the basic Regulation. The general and administrative costs were based on the applicant's domestic sales of the like product. The profit margin was based on the applicant's domestic sales of the like product made in the ordinary course of trade.

Export price

- (17) Since all export sales of the product concerned were made directly to independent customers in the Community, the export price was established on the basis of such prices paid or payable, in accordance with Article 2(8) of the basic Regulation.

Comparison

- (18) The comparison of normal value with export price was made on an ex-factory basis and at the same level of trade. For the purpose of ensuring a fair comparison, account was taken, in accordance with Article 2(10) of the basic Regulation, of differences in factors which were claimed and demonstrated to affect prices and price comparability, i.e. transport costs, insurance costs, handling, loading and ancillary costs, credit costs and commissions.

Dumping margin

- (19) The comparison was made between the weighted average adjusted normal value per product type and the weighted average net ex-works export price for the comparable product type, in accordance with Article 2(11) of the basic Regulation.
- (20) The comparison as described above did not show the existence of any dumping.

F. LASTING NATURE OF CHANGED CIRCUMSTANCES

- (21) In accordance with Article 11(3) of the basic Regulation, it was also examined whether the changed circumstances could reasonably be said to be of a lasting nature.
- (22) In this respect, the investigation revealed that the applicant has undergone structural changes affecting considerably the production structure and organisation, resulting in a substantially higher production efficiency that led to a drop in production costs and thus reduced normal value as compared to the investigation period used in the previous investigation (1 April 1999 until 31 March 2000). During the same period, export prices have increased and no reason was found to indicate that this increase was temporary.
- (23) It is consequently concluded that the changed circumstances, in particular the increase in export prices to the Community combined with a substantial decrease in production costs, are of a lasting nature.

G. ANTI-DUMPING MEASURES

- (24) In the absence of dumping, it is therefore considered appropriate to repeal the measures insofar as they concern the applicant.
- (25) The interested parties were informed of the facts and considerations on the basis of which it was intended to recommend an amendment of Regulation (EC) No 1601/2001 and were given an opportunity to comment.
- (26) Subsequently, EWRIS submitted some general comments relating mainly to increasing prices of raw materials after the investigation period. EWRIS did not put in question the findings concerning dumping as outlined above, but

nevertheless expressed concern about the possibility that the applicant may resume dumping in the future.

- (27) Concerning the prices of raw materials, it is noted that the prices of raw materials may have increased after the investigation period, but this could not have been taken into account in the dumping calculation for the applicant. In this case, the main raw material is wire rod, a basic steel product, which is a commodity with prices normally fluctuating within short periods. Therefore, any price increase of such raw material cannot be considered to be of a lasting nature, which could put into question the above findings.
- (28) Finally, it should be noted that, since the repeal of the measures concerns only the applicant, and not Turkey as a whole, the applicant remains subject to the proceeding and may be reinvestigated in any subsequent review carried out for Turkey pursuant to Article 11(6) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1601/2001 is hereby amended as follows:

In the table of Article 1(3) the rate of duty (%) for the company Has Çelik ve Halat Sanayi Ticaret A.S. (TARIC additional code A220) shall be replaced by the following:

‘0’.

Article 2

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 Brussels, 8 April 2005.

For the Council
The President
J. ASSELBORN

COMMISSION REGULATION (EC) No 565/2005**of 14 April 2005****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 April 2005.

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

Done at Brussels, 14 April 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 14 April 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	99,5
	204	63,6
	212	146,4
	624	104,1
	999	103,4
0707 00 05	052	144,2
	204	53,8
	999	99,0
0709 90 70	052	105,4
	204	40,9
	999	73,2
0805 10 20	052	47,3
	204	48,9
	212	52,4
	220	49,1
	400	55,3
	624	57,1
0805 50 10	999	51,7
	052	61,8
	220	69,6
	400	69,0
	624	63,2
0808 10 80	999	65,9
	388	88,0
	400	118,1
	404	97,6
	508	59,7
	512	71,1
	524	63,2
	528	79,6
	720	80,5
	804	110,5
0808 20 50	999	85,4
	388	81,2
	512	77,6
	528	65,8
	999	74,9

⁽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 566/2005**of 14 April 2005****amending the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the markets in the milk and milk products sector⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

- (1) The rates of the refunds applicable from 24 March 2005 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 468/2005⁽²⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 468/2005 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 468/2005 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 April 2005.

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

Done at Brussels, 14 April 2005.

For the Commission

Günter VERHEUGEN

Vice-President

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1787/2003 (OJ L 270, 21.10.2003, p. 121).

⁽²⁾ OJ L 78, 24.3.2005, p. 9.

ANNEX

Rates of the refunds applicable from 15 April 2005 to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	26,53	28,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 2571/97 are exported	32,54	34,67
	(b) on exportation of other goods	61,57	65,60
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 2571/97 are exported	40,70	44,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	126,58	136,25
	(c) on exportation of other goods	119,33	129,00

⁽¹⁾ The rates set out in this Annex are not applicable to exports to Bulgaria, with effect from 1 October 2004, and to the goods listed in Tables I and II to Protocol No 2 the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation or to the Principality of Liechtenstein with effect from 1 February 2005.

COMMISSION REGULATION (EC) No 567/2005**of 14 April 2005****setting, for the 2004/2005 marketing year, the amounts to be paid to olive oil producer organisations and associations thereof recognised under Council Regulation No 136/66/EEC**

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 20d(4) thereof,

Whereas:

- (1) Article 20d(1) of Regulation No 136/66/EEC provides for a percentage of production aid to be withheld to help finance the work of recognised producer organisations and associations thereof. For the 1998/1999, 1999/2000, 2000/2001, 2001/2002, 2002/2003, 2003/2004 and 2004/2005 marketing years that percentage is 0,8 %.
- (2) Under Article 21(1) of Commission Regulation (EC) No 2366/98 of 30 October 1998⁽²⁾ laying down detailed rules for the application of the system of production aid for olive oil for the 1998/1999, 1999/2000, 2000/2001, 2001/2002, 2002/2003, 2003/2004 and 2004/2005 marketing years, the unit amounts to be paid to producer organisations and associations thereof are to be fixed on the basis of the forecasts of the overall sum to be distributed. The funds that will become available in each Member State as a result of the amount withheld as referred to above must be distributed in an appropriate way among those eligible.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2004/2005 marketing year, the amounts provided for in Article 21(1)(a) and (b) of Regulation (EC) No 2366/98 shall be as follows:

- for Greece EUR 2,0 and EUR 2,0 respectively
- for Spain EUR 4,5 and EUR 2,2 respectively
- for France EUR 0,0 and EUR 0,0 respectively
- for Italy EUR 2,0 and EUR 2,2 respectively
- for Malta EUR 0,0 and EUR 0,0 respectively
- for Portugal EUR 0,0 and EUR 6,5 respectively
- for Slovenia EUR 0,0 and EUR 0,0 respectively

Article 2

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

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

Done at Brussels, 14 April 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ 172, 30.9.1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 865/2004 (OJ L 161, 30.4.2004, p. 97).

⁽²⁾ OJ L 293, 31.10.1998, p. 50. Regulation as last amended by Regulation (EC) No 1432/2004 (OJ L 264, 11.8.2004, p. 6).

COMMISSION REGULATION (EC) No 568/2005**of 14 April 2005****amending Regulation (EC) No 1159/2003 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**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

(4) Regulation (EC) No 1159/2003 should therefore be amended accordingly.

Having regard to the Treaty establishing the European Community,

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

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 Articles 22(2) and 39(6) thereof,

HAS ADOPTED THIS REGULATION:

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⁾, and in particular Article 1 thereof,*Article 1*

Article 9 of Regulation (EC) No 1159/2003 is hereby replaced by the following:

Whereas:

'Article 9

(1) Experience gained during the 2003/04 marketing year, which was the first period of application of Commission Regulation (EC) No 1159/2003⁽³⁾, has shown that the common detailed rules of application laid down by that Regulation need to be improved, in particular as regards the method of determining the quantities of the delivery obligations for ACP-India preferential sugar.

1. The Commission shall determine, in accordance with the procedure referred to in Article 42(2) of Regulation (EC) No 1260/2001, the quantities of the delivery obligations for each exporting country concerned, in accordance with Articles 3 and 7 of the ACP Protocol, Articles 3 and 7 of the Agreement with India, and Articles 11 and 12 of this Regulation.

(2) To guarantee the predictability required for the smooth running of commercial transactions the Commission, before the start of the delivery period concerned, should provisionally determine the quantities of the delivery obligations in accordance with the procedure referred to in Article 42(2) of Regulation (EC) No 1260/2001.

2. The quantities of the delivery obligations for a delivery period:

(3) During the delivery period, once more details are known about the quantities actually delivered in the previous years, these quantities should be fixed subject to possible amendment when the exact figures are available. Without prejudice to investigations to be carried out, a method should also be adopted to process, when determining the quantities of the delivery obligations, the nominal quantities of import licences for which it has not been possible to establish the actual import into the Community.

(a) shall be determined provisionally before 1 May preceding the period in question;

(b) shall be adopted before 1 February of the period in question;

(c) shall occasionally be adjusted during the period in question if necessary as a result of new information, in particular to resolve duly justified specific cases.

⁽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 146, 20.6.1996, p. 1.

⁽³⁾ OJ L 162, 1.7.2003, p. 25. Regulation as last amended by Regulation (EC) No 1409/2004 (OJ L 256, 3.8.2004, p. 11).

The delivery obligations taken into account for the issue of licences as referred to in Article 4 shall be equal to the quantities determined under the first paragraph hereto, adjusted, if necessary, in line with the decisions taken under Articles 3 and 7 of the ACP Protocol and of the Agreement with India.

3. The quantities of delivery obligations shall be determined in accordance with Articles 3 and 7 of the ACP Protocol, Articles 3 and 7 of the Agreement with India, and Articles 11 and 12 of this Regulation, taking into account in particular:

- (a) the deliveries actually recorded over the preceding delivery periods;
- (b) the quantities declared as quantities which could not be delivered, in accordance with Article 7 of the ACP Protocol and of the Agreement with India.

Where the nominal quantities for which import licences have been issued exceed the quantities of deliveries actually recorded in the previous delivery periods, without prejudice to the results of the investigations to be carried out by the competent authorities, the nominal quantities of the licences for which it has not been possible to establish the actual import into the Community shall be added to the quantities referred to in point (a) of the first paragraph.

4. The adjustments referred to in paragraph 2(c) may comprise transfers of quantities between two consecutive delivery periods provided that this does not disrupt the supply arrangements referred to in Article 39 of Regulation (EC) No 1260/2001.

5. The total for each delivery period of the quantities of the delivery obligations for the different exporting countries concerned shall be imported as preferential ACP-India sugar under the delivery obligations at zero duty.

The delivery obligation for the 2003/04, 2004/05 and 2005/06 marketing years shall bear the following serial number: "ACP-India preferential sugar": No 09.4321.'

Article 2

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

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

Done at Brussels, 14 April 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 569/2005**of 14 April 2005****establishing a transitional measure for the 2004/2005 marketing year on funding the storage of cereals offered for intervention in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, and in particular the first subparagraph of Article 41 thereof,

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

Whereas:

- (1) At the request of certain Member States, Commission Regulation (EC) No 495/2005 ⁽²⁾ extends by three months, for the 2004/2005 marketing year, the deadline for delivering cereals offered for intervention in the Member States which joined the European Community on 1 May 2004, although it does not authorise delivery beyond 31 July 2005.
- (2) This measure may give rise to additional storage costs for cereals delivered by this new deadline but after the time-limit initially laid down in the third subparagraph of Article 4(3) of Commission Regulation (EC) No 824/2000 of 19 April 2000 establishing procedures for the taking-over of cereals by intervention agencies and laying down methods of analysis for determining the quality of cereals ⁽³⁾.
- (3) In accordance with Article 6 of Council Regulation (EEC) No 1883/78 of 2 August 1978 laying down general rules for the financing of interventions by the European Agricultural Guidance and Guarantee Fund,

Guarantee Section ⁽⁴⁾, the EAGGF Guarantee Section covers expenditure on the physical operations involved in storage. Member State expenditure on the reimbursement of any additional storage costs, as referred to above, should be treated as expenditure arising from storage costs normally borne by the intervention agencies, and provision should be made for that expenditure to be funded by the EAGGF Guarantee Section on the basis of the same standard amount, account also being taken of the monthly increase added to the intervention price, as provided for in Article 4(3) of Regulation (EC) No 1784/2003.

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

HAS ADOPTED THIS REGULATION:

Article 1

Where the cereals offered for intervention in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia have been effectively taken over by the intervention agency after the deadline laid down in the third subparagraph of Article 4(3) of Commission Regulation (EC) No 824/2000, Member State expenditure in respect of storage costs incurred between that deadline and the date of actual delivery to the warehouse designated in the delivery schedule, which must be before the deadline laid down in Regulation (EC) No 495/2005, shall be treated as expenditure of the type referred to in Article 6 of Regulation (EEC) No 1883/78.

Article 2

The standard amount referred to in the first paragraph of Article 6 of Regulation (EEC) No 1883/78 shall be calculated on the basis of the standard amount reimbursed by the Community to the Member States for the storage of cereals purchased for intervention during the 2004/05 marketing year, as laid down in the Commission Decision of 8 October 2004 ⁽⁵⁾, i.e. EUR 1,26 per tonne per month, from which shall be deducted the monthly increase provided for in Article 4(3) of Regulation (EC) No 1784/2003, i.e. EUR 0,46 per tonne per month, which has been added to the intervention price for each month after the deadline laid down in the third subparagraph of Article 4(3) of Regulation (EC) No 824/2000.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 82, 31.3.2005, p. 5.

⁽³⁾ OJ L 100, 20.3.2000, p. 31. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

⁽⁴⁾ OJ L 216, 5.8.1978, p. 1. Regulation as last amended by Regulation (EC) No 1259/96 (OJ L 163, 2.7.1996, p. 10).

⁽⁵⁾ C(2004) 3706. Decision not published.

Such expenditure shall be taken into account in the context of the annual expenditure referred to in Article 1 of Council Regulation (EEC) No 3492/90 ⁽¹⁾ as expenditure on the physical operations involved in the buying-in of products by intervention agencies.

Article 3

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

It shall apply to the 2004/2005 marketing year.

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

Done at Brussels, 14 April 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 337, 4.12.1990, p. 3.

COMMISSION REGULATION (EC) No 570/2005**of 14 April 2005****amending Regulation (EC) No 118/2005 as regards the fixing of budgetary ceilings for direct payments to be granted under Article 71 of Council Regulation (EC) No 1782/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001⁽¹⁾, and in particular Article 71(2) thereof,

Whereas:

- (1) Annex IV to Regulation (EC) No 118/2005 modifying Annex VIII to Council Regulation (EC) No 1782/2003 and establishing budgetary ceilings for partial or optional implementation of the Single Payment Scheme and annual financial envelopes for Single Area Payment Scheme provided for in that Regulation establishes, for the 2005 financial year, budgetary ceilings for direct payments to be granted under Article 71 of Regulation (EC) No 1782/2003.
- (2) In calculating single payment entitlements France recently discovered a not inconsiderable disparity between the financial result using the individual physical data

relating to the different direct payments during the reference period, which are used to establish the reference amounts, and the data which had been communicated by France and used to establish the budgetary ceilings for the various direct payments in Regulation (EC) No 118/2005.

- (3) The budgetary ceilings applicable in France for the year 2005 for the direct payments fixed in Regulation (EC) No 118/2005 should therefore be amended.
- (4) Regulation (EC) No 118/2005 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EC) No 118/2005 is hereby replaced by the Annex to this Regulation.

Article 2

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 Brussels, 14 April 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 1. Regulation last amended by Commission Regulation (EC) No 118/2005 (OJ L 24, 27.1.2005, p. 15).

ANNEX

‘ANNEX IV

**BUDGETARY CEILINGS FOR DIRECT PAYMENTS TO BE GRANTED UNDER ARTICLE 71 OF REGULATION
(EC) No 1782/2003**

Calendar year 2005

(EUR 1 000)

	Greece	Finland	France (*)	Malta	Netherlands	Slovenia	Spain (*)
Arable crops area payments 63 EUR/t	297 389	278 100	5 050 765	174	174 186	12 467	1 621 440
Arable crops area payments 63 EUR/t, POSEI							23
Specific regional aid for arable crops 24 EUR/t		80 700					
Durum wheat supplementary payment (291 EUR/ha) and special aid for non traditional zones (46 EUR/ha)	179 500		62 828				171 822
Grain legumes aid	2 100		1 331				60 518
Grain legumes aid, POSEI							1
Seed aid	1 400	2 900	16 581	29	10 400	35	10 347
Suckler cow premium	25 700	9 300	733 137	26	10 900	5 183	279 830
Additional suckler cow premium	3 100	600	1 279	3		626	28 937
Special beef premium	29 900	40 700	389 619	201	20 400	5 813	147 721
Slaughter premium, adults	8 000	27 600	253 119	144	62 200	3 867	142 954
Slaughter premium, calves		100	79 472		40 300	538	602
Beef extensification payment	17 600	16 780	260 795		900	5 360	153 486
Additional payments to beef producers	3 800	6 100	90 586	19	23 900	889	31 699
Sheep and goat premium	180 300	1 200	136 021	53	13 800	520	366 997
Sheep and goat supplementary premium	63 200	400	40 391	18	300	178	111 589
Additional payments to sheep and goat producers	8 800	100	7 026	3	700	26	18 655
Payments to starch potato producers (44,216 EUR/t)		2 400	11 250		21 800		
Area aid for rice (102 EUR/t)	15 400		10 827				67 991
Area aid for rice (102 EUR/t), French Overseas Departments			3 053				
Dried fodder income payments	1 100	20	41 224		6 800		44 075
Add. beef and sheep premiums in Aegean Islands	1 000						
Hops area aid			391			298	375

(*) Aids corresponding to premiums paid in animal sectors during the reference years 2000-2002 in the outermost regions have been deducted.’

COMMISSION REGULATION (EC) No 571/2005**of 14 April 2005****fixing the representative prices and the additional import duties for molasses in the sugar sector
applicable from 15 April 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 market in sugar ⁽¹⁾, and in particular Article 24(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽²⁾, stipulates that the cif import price for molasses established in accordance with Commission Regulation (EEC) No 785/68 ⁽³⁾, is to be considered the representative price. That price is fixed for the standard quality defined in Article 1 of Regulation (EEC) No 785/68.
- (2) For the purpose of fixing the representative prices, account must be taken of all the information provided for in Article 3 of Regulation (EEC) No 785/68, except in the cases provided for in Article 4 of that Regulation and those prices should be fixed, where appropriate, in accordance with the method provided for in Article 7 of that Regulation.
- (3) Prices not referring to the standard quality should be adjusted upwards or downwards, according to the

quality of the molasses offered, in accordance with Article 6 of Regulation (EEC) No 785/68.

- (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 1422/95. Should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed.
- (5) The representative prices and additional import duties for the products concerned should be fixed in accordance with Articles 1(2) and 3(1) of Regulation (EC) No 1422/95.
- (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 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 April 2005.

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

Done at Brussels, 14 April 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽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. 12. Regulation as amended by Regulation (EC) No 79/2003 (OJ L 13, 18.1.2003, p. 4).

⁽³⁾ OJ 145, 27.6.1968, p. 12. Regulation as amended by Regulation (EC) No 1422/95.

ANNEX

Representative prices and additional duties for imports of molasses in the sugar sector applicable from 15 April 2005

(EUR)

CN code	Amount of the representative price in 100 kg net of the product in question	Amount of the additional duty in 100 kg net of the product in question	Amount of the duty to be applied to imports in 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽¹⁾
1703 10 00 ⁽²⁾	10,68	—	0
1703 90 00 ⁽²⁾	11,10	—	0

⁽¹⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

⁽²⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

COMMISSION REGULATION (EC) No 572/2005**of 14 April 2005****fixing the export refunds on white sugar and raw sugar exported in its unaltered state**

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 second subparagraph of Article 27(5) thereof,

Whereas:

- (1) Article 27 of Regulation (EC) No 1260/2001 provides that the difference between quotations or prices on the world market for the products listed in Article 1(1)(a) of that Regulation and prices for those products within the Community may be covered by an export refund.
- (2) Regulation (EC) No 1260/2001 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 28 of that Regulation. The same Article provides that the economic aspect of the proposed exports should also be taken into account.
- (3) The refund on raw sugar must be fixed in respect of the standard quality. The latter is defined in Annex I, point II, to Regulation (EC) No 1260/2001. Furthermore, this refund should be fixed in accordance with Article 28(4) of that Regulation. Candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector⁽²⁾. The refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content.
- (4) In special cases, the amount of the refund may be fixed by other legal instruments.

- (5) The refund must be fixed every two weeks. It may be altered in the intervening period.
- (6) The first subparagraph of Article 27(5) of Regulation (EC) No 1260/2001 provides that refunds on the products referred to in Article 1 of that Regulation may vary according to destination, where the world market situation or the specific requirements of certain markets make this necessary.
- (7) The significant and rapid increase in preferential imports of sugar from the western Balkan countries since the start of 2001 and in exports of sugar to those countries from the Community seems to be highly artificial.
- (8) To prevent any abuse through the re-import into the Community of sugar products in receipt of an export refund, no refund should be set for all the countries of the western Balkans for the products covered by this Regulation.
- (9) In view of the above and of the present situation on the market in sugar, and in particular of the quotations or prices for sugar within the Community and on the world market, refunds should be set at the appropriate amounts.
- (10) 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 export refunds on the products listed in Article 1(1)(a) of Regulation (EC) No 1260/2001, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 April 2005.

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

Done at Brussels, 14 April 2005.

For the Commission

Mariann FISCHER BOEL

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 214, 8.9.1995, p. 16.

ANNEX

**REFUNDS ON WHITE SUGAR AND RAW SUGAR EXPORTED WITHOUT FURTHER PROCESSING
APPLICABLE FROM 15 APRIL 2005 ⁽¹⁾**

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	32,40 ⁽²⁾
1701 11 90 9910	S00	EUR/100 kg	33,90 ⁽²⁾
1701 12 90 9100	S00	EUR/100 kg	32,40 ⁽²⁾
1701 12 90 9910	S00	EUR/100 kg	33,90 ⁽²⁾
1701 91 00 9000	S00	EUR/1 % of sucrose × 100 kg product net	0,3522
1701 99 10 9100	S00	EUR/100 kg	35,22
1701 99 10 9910	S00	EUR/100 kg	36,85
1701 99 10 9950	S00	EUR/100 kg	36,85
1701 99 90 9100	S00	EUR/1 % of sucrose × 100 kg of net product	0,3522

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are:

S00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Community) with the exception of Albania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro (including Kosovo, as defined in UN Security Council Resolution 1244 of 10 June 1999), the former Yugoslav Republic of Macedonia, save for sugar incorporated in the products referred to in Article 1(2)(b) of Council Regulation (EC) No 2201/96 (OJ L 297, 21.11.1996, p. 29).

⁽¹⁾ The amounts set out in this Annex are not applicable with effect from 1 February 2005 pursuant to Council Decision 2005/45/EC of 22 December 2004 concerning the conclusion and the provisional application of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (OJ L 23, 26.1.2005, p. 17).

⁽²⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 %, the refund amount applicable shall be calculated in accordance with Article 28(4) of Regulation (EC) No 1260/2001.

COMMISSION REGULATION (EC) No 573/2005**of 14 April 2005****fixing the maximum export refund for white sugar to certain third countries for the 23rd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1327/2004**

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 second indent of Article 27(5) thereof,

Whereas:

(1) Commission Regulation (EC) No 1327/2004 of 19 July 2004 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽²⁾, for the 2004/2005 marketing year, requires partial invitations to tender to be issued for the export of this sugar to certain third countries.

(2) Pursuant to Article 9(1) of Regulation (EC) No 1327/2004 a maximum export refund shall be fixed,

as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question.

(3) 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

For the 23rd partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1327/2004 the maximum amount of the export refund shall be 39,991 EUR/100 kg.

Article 2

This Regulation shall enter into force on 15 April 2005.

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

Done at Brussels, 14 April 2005.

For the Commission

Mariann FISCHER BOEL

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 246, 20.7.2004, p. 23. Regulation as amended by Regulation (EC) No 1685/2004 (OJ L 303, 30.9.2004, p. 21).

COMMISSION REGULATION (EC) No 574/2005
of 14 April 2005
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31 of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(2) Regulation (EC) No 1255/1999 provides that when the refunds on the products listed in Article 1 of the above-mentioned Regulation, exported in the natural state, are being fixed, account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organisation of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 300 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports.

(3) Article 31(5) of Regulation (EC) No 1255/1999 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third-country markets;
- (b) the most favourable prices in third countries of destination for third-country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices.

(4) Article 31(3) of Regulation (EC) No 1255/1999 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination.

(5) Article 31(3) of Regulation (EC) No 1255/1999 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; the amount of the refund may, however, remain at the same level for more than four weeks.

(6) In accordance with Article 16 of Commission Regulation (EC) No 174/1999 of 26 January 1999 on specific detailed rules for the application of Council Regulation (EEC) No 804/68 as regards export licences and export refunds on milk and milk products⁽²⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components; one is intended to take account of the quantity of milk products and is calculated by multiplying the basic amount by the milk products content in the product concerned; the other is intended to take account of the quantity of added sucrose and is calculated by multiplying the sucrose content of the entire product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1(1)(d) of Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽³⁾, however, this second component is applied only if the added sucrose has been produced using sugar beet or cane harvested in the Community.

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 20, 27.1.1999, p. 8. Regulation as last amended by Regulation (EC) No 1846/2004 (OJ L 322, 22.10.2004, p. 16).

⁽³⁾ OJ L 178, 30.6.2001, p. 1. Regulation as amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

- (7) Commission Regulation (EEC) No 896/84⁽¹⁾ laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) It follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.

- (10) The Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds referred to in Article 31 of Regulation (EC) No 1255/1999 on products exported in the natural state shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 15 April 2005.

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

Done at Brussels, 14 April 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 91, 1.4.1984, p. 71. Regulation as last amended by Regulation (EEC) No 222/88 (OJ L 28, 1.2.1988, p. 1).

ANNEX

to the Commission Regulation of 14 April 2005 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 10 10 9000	970	EUR/100 kg	1,548	0402 21 11 9300	L01	EUR/100 kg	—
0401 10 90 9000	970	EUR/100 kg	1,548		068	EUR/100 kg	—
0401 20 11 9500	970	EUR/100 kg	2,393		L02	EUR/100 kg	45,96
0401 20 19 9500	970	EUR/100 kg	2,393		A01	EUR/100 kg	58,97
0401 20 91 9000	970	EUR/100 kg	3,028	0402 21 11 9500	L01	EUR/100 kg	—
0401 30 11 9400	970	EUR/100 kg	6,987		068	EUR/100 kg	—
0401 30 11 9700	970	EUR/100 kg	10,49		L02	EUR/100 kg	47,95
0401 30 31 9100	L01	EUR/100 kg	—		A01	EUR/100 kg	61,56
	L02	EUR/100 kg	17,84	0402 21 11 9900	L01	EUR/100 kg	—
	A01	EUR/100 kg	25,49		068	EUR/100 kg	—
0401 30 31 9400	L01	EUR/100 kg	—		L02	EUR/100 kg	51,10
	L02	EUR/100 kg	27,87		A01	EUR/100 kg	65,60
	A01	EUR/100 kg	39,82	0402 21 17 9000	L01	EUR/100 kg	—
0401 30 31 9700	L01	EUR/100 kg	—		068	EUR/100 kg	—
	L02	EUR/100 kg	30,74		L02	EUR/100 kg	23,20
	A01	EUR/100 kg	43,91		A01	EUR/100 kg	28,00
0401 30 39 9100	L01	EUR/100 kg	—	0402 21 19 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	17,84		068	EUR/100 kg	—
	A01	EUR/100 kg	25,49		L02	EUR/100 kg	45,96
0401 30 39 9400	L01	EUR/100 kg	—		A01	EUR/100 kg	58,97
	L02	EUR/100 kg	27,87	0402 21 19 9500	L01	EUR/100 kg	—
	A01	EUR/100 kg	39,82		068	EUR/100 kg	—
0401 30 39 9700	L01	EUR/100 kg	—		L02	EUR/100 kg	47,95
	L02	EUR/100 kg	30,74		A01	EUR/100 kg	61,56
	A01	EUR/100 kg	43,91	0402 21 19 9900	L01	EUR/100 kg	—
0401 30 91 9100	L01	EUR/100 kg	—		068	EUR/100 kg	—
	L02	EUR/100 kg	35,03		L02	EUR/100 kg	51,10
	A01	EUR/100 kg	50,05		A01	EUR/100 kg	65,60
0401 30 99 9100	L01	EUR/100 kg	—	0402 21 91 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	35,03		068	EUR/100 kg	—
	A01	EUR/100 kg	50,05		L02	EUR/100 kg	51,42
0401 30 99 9500	L01	EUR/100 kg	—		A01	EUR/100 kg	66,00
	L02	EUR/100 kg	51,49	0402 21 91 9200	L01	EUR/100 kg	—
	A01	EUR/100 kg	73,55		068	EUR/100 kg	—
0402 10 11 9000	L01	EUR/100 kg	—		L02	EUR/100 kg	51,72
	068	EUR/100 kg	—		A01	EUR/100 kg	66,40
	L02	EUR/100 kg	23,20	0402 21 91 9350	L01	EUR/100 kg	—
	A01	EUR/100 kg	28,00		068	EUR/100 kg	—
0402 10 19 9000	L01	EUR/100 kg	—		L02	EUR/100 kg	52,26
	068	EUR/100 kg	—		A01	EUR/100 kg	67,08
	L02	EUR/100 kg	23,20	0402 21 91 9500	L01	EUR/100 kg	—
	A01	EUR/100 kg	28,00		068	EUR/100 kg	—
0402 10 91 9000	L01	EUR/kg	—		L02	EUR/100 kg	56,16
	068	EUR/kg	—		A01	EUR/100 kg	72,09
	L02	EUR/kg	0,2320	0402 21 99 9100	L01	EUR/100 kg	—
	A01	EUR/kg	0,2800		068	EUR/100 kg	—
0402 10 99 9000	L01	EUR/kg	—		L02	EUR/100 kg	51,42
	068	EUR/kg	—		A01	EUR/100 kg	66,00
	L02	EUR/kg	0,2320	0402 21 99 9200	L01	EUR/100 kg	—
	A01	EUR/kg	0,2800		068	EUR/100 kg	—
0402 21 11 9200	L01	EUR/100 kg	—		L02	EUR/100 kg	51,72
	068	EUR/100 kg	—		A01	EUR/100 kg	66,40
	L02	EUR/100 kg	23,20				
	A01	EUR/100 kg	28,00				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0402 21 99 9300	L01	EUR/100 kg	—	0402 91 19 9370	L01	EUR/100 kg	—
	068	EUR/100 kg	—		L02	EUR/100 kg	4,958
	L02	EUR/100 kg	52,26		A01	EUR/100 kg	7,083
	A01	EUR/100 kg	67,08	0402 91 31 9300	L01	EUR/100 kg	—
0402 21 99 9400	L01	EUR/100 kg	—		L02	EUR/100 kg	5,859
	068	EUR/100 kg	—		A01	EUR/100 kg	8,371
	L02	EUR/100 kg	55,15	0402 91 39 9300	L01	EUR/100 kg	—
	A01	EUR/100 kg	70,80		L02	EUR/100 kg	5,859
0402 21 99 9500	L01	EUR/100 kg	—		A01	EUR/100 kg	8,371
	068	EUR/100 kg	—	0402 91 99 9000	L01	EUR/100 kg	—
	L02	EUR/100 kg	56,16		L02	EUR/100 kg	21,53
	A01	EUR/100 kg	72,09		A01	EUR/100 kg	30,75
0402 21 99 9600	L01	EUR/100 kg	—	0402 99 11 9350	L01	EUR/kg	—
	068	EUR/100 kg	—		L02	EUR/kg	0,1268
	L02	EUR/100 kg	60,12		A01	EUR/kg	0,1812
	A01	EUR/100 kg	77,17	0402 99 19 9350	L01	EUR/kg	—
0402 21 99 9700	L01	EUR/100 kg	—		L02	EUR/kg	0,1268
	068	EUR/100 kg	—		A01	EUR/kg	0,1812
	L02	EUR/100 kg	62,36	0402 99 31 9150	L01	EUR/kg	—
	A01	EUR/100 kg	80,06		L02	EUR/kg	0,1316
0402 21 99 9900	L01	EUR/100 kg	—		A01	EUR/kg	0,1880
	068	EUR/100 kg	—	0402 99 31 9300	L01	EUR/kg	—
	L02	EUR/100 kg	64,96		L02	EUR/kg	0,1288
	A01	EUR/100 kg	83,38		A01	EUR/kg	0,1840
0402 29 15 9200	L01	EUR/kg	—	0402 99 39 9150	L01	EUR/kg	—
	L02	EUR/kg	0,2320		L02	EUR/kg	0,1316
	A01	EUR/kg	0,2800		A01	EUR/kg	0,1880
0402 29 15 9300	L01	EUR/kg	—	0403 90 11 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,4596		L02	EUR/100 kg	22,88
	A01	EUR/kg	0,5897		A01	EUR/100 kg	27,61
0402 29 15 9500	L01	EUR/kg	—	0403 90 13 9200	L01	EUR/100 kg	—
	L02	EUR/kg	0,4795		L02	EUR/100 kg	22,88
	A01	EUR/kg	0,6156		A01	EUR/100 kg	27,61
0402 29 15 9900	L01	EUR/kg	—	0403 90 13 9300	L01	EUR/100 kg	—
	L02	EUR/kg	0,5110		L02	EUR/100 kg	45,54
	A01	EUR/kg	0,6560		A01	EUR/100 kg	58,45
0402 29 19 9300	L01	EUR/kg	—	0403 90 13 9500	L01	EUR/100 kg	—
	L02	EUR/kg	0,4596		L02	EUR/100 kg	47,53
	A01	EUR/kg	0,5897		A01	EUR/100 kg	61,01
0402 29 19 9500	L01	EUR/kg	—	0403 90 13 9900	L01	EUR/100 kg	—
	L02	EUR/kg	0,4795		L02	EUR/100 kg	50,65
	A01	EUR/kg	0,6156		A01	EUR/100 kg	65,01
0402 29 19 9900	L01	EUR/kg	—	0403 90 19 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,5110		L02	EUR/100 kg	50,96
	A01	EUR/kg	0,6560		A01	EUR/100 kg	65,41
0402 29 91 9000	L01	EUR/kg	—	0403 90 33 9400	L01	EUR/kg	—
	L02	EUR/kg	0,5142		L02	EUR/kg	0,4554
	A01	EUR/kg	0,6600		A01	EUR/kg	0,5845
0402 29 99 9100	L01	EUR/kg	—	0403 90 33 9900	L01	EUR/kg	—
	L02	EUR/kg	0,5142		L02	EUR/kg	0,5065
	A01	EUR/kg	0,6600		A01	EUR/kg	0,6501
0402 29 99 9500	L01	EUR/kg	—	0403 90 51 9100	970	EUR/100 kg	1,548
	L02	EUR/kg	0,5515		970	EUR/100 kg	10,49
	A01	EUR/kg	0,7080	0403 90 59 9170	L01	EUR/100 kg	—
0402 91 11 9370	L01	EUR/100 kg	—		L02	EUR/100 kg	17,84
	L02	EUR/100 kg	4,958		A01	EUR/100 kg	25,49
	A01	EUR/100 kg	7,083				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0403 90 59 9340	L01	EUR/100 kg	—	0405 10 11 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	26,11		075	EUR/100 kg	118,16
	A01	EUR/100 kg	37,29		L02	EUR/100 kg	93,35
0403 90 59 9370	L01	EUR/100 kg	—	0405 10 11 9700	A01	EUR/100 kg	125,86
	L02	EUR/100 kg	26,11		L01	EUR/100 kg	—
	A01	EUR/100 kg	37,29		075	EUR/100 kg	121,10
0403 90 59 9510	L01	EUR/100 kg	—	0405 10 19 9500	L02	EUR/100 kg	95,68
	L02	EUR/100 kg	26,11		A01	EUR/100 kg	129,00
	A01	EUR/100 kg	37,29		L01	EUR/100 kg	—
0404 90 21 9120	L01	EUR/100 kg	—	0405 10 19 9700	075	EUR/100 kg	118,16
	L02	EUR/100 kg	19,79		L02	EUR/100 kg	93,35
	A01	EUR/100 kg	23,88		A01	EUR/100 kg	125,86
0404 90 21 9160	L01	EUR/100 kg	—	0405 10 30 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	23,20		075	EUR/100 kg	121,10
	A01	EUR/100 kg	28,00		L02	EUR/100 kg	95,68
0404 90 23 9120	L01	EUR/100 kg	—	0405 10 30 9300	A01	EUR/100 kg	129,00
	L02	EUR/100 kg	23,20		L01	EUR/100 kg	—
	A01	EUR/100 kg	28,00		075	EUR/100 kg	118,16
0404 90 23 9130	L01	EUR/100 kg	—	0405 10 30 9700	L02	EUR/100 kg	93,35
	L02	EUR/100 kg	45,96		A01	EUR/100 kg	125,86
	A01	EUR/100 kg	58,97		L01	EUR/100 kg	—
0404 90 23 9140	L01	EUR/100 kg	—	0405 10 50 9300	075	EUR/100 kg	121,10
	L02	EUR/100 kg	47,95		L02	EUR/100 kg	95,68
	A01	EUR/100 kg	61,56		A01	EUR/100 kg	129,00
0404 90 23 9150	L01	EUR/100 kg	—	0405 10 50 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	51,10		075	EUR/100 kg	121,10
	A01	EUR/100 kg	65,60		L02	EUR/100 kg	95,68
0404 90 29 9110	L01	EUR/100 kg	—	0405 10 90 9000	A01	EUR/100 kg	129,00
	L02	EUR/100 kg	51,42		L01	EUR/100 kg	—
	A01	EUR/100 kg	66,00		075	EUR/100 kg	121,10
0404 90 29 9115	L01	EUR/100 kg	—	0405 10 90 9700	L02	EUR/100 kg	95,68
	L02	EUR/100 kg	51,72		A01	EUR/100 kg	129,00
	A01	EUR/100 kg	66,40		L01	EUR/100 kg	—
0404 90 29 9125	L01	EUR/100 kg	—	0405 20 90 9500	075	EUR/100 kg	118,16
	L02	EUR/100 kg	52,26		L02	EUR/100 kg	93,35
	A01	EUR/100 kg	67,08		A01	EUR/100 kg	125,86
0404 90 29 9140	L01	EUR/100 kg	—	0405 20 90 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	56,16		075	EUR/100 kg	121,10
	A01	EUR/100 kg	72,09		L02	EUR/100 kg	95,68
0404 90 81 9100	L01	EUR/kg	—	0405 90 10 9000	A01	EUR/100 kg	129,00
	L02	EUR/kg	0,2320		L01	EUR/100 kg	—
	A01	EUR/kg	0,2800		075	EUR/100 kg	125,54
0404 90 83 9110	L01	EUR/kg	—	0405 20 90 9500	L02	EUR/100 kg	99,17
	L02	EUR/kg	0,2320		A01	EUR/100 kg	133,72
	A01	EUR/kg	0,2800		L01	EUR/100 kg	—
0404 90 83 9130	L01	EUR/kg	—	0405 20 90 9700	075	EUR/100 kg	110,78
	L02	EUR/kg	0,4596		L02	EUR/100 kg	87,51
	A01	EUR/kg	0,5897		A01	EUR/100 kg	118,00
0404 90 83 9150	L01	EUR/kg	—	0405 90 10 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,4795		075	EUR/100 kg	115,20
	A01	EUR/kg	0,6156		L02	EUR/100 kg	91,01
0404 90 83 9170	L01	EUR/kg	—	0405 90 10 9000	A01	EUR/100 kg	122,71
	L02	EUR/kg	0,5110		L01	EUR/100 kg	—
	A01	EUR/kg	0,6560		075	EUR/100 kg	151,14
0404 90 83 9936	L01	EUR/kg	—	0405 90 10 9000	L02	EUR/100 kg	119,41
	L02	EUR/kg	0,1268		A01	EUR/100 kg	161,00
	A01	EUR/kg	0,1812				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0405 90 90 9000	L01	EUR/100 kg	—	0406 20 90 9919	L03	EUR/100 kg	—
	075	EUR/100 kg	120,90		L04	EUR/100 kg	38,05
	L02	EUR/100 kg	95,50		400	EUR/100 kg	—
	A01	EUR/100 kg	128,76		A01	EUR/100 kg	47,57
0406 10 20 9100	A00	EUR/100 kg	—	0406 30 31 9710	L03	EUR/100 kg	—
0406 10 20 9230	L03	EUR/100 kg	—		L04	EUR/100 kg	2,89
	L04	EUR/100 kg	14,01		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	6,74
0406 10 20 9290	A01	EUR/100 kg	17,51	0406 30 31 9730	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	4,22
	L04	EUR/100 kg	13,04		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	9,89
0406 10 20 9300	A01	EUR/100 kg	16,29	0406 30 31 9910	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	2,89
	L04	EUR/100 kg	5,72		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	6,74
0406 10 20 9610	A01	EUR/100 kg	7,14	0406 30 31 9930	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	4,22
	L04	EUR/100 kg	19,00		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	9,89
0406 10 20 9620	A01	EUR/100 kg	23,76	0406 30 31 9950	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	6,14
	L04	EUR/100 kg	19,29		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	14,38
0406 10 20 9630	A01	EUR/100 kg	24,09	0406 30 39 9500	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	4,22
	L04	EUR/100 kg	21,52		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	9,89
0406 10 20 9640	A01	EUR/100 kg	26,89	0406 30 39 9700	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	6,14
	L04	EUR/100 kg	31,62		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	14,38
0406 10 20 9650	A01	EUR/100 kg	39,52	0406 30 39 9930	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	6,14
	L04	EUR/100 kg	26,35		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	14,38
0406 10 20 9830	A01	EUR/100 kg	32,94	0406 30 39 9950	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	6,94
	L04	EUR/100 kg	9,79		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	16,27
0406 10 20 9850	A01	EUR/100 kg	12,22	0406 30 90 9000	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	7,28
	L04	EUR/100 kg	11,85		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	17,06
0406 20 90 9100	A00	EUR/100 kg	—	0406 40 50 9000	L03	EUR/100 kg	—
0406 20 90 9913	L03	EUR/100 kg	—		L04	EUR/100 kg	37,18
	L04	EUR/100 kg	24,27		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	46,47
0406 20 90 9915	A01	EUR/100 kg	30,34	0406 40 90 9000	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	38,18
	L04	EUR/100 kg	32,03		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	47,73
0406 20 90 9917	A01	EUR/100 kg	40,05	0406 90 13 9000	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	41,99
	L04	EUR/100 kg	34,06		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	60,10
	A01	EUR/100 kg	42,55				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 15 9100	L03	EUR/100 kg	—	0406 90 63 9900	L03	EUR/100 kg	—
	L04	EUR/100 kg	43,40		L04	EUR/100 kg	44,25
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	62,10		A01	EUR/100 kg	64,13
0406 90 17 9100	L03	EUR/100 kg	—	0406 90 69 9100	A00	EUR/100 kg	—
	L04	EUR/100 kg	43,40		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	44,25
	A01	EUR/100 kg	62,10		400	EUR/100 kg	—
0406 90 21 9900	L03	EUR/100 kg	—	0406 90 73 9900	A01	EUR/100 kg	64,13
	L04	EUR/100 kg	42,52		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	38,54
	A01	EUR/100 kg	60,71		400	EUR/100 kg	—
0406 90 23 9900	L03	EUR/100 kg	—	0406 90 75 9900	A01	EUR/100 kg	55,21
	L04	EUR/100 kg	37,34		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	38,80
	A01	EUR/100 kg	53,67		400	EUR/100 kg	—
0406 90 25 9900	L03	EUR/100 kg	—	0406 90 76 9300	A01	EUR/100 kg	55,80
	L04	EUR/100 kg	37,09		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	34,99
	A01	EUR/100 kg	53,09		400	EUR/100 kg	—
0406 90 27 9900	L03	EUR/100 kg	—	0406 90 76 9400	A01	EUR/100 kg	50,08
	L04	EUR/100 kg	33,58		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	39,19
	A01	EUR/100 kg	48,09		400	EUR/100 kg	—
0406 90 31 9119	L03	EUR/100 kg	—	0406 90 76 9500	A01	EUR/100 kg	56,10
	L04	EUR/100 kg	30,88		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	37,28
	A01	EUR/100 kg	44,25		400	EUR/100 kg	—
0406 90 33 9119	L03	EUR/100 kg	—	0406 90 78 9100	A01	EUR/100 kg	52,91
	L04	EUR/100 kg	30,88		L03	EUR/100 kg	—
	A00	EUR/100 kg	—		L04	EUR/100 kg	36,15
	A01	EUR/100 kg	44,25		400	EUR/100 kg	—
0406 90 33 9919	A00	EUR/100 kg	—	0406 90 78 9300	A01	EUR/100 kg	52,81
0406 90 33 9951	A00	EUR/100 kg	—		L03	EUR/100 kg	—
0406 90 35 9190	L03	EUR/100 kg	—		L04	EUR/100 kg	38,33
	L04	EUR/100 kg	43,66		400	EUR/100 kg	—
	400	EUR/100 kg	—	0406 90 78 9500	A01	EUR/100 kg	54,74
	A01	EUR/100 kg	62,79		L03	EUR/100 kg	—
0406 90 35 9990	L03	EUR/100 kg	—		L04	EUR/100 kg	37,97
	L04	EUR/100 kg	43,66		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	53,89
	A01	EUR/100 kg	62,79	0406 90 79 9900	L03	EUR/100 kg	—
0406 90 37 9000	L03	EUR/100 kg	—		L04	EUR/100 kg	31,00
	L04	EUR/100 kg	41,99		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	44,56
0406 90 61 9000	A01	EUR/100 kg	60,10	0406 90 81 9900	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	39,19
	L04	EUR/100 kg	46,27		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	56,10
0406 90 63 9100	A01	EUR/100 kg	66,95	0406 90 85 9930	L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	42,31
	L04	EUR/100 kg	46,04		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	60,89
	A01	EUR/100 kg	66,40				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund	
0406 90 85 9970	L03	EUR/100 kg	—	0406 90 87 9951	L03	EUR/100 kg	—	
	L04	EUR/100 kg	38,80		L04	EUR/100 kg	38,48	
	400	EUR/100 kg	—		400	EUR/100 kg	—	
	A01	EUR/100 kg	55,80		A01	EUR/100 kg	55,09	
0406 90 86 9100	A00	EUR/100 kg	—	0406 90 87 9971	L03	EUR/100 kg	—	
0406 90 86 9200	L03	EUR/100 kg	—		L04	EUR/100 kg	38,48	
	L04	EUR/100 kg	35,61		400	EUR/100 kg	—	
	400	EUR/100 kg	—		A01	EUR/100 kg	55,09	
	A01	EUR/100 kg	52,80	0406 90 87 9972	L03	EUR/100 kg	—	
0406 90 86 9300	L03	EUR/100 kg	—		L04	EUR/100 kg	16,40	
	L04	EUR/100 kg	36,13		400	EUR/100 kg	—	
	400	EUR/100 kg	—		A01	EUR/100 kg	23,57	
	A01	EUR/100 kg	53,36	0406 90 87 9973	L03	EUR/100 kg	—	
0406 90 86 9400	L03	EUR/100 kg	—		L04	EUR/100 kg	37,79	
	L04	EUR/100 kg	38,36		400	EUR/100 kg	—	
	400	EUR/100 kg	—		A01	EUR/100 kg	54,08	
	A01	EUR/100 kg	56,10	0406 90 87 9974	L03	EUR/100 kg	—	
0406 90 86 9900	L03	EUR/100 kg	—		L04	EUR/100 kg	41,01	
	L04	EUR/100 kg	42,31		400	EUR/100 kg	—	
	400	EUR/100 kg	—		A01	EUR/100 kg	58,45	
	A01	EUR/100 kg	60,89	0406 90 87 9975	L03	EUR/100 kg	—	
0406 90 87 9100	A00	EUR/100 kg	—		L04	EUR/100 kg	41,83	
	0406 90 87 9200	L03	EUR/100 kg		—	400	EUR/100 kg	—
		L04	EUR/100 kg		29,68	A01	EUR/100 kg	59,11
		400	EUR/100 kg	—	0406 90 87 9979	L03	EUR/100 kg	—
A01		EUR/100 kg	43,99	L04		EUR/100 kg	37,34	
0406 90 87 9300	L03	EUR/100 kg	—	400		EUR/100 kg	—	
	L04	EUR/100 kg	33,16	A01		EUR/100 kg	53,67	
	400	EUR/100 kg	—	0406 90 88 9100	A00	EUR/100 kg	—	
	A01	EUR/100 kg	49,00		0406 90 88 9300	L03	EUR/100 kg	—
0406 90 87 9400	L03	EUR/100 kg	—			L04	EUR/100 kg	29,29
	L04	EUR/100 kg	34,03			400	EUR/100 kg	—
	400	EUR/100 kg	—	A01		EUR/100 kg	43,13	
	A01	EUR/100 kg	49,74					

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), as amended.

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are defined as follows:

L01 Holy See, the United States of America and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control,

L02 Andorra and Gibraltar,

L03 Ceuta, Melilla, Iceland, Norway, Switzerland, Liechtenstein, Andorra, Gibraltar, Holy See (often referred to as Vatican City), Turkey, Romania, Bulgaria, Croatia, Canada, Australia, New Zealand and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control,

L04 Albania, Bosnia and Herzegovina, Serbia and Montenegro and the former Yugoslav Republic of Macedonia.

'970' includes the exports referred to in Articles 36(1)(a) and (c) and 44(1)(a) and (b) of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11) and exports under contracts with armed forces stationed on the territory of a Member State which do not come under its flag.

COMMISSION REGULATION (EC) No 575/2005**of 14 April 2005****fixing the maximum export refund for butter in the framework of the standing invitation to tender provided for in Regulation (EC) No 581/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 581/2004 of 26 March 2004 opening a standing invitation to tender for export refunds concerning certain types of butter⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products⁽³⁾ and following an examination of the

tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 12 April 2005.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 12 April 2005, the maximum amount of refund for the products referred to in Article 1(1) of that Regulation shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 15 April 2005.

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

Done at Brussels, 14 April 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 90, 27.3.2004, p. 64.

⁽³⁾ OJ L 90, 27.3.2004, p. 58.

ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund	
		For export to the destination referred to in the first indent of Article 1(1) of Regulation (EC) No 581/2004	For export to the destinations referred to in the second indent of Article 1(1) of Regulation (EC) No 581/2004
Butter	ex 0405 10 19 9500	—	132,00
Butter	ex 0405 10 19 9700	131,00	136,50
Butteroil	ex 0405 90 10 9000	—	166,00

COMMISSION REGULATION (EC) No 576/2005**of 14 April 2005****fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products⁽¹⁾, and in particular the third subparagraph of Article 31(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 582/2004 of 26 March 2004 opening a standing invitation to tender for export refunds for skimmed milk powder⁽²⁾ provides for a permanent tender.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 580/2004 of 26 March 2004 establishing a tender procedure concerning export refunds for certain milk products⁽³⁾ and following an examination of the tenders submitted in response to the invitation to

tender, it is appropriate to fix a maximum export refund for the tendering period ending on 12 April 2005.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Milk and Milk Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 582/2004, for the tendering period ending on 12 April 2005, the maximum amount of refund for the product and destinations referred to in Article 1(1) of that Regulation shall be 31,00 EUR/100 kg.

Article 2

This Regulation shall enter into force on 15 April 2005.

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

Done at Brussels, 14 April 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 90, 27.3.2004, p. 67.

⁽³⁾ OJ L 90, 27.3.2004, p. 58.

COMMISSION REGULATION (EC) No 577/2005**of 14 April 2005****fixing the maximum reduction in the duty on sorghum imported in connection with the invitation to tender issued in Regulation (EC) No 2275/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on sorghum imported into Spain from third countries was opened pursuant to Commission Regulation (EC) No 2275/2004⁽²⁾.
- (2) Pursuant to Article 7 of Commission Regulation (EC) No 1839/95⁽³⁾, the Commission, acting under the procedure laid down in Article 25 of Regulation (EC) No 1784/2003, may decide to fix a maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. Whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 8 to 14 April 2005, pursuant to the invitation to tender issued in Regulation (EC) No 2275/2004, the maximum reduction in the duty on sorghum imported shall be 19,85 EUR/t and be valid for a total maximum quantity of 14 465 t.

Article 2

This Regulation shall enter into force on 15 April 2005.

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

Done at Brussels, 14 April 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 396, 31.12.2004, p. 32.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 578/2005**of 14 April 2005****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 2277/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular Article 12(1) thereof,

Whereas:

(1) An invitation to tender for the maximum reduction in the duty on maize imported into Spain from third countries was opened pursuant to Commission Regulation (EC) No 2277/2004⁽²⁾.

(2) Pursuant to Article 7 of Commission Regulation (EC) No 1839/95⁽³⁾ the Commission, acting under the procedure laid down in Article 25 of Regulation (EC) No 1784/2003, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 8 to 14 April 2005, pursuant to the invitation to tender issued in Regulation (EC) No 2277/2004, the maximum reduction in the duty on maize imported shall be 27,27 EUR/t and be valid for a total maximum quantity of 45 000 t.

Article 2

This Regulation shall enter into force on 15 April 2005.

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

Done at Brussels, 14 April 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 396, 31.12.2004, p. 35.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 579/2005**of 14 April 2005****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 487/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal from third countries was opened pursuant to Commission Regulation (EC) No 487/2005⁽²⁾.
- (2) Pursuant to Article 7 of Commission Regulation (EC) No 1839/95⁽³⁾, the Commission, acting under the procedure laid down in Article 25 of Regulation (EC) No 1784/2003, may decide to fix maximum reduction in the import duty. In fixing this maximum the criteria provided for in Articles 6 and 7 of Regulation (EC) No 1839/95 must be taken into account. A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.

- (3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum reduction in the import duty being fixed at the amount specified in Article 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 8 to 14 April 2005, pursuant to the invitation to tender issued in Regulation (EC) No 487/2005, the maximum reduction in the duty on maize imported shall be 26,36 EUR/t and be valid for a total maximum quantity of 45 000 t.

Article 2

This Regulation shall enter into force on 15 April 2005.

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

Done at Brussels, 14 April 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 81, 30.3.2005, p. 6.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 580/2005
of 14 April 2005
amending Regulation (EC) No 206/2005 imposing definitive safeguard measures against imports of
farmed salmon

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3285/94 of 22 December 1994 on common rules for imports and repealing Regulation (EC) No 518/94⁽¹⁾, and in particular Article 16 thereof,

Having regard to Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries and repealing Regulations (EEC) No 1765/82, (EEC) No 1766/82 and (EEC) No 3420/83⁽²⁾, and in particular Article 15 thereof,

Whereas:

PROCEDURE

- (1) On 4 February 2005, the Commission imposed definitive safeguard measures by Commission Regulation (EC) No 206/2005⁽³⁾ (the definitive Regulation). Pursuant to its Article 2, the measures include the application of a minimum import price (MIP).
- (2) In particular, Article 2(3) of the definitive Regulation sets the level of the MIP applicable until 15 April 2005.

(3) Recital (112) of the definitive Regulation calls for an early review before the entry into force of the revised MIP, should this be warranted.

(4) In line with the provisions of recital 112, the Commission is currently conducting a monitoring of the market and the development of prices. At this stage, it has not yet been possible to reach a conclusion on the appropriateness of a definitive minimum import price. Under the circumstances, and in order to permit the Commission to come to a definitive conclusion, while at the same time not unduly disturbing the market, it is considered appropriate to prolong the phase-in period until 24 May 2005,

HAS ADOPTED THIS REGULATION:

Sole Article

1. In Article 2(3) of Regulation (EC) No 206/2005, '15 April 2005' shall be replaced by '24 May 2005'.
2. In Article 2(4) of Regulation (EC) No 206/2005, '16 April 2005' shall be replaced by '25 May 2005'.

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 Brussels, 14 April 2005.

For the Commission

Peter MANDELSON

Member of the Commission

⁽¹⁾ OJ L 349, 31.12.1994, p. 53. Regulation as last amended by Regulation (EC) No 2200/2004 (OJ L 374, 22.12.2004, p. 1).

⁽²⁾ OJ L 67, 10.3.1994, p. 89. Regulation as last amended by Regulation (EC) No 427/2003 (OJ L 65, 8.3.2003, p. 1).

⁽³⁾ OJ L 33, 5.2.2005, p. 8.

COMMISSION REGULATION (EC) No 581/2005**of 14 April 2005****concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 1757/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1757/2004 ⁽²⁾.
- (2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on

the market for cereals ⁽³⁾, and in particular Article 13(3) thereof,

- (3) On the basis of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, a maximum refund should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 8 to 14 April 2005 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 1757/2004.

Article 2

This Regulation shall enter into force on 15 April 2005.

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

Done at Brussels, 14 April 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 313, 12.10.2004, p. 10.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last modified by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

COMMISSION REGULATION (EC) No 582/2005**of 14 April 2005****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 115/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

(1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 115/2005⁽²⁾.

(2) In accordance with Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, the Commission may, on the basis of the tenders notified, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95.

In that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund.

(3) The application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified on 8 to 14 April 2005, pursuant to the invitation to tender issued in Regulation (EC) No 115/2005, the maximum refund on exportation of common wheat shall be 2,00 EUR/t.

Article 2

This Regulation shall enter into force on 15 April 2005.

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

Done at Brussels, 14 April 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 24, 27.1.2005, p. 3.

⁽³⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

II

(Acts whose publication is not obligatory)

COUNCIL

Information relating to the entry into force of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products⁽¹⁾

The procedures necessary for the entry into force of the Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products, signed in Luxembourg on 26 October 2004, having been completed on 29 March 2005, this Agreement entered into force, in conformity with its Article 5(1), on 30 March 2005.

⁽¹⁾ OJ L 23, 26.1.2005, p. 19.

COMMISSION

COMMISSION DECISION

of 31 March 2005

concerning the non-inclusion of cresylic acid, dichlorophen, imazamethabenz, kasugamycin and polyoxin in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances

(notified under document number C(2005) 975)

(Text with EEA relevance)

(2005/303/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I to that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.
- (2) Commission Regulation (EC) No 451/2000⁽²⁾ and Commission Regulation (EC) No 1490/2002⁽³⁾ lay down the detailed rules for the implementation of the second and third stages of the programme of work referred to in Article 8(2) of Directive 91/414/EEC. For active substances for which a notifier fails to fulfil its obligations under these Regulations no completeness check or evaluation of the dossier shall be performed. For cresylic acid, dichlorophen, imazamethabenz, kasugamycin and polyoxin either no complete dossier has been submitted or the notifier has declared that no dossier will be submitted within the prescribed time

limit. As a consequence, these active substances should not be included in Annex I to Directive 91/414/EEC and Member States should withdraw all authorisations for plant protection products containing these substances.

- (3) For the active substances for which there is only a short period of advance notice for the withdrawal of plant protection products containing such substances, it is reasonable to provide for a period of grace for disposal, storage, placing on the market and use of existing stocks for a period of no longer than 12 months to allow existing stocks to be used in no more than one further growing season. In cases where a longer advance notice period is provided, such period can be shortened to expire at the end of the growing season.
- (4) For dichlorophen, imazamethabenz, kasugamycin and polyoxin, information has been presented and evaluated by the Commission together with Member State experts which has shown a need for further use of the substance concerned. In such cases temporary measures should be provided for to enable the development of alternatives.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Cresylic acid, dichlorophen, imazamethabenz, kasugamycin and polyoxin shall not be included in Annex I to Directive 91/414/EEC.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2004/58/EC (OJ L 120, 24.4.2004, p. 26).

⁽²⁾ OJ L 55, 29.2.2000, p. 25. Regulation as last amended by Regulation (EC) No 1044/2003 (OJ L 151, 19.6.2003, p. 32).

⁽³⁾ OJ L 224, 21.8.2002, p. 23. Regulation as last amended by Regulation (EC) No 1744/2004 (OJ L 311, 8.10.2004, p. 23).

Article 2

Member States shall ensure that:

1. Authorisations for plant protection products containing cresylic acid, dichlorophen, imazamethabenz, kasugamycin or polyoxin are withdrawn by 30 September 2005.
2. From 15 April 2005 no authorisations for plant protection products containing cresylic acid, dichlorophen, imazamethabenz, kasugamycin or polyoxin are granted or renewed under the derogation provided for in Article 8(2) of Directive 91/414/EEC.
3. By derogation from point 1, Member States listed in column B of the Annex may maintain authorisations for plant protection products containing substances listed in column A for uses listed in column C of that Annex until 30 June 2007 at the latest, to permit the development of an efficient alternative for the substance concerned.

Member States making use of the derogation provided for in the first subparagraph shall ensure that the following conditions are complied with:

- (a) the continued use is only accepted so far as it has no harmful effects on human or animal health and no unacceptable influence on the environment;
- (b) such plant protection products remaining on the market after 30 September 2005 are relabelled in order to match the restricted use conditions;
- (c) all appropriate risk mitigation measures are imposed to reduce any possible risks;

(d) alternatives for such uses are being seriously sought.

4. The Member State concerned shall inform the Commission about the measures taken in application of point 3, and in particular about the actions taken pursuant to points (a) to (d), by 31 March 2005 at the latest.

Article 3

Any period of grace granted by Member States in accordance with Article 4(6) of Directive 91/414/EEC, shall be as short as possible.

Where authorisations shall be withdrawn in accordance with Article 2(1) by 30 September 2005 at the latest, the period shall expire on 30 September 2006 at the latest.

Where authorisations shall be withdrawn in accordance with Article 2(3) by 30 June 2007 at the latest, the period shall expire on 31 December 2007 at the latest.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 31 March 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

LIST OF AUTHORISATIONS REFERRED TO IN ARTICLE 2(2)

Column A	Column B	Column C
Active substance	Member State	Use
Dichlorophen	Ireland	Moss control in amenity turf and golf greens
	United Kingdom	Liverworts and mosses on ornamentals
		Control of fungi and other plant pathogens on glasshouses surfaces and in nurseries on crop standing areas
		Moss control on managed amenity turf and hard surfaces
Imazamethabenz	Greece	Cereals
	Spain	Cereals
Kasugamycin	Greece	Prevention of bacterial diseases on tobacco, tomatoes, cucumbers, citrus, beans and ornamentals
	Hungary	Pome fruits (apple, pear, quince), sweet pepper, hot pepper, tomato, cucumber
	Spain	Prevention of bacterial diseases on tomatoes, cucumbers, apple and pear trees, cypresses (also fungal diseases), strawberries and French beans
Polyoxin	Greece	Prevention of fungal diseases on strawberries
	Spain	Prevention of bacterial and fungal diseases on tomatoes, marrows and cucumbers, bushes and herbaceous ornamentals, cotton and raspberry bush

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

EFTA SURVEILLANCE AUTHORITY DECISION

No 305/04/COL

of 1 December 2004

amending for the 48th time the procedural and substantive rules in the field of state aid by amending Chapter 16 'Aid for rescuing and restructuring firms in difficulty and proposal for appropriate measures'

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area ⁽¹⁾, and in particular to Articles 61 to 63 and Protocol 26 thereof,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice ⁽²⁾, and in particular to Article 24, Article 5(2)(b) and Article 1 in Part I of Protocol 3 and Articles 18 and 19 in Part II of Protocol 3 thereof ⁽³⁾,

Whereas under Article 24 of the Surveillance and Court Agreement, the EFTA Surveillance Authority shall give effect to the provisions of the EEA Agreement concerning State aid,

Whereas under Article 5(2)(b) of the Surveillance and Court Agreement, the EFTA Surveillance Authority shall issue notices or guidelines on matters dealt with in the EEA Agreement, if that Agreement or the Surveillance and Court Agreement expressly so provides or if the EFTA Surveillance Authority considers it necessary,

Recalling the Procedural and Substantive Rules in the Field of State Aid ⁽⁴⁾ adopted on 19 January 1994 by the EFTA Surveillance Authority,

⁽¹⁾ Hereinafter referred to as the EEA Agreement.

⁽²⁾ Hereinafter referred to as the Surveillance and Court Agreement.

⁽³⁾ Protocol 3 to the Surveillance and Court Agreement, as amended by the EFTA States on 10 December 2001. These amendments incorporated Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of [ex] Article 93 of the EC Treaty into Protocol 3 and entered into force on 28 August 2003.

⁽⁴⁾ Guidelines on the application and interpretation of Articles 61 and 62 of the EEA Agreement and Article 1 of Protocol 3 to the Surveillance and Court Agreement, adopted and issued by the EFTA Surveillance Authority on 19 January 1994, published in OJ L 231, 3.9.1994, p. 1 and in the EEA Supplement No 32, last amended by the Authority's Decision No 195/04/COL of 14 July 2004, not yet published. Hereinafter referred to as the State Aid Guidelines.

Whereas, on 1 October 2004, the European Commission published a new Communication on Community Guidelines on State aid for rescuing and restructuring firms in difficulty and a proposal for appropriate measures pursuant to Article 88(1) of the EC Treaty⁽¹⁾,

Whereas this Communication is also of relevance for the European Economic Area,

Whereas a uniform application of the EEA State aid rules is to be ensured throughout the European Economic Area,

Whereas, according to point II under the heading 'GENERAL' at the end of Annex XV to the EEA Agreement, the EFTA Surveillance Authority is to adopt, after consultation with the European Commission, acts corresponding to those adopted by the European Commission,

Having consulted the European Commission,

Recalling that the EFTA Surveillance Authority has consulted the EFTA States in a multilateral meeting on 3 February 2004 on the subject,

HAS ADOPTED THIS DECISION:

1. Chapter 16 of the State Aid Guidelines is amended by replacing the present Chapter 16 with the text contained in the Annex to this Decision. Appropriate measures, contained in the Annex to this Decision, are proposed.
2. The EFTA States shall be informed by means of a letter, including a copy of this Decision and including the Annex. The EFTA States shall be required to signify their agreement to the appropriate measures within one month of receipt of this letter. The EFTA States shall comply with the new guidelines by 1 June 2005 at the latest.
3. The European Commission shall be informed, in accordance with point (d) of Protocol 27 of the EEA Agreement, by means of a copy of this Decision, including the Annex.
4. The Decision, including the Annex, shall be published in the EEA Section of the *Official Journal of the European Union* and in the EEA Supplement thereto.
5. In case the EFTA States accept the proposal for appropriate measures, a summary notice shall be published in the EEA Section of the *Official Journal of the European Union* and in the EEA Supplement thereto.
6. The Decision is authentic in the English language.
7. The Decision is addressed to Norway, Iceland and Liechtenstein.

Done at Brussels, 1 December 2004.

For the EFTA Surveillance Authority

Hannes HAFSTEIN
President

Einar M. BULL
College Member

⁽¹⁾ Commission communication on Community Guidelines on State aid for rescuing and restructuring firms in difficulty (OJ C 244, 1.10.2004, p. 2).

ANNEX

'16. AID FOR RESCUING AND RESTRUCTURING FIRMS IN DIFFICULTY⁽¹⁾**16.1. Introduction**

- (1) The EFTA Surveillance Authority (hereinafter: the Authority) adopted its original Guidelines on State aid for rescuing and restructuring firms in difficulty⁽²⁾ in 1994. A new version of the guidelines was adopted in 1999⁽³⁾.
- (2) The Authority wishes through this version of the Guidelines, the text of which builds on previous versions, to make certain changes and clarifications prompted by a number of factors⁽⁴⁾.
- (3) The exit of inefficient firms is a normal part of the operation of the market. It cannot be the norm that a company which gets into difficulties is rescued by the State. Aid for rescue and restructuring operations has given rise to some of the most controversial State aid cases in the past and is among the most distortive types of State aid. Hence, the general principle of the prohibition of State aid as laid down in the EEA Agreement should remain the rule and derogation from that rule should be limited.
- (4) The "one time, last time" principle is further reinforced, to avoid the use of repeated rescue or restructuring aids to keep firms artificially alive.
- (5) The 1999 guidelines made a distinction between rescue aid and restructuring aid, whereby rescue aid was defined as temporary assistance to keep an ailing firm afloat for the time needed to work out a restructuring and/or a liquidation plan. In principle, restructuring measures financed through State aid could not be undertaken during this phase. However, such strict distinction between rescue and restructuring has given rise to difficulties. Firms in difficulty may already need to take certain urgent structural measures to halt or reduce a worsening of the financial situation in the rescue phase. These guidelines therefore widen the concept of "rescue aid" in order to allow the beneficiary to undertake urgent measures, even of a structural nature, such as an immediate closure of a branch or other form of abandonment of loss-making activities. Given the urgent character of such aids, the EFTA States should be given the opportunity to opt for a simplified procedure to obtain their approval.
- (6) As regards restructuring aids, building on the 1994 guidelines, the 1999 guidelines continued to require a substantial contribution from the beneficiary to the restructuring. Within this revision, it is appropriate to reaffirm with greater clarity the principle that this contribution must be real and free of aid. The beneficiary's contribution has a twofold purpose: on the one hand, it will demonstrate that the markets (owners, creditors) believe in the feasibility of the return to viability within a reasonable time period. On the other hand, it will ensure that restructuring aid is limited to the minimum required to restore viability while limiting distortion of competition. In this respect the Authority will also request compensatory measures to minimise the effect on competitors.
- (7) The provision of rescue or restructuring aid to firms in difficulty may only be regarded as legitimate subject to certain conditions. It may be justified, for instance, by social or regional policy considerations, by the need to take into account the beneficial role played by small and medium-sized enterprises (SMEs) in the economy or, exceptionally, by the desirability of maintaining a competitive market structure when the demise of firms could lead to a monopoly or to a tight oligopolistic situation. On the other hand, it would not be justified to keep a firm artificially alive in a sector with long-term structural overcapacity or when it can only survive as a result of repeated State interventions.

⁽¹⁾ This Chapter corresponds to the Community Guidelines on State aid for rescuing and restructuring firms in difficulty (OJ C 244, 1.10.2004, p. 1).

⁽²⁾ Adopted 19 January 1994, published in OJ L 231 3.9.1994, p. 1 and in the EEA Supplement thereto No 32 on the same date.

⁽³⁾ Adopted 16 December 1999, published in OJ L 274, 26.10.2000 and in the EEA Supplement thereto No 48 on the same date.

⁽⁴⁾ In the corresponding Commission Communication, the Commission has stated that closer scrutiny of the distortion created by allowing aid for rescue and restructuring operations seems warranted in the light of conclusions of the meetings of the European Councils of Stockholm on 23 and 24 March 2001 and of Barcelona on 15 and 16 March 2002, which called on Member States to continue to reduce State aid as a percentage of Gross Domestic Product while redirecting it towards more horizontal objectives of common interest including cohesion objectives. This is also consistent with the conclusions of the European Council held in Lisbon on 23 and 24 March 2000 aimed at increasing the competitiveness of the European economy.

16.2. Definitions and scope of the Guidelines and links with other texts on State Aid

16.2.1. Meaning of "a firm in difficulty"

- (8) There is no EEA definition of what constitutes "a firm in difficulty". However, for the purposes of these Guidelines, the Authority regards a firm as being in difficulty where it is unable, whether through its own resources or with the funds it is able to obtain from its owner/shareholders or creditors, to stem losses which, without outside intervention by the public authorities, will almost certainly condemn it to going out of business in the short or medium term.
- (9) In particular, a firm is, in principle and irrespective of its size, regarded as being in difficulty for the purposes of these Guidelines in the following circumstances:
- (a) in the case of a limited liability company⁽⁵⁾, where more than half of its registered capital has disappeared⁽⁶⁾ and more than one quarter of that capital has been lost over the preceding 12 months;
 - (b) in the case of a company where at least some members have unlimited liability for the debt of the company⁽⁷⁾, where more than half of its capital as shown in the company accounts has disappeared and more than one quarter of that capital has been lost over the preceding 12 months;
 - (c) whatever the type of company concerned, where it fulfils the criteria under its domestic law for being the subject of collective insolvency proceedings.
- (10) Even when none of the circumstances set out in point 9 are present, a firm may still be considered to be in difficulties, in particular where the usual signs of a firm being in difficulty are present, such as increasing losses, diminishing turnover, growing stock inventories, excess capacity, declining cash flow, mounting debt, rising interest charges and falling or nil net asset value. In acute cases the firm may already have become insolvent or may be the subject of collective insolvency proceedings brought under domestic law. In the latter case, these Guidelines apply to any aid granted in the context of such proceedings which leads to the firm's continuing in business. In any event, a firm in difficulty is eligible only where, demonstrably, it cannot recover through its own resources or with the funds it obtains from its owners/shareholders or from market sources.
- (11) For the purposes of these Guidelines, a newly created firm is not eligible for rescue or restructuring aid even if its initial financial position is insecure. This is the case, for instance, where a new firm emerges from the liquidation of a previous firm or merely takes over such firm's assets. A firm will in principle be considered as newly created for the first 3 years following the start of operations in the relevant field of activity. Only after that period will it become eligible for rescue or restructuring aid, provided that:
- (a) it qualifies as a firm in difficulty within the meaning of these Guidelines, and
 - (b) it does not form part of a larger business group⁽⁸⁾ except under the conditions laid down in point 12.
- (12) A firm belonging to or being taken over by a larger business group is not normally eligible for rescue or restructuring aid, except where it can be demonstrated that the firm's difficulties are intrinsic and are not the result of an arbitrary allocation of costs within the group, and that the difficulties are too serious to be dealt with by the group itself. Where a firm in difficulty creates a subsidiary, the subsidiary, together with the firm in difficulty controlling it, will be regarded as a group and may receive aid under the conditions laid down in this point.

⁽⁵⁾ This refers in particular to the types of company mentioned in the first subparagraph of Article 1(1) of Council Directive 78/660/EEC (OJ L 222, 14.8.1978, p. 11) as last amended by Directive 2003/51/EC of the European Parliament and of the Council (OJ L 178, 17.7.2003, p. 16) as incorporated into point 4 of Annex XXII to the EEA Agreement by the Decision of the EEA Joint Committee No 176/2003 (OJ L 88, 25.3.2004, p. 53 and EEA Supplement No 15, 25.3.2004, p. 14).

⁽⁶⁾ By analogy with the provisions of Second Council Directive 77/91/EEC (OJ L 26, 31.1.1977, p. 1) as last amended by the 2003 Act of Accession to the EU. Incorporated into point 2 of Annex XXII to the EEA Agreement by the EEA Enlargement Agreement.

⁽⁷⁾ This refers in particular to the types of company mentioned in the second subparagraph of Article 1(1) of Directive 78/660/EEC (OJ L 222, 14.8.1978, p. 11) as last amended by Directive 2003/51/EC of the European Parliament and of the Council (OJ L 178, 17.7.2003, p. 16) as incorporated into point 4 of Annex XXII to the EEA Agreement by the Decision of the EEA Joint Committee No 176/2003 (OJ L 88, 25.3.2004, p. 53 and EEA Supplement No 15, 25.3.2004, p. 14).

⁽⁸⁾ To determine whether a company is independent or forms part of a group, the criteria laid down in Annex I to Commission Regulation (EC) No 68/2001 (OJ L 10, 13.1.2001, p. 20), as amended by Regulation (EC) No 363/2004 (OJ L 63, 28.2.2004, p. 20) as incorporated into point 1(d) of Annex XV to the EEA Agreement by the Decision of the EEA Joint Committee No. 131/2004 (OJ L 64, 10.3.2005, p. 67) will be taken into account.

16.2.2. Definition of "rescue and restructuring aid"

- (13) Rescue aid and restructuring aid are covered by the same set of guidelines, because in both cases the public authorities are faced with a firm in difficulty and the rescue and restructuring are often two parts of a single operation, even if they involve different processes.
- (14) Rescue aid is by nature temporary and reversible assistance. Its primary objective is to make it possible to keep an ailing firm afloat for the time needed to work out a restructuring or liquidation plan. The general principle is that rescue aid makes it possible temporarily to support a company confronted with an important deterioration of its financial situation reflected by an acute liquidity crisis or technical insolvency. Such temporary support should allow time to analyse the circumstances which gave rise to the difficulties and to develop an appropriate plan to remedy those difficulties. Moreover, the rescue aid must be limited to the minimum necessary. In other words, rescue aid offers a short respite, not exceeding six months, to a firm in difficulty. The aid must consist of reversible liquidity support in the form of loan guarantees or loans, with an interest rate at least comparable to those observed for loans to healthy firms and in particular the reference rates adopted by the Authority. Structural measures which do not require immediate action, such as, the irremediable and automatic participation of the State in the own funds of the firm, cannot be financed through rescue aid.
- (15) Once a restructuring or liquidation plan for which aid has been requested has been established and is being implemented, all further aid will be considered as restructuring aid. Measures which need to be implemented immediately to stem losses, including structural measures (for example, immediate withdrawal from a loss-making field of activity), can be undertaken with the rescue aid, subject to the conditions mentioned in Section 16.3.1 for individual aids and Section 16.4.3 for aid schemes. Except where use is made of the simplified procedure set out in Section 16.3.1.2, an EFTA State will need to demonstrate that such structural measures must be undertaken immediately. Rescue aid cannot normally be granted for financial restructuring.
- (16) Restructuring, on the other hand, will be based on a feasible, coherent and far-reaching plan to restore a firm's long-term viability. Restructuring usually involves one or more of the following elements: the reorganisation and rationalisation of the firm's activities on to a more efficient basis, typically involving the withdrawal from loss-making activities, the restructuring of those existing activities that can be made competitive again and, possibly, diversification in the direction of new and viable activities. Financial restructuring (capital injections, debt reduction) usually has to accompany the physical restructuring. Restructuring operations within the scope of these Guidelines cannot, however, be limited to financial aid designed to make good past losses without tackling the reasons for those losses.

16.2.3. Scope

- (17) These Guidelines apply to firms in all sectors covered by the EEA Agreement and subject to the Authority's review in accordance with Article 62 of the EEA Agreement, without prejudice to any rules relating to firms in difficulty in the sector concerned⁽⁹⁾.

16.2.4. Compatibility with the common market

- (18) Article 61(2) and (3) of the EEA Agreement provide for the possibility that aid falling within the scope of Article 61(1) will be regarded as compatible with the common market. Apart from cases of aid envisaged by Article 61(2), in particular aid to make good the damage caused by natural disasters or exceptional occurrences, which are not covered here, the only basis on which aid for firms in difficulty can be deemed compatible is Article 61(3)(c). Under that provision the Authority has the power to authorise "aid to facilitate the development of certain economic activities (...) where such aid does not adversely affect trading conditions to an extent contrary to the common interest." In particular, this could be the case where the aid is necessary to correct disparities caused by market failures or to ensure economic and social cohesion.
- (19) Given that its very existence is in danger, a firm in difficulty cannot be considered an appropriate vehicle for promoting other public policy objectives until such time as its viability is assured. Consequently, the Authority considers that aid to firms in difficulty may contribute to the development of economic activities without adversely affecting trade to an extent contrary to the EEA interest only if the conditions set out in these Guidelines are met. Where the firms which are to receive rescue or restructuring aid are located in assisted areas, the Authority will take the regional considerations referred to in Article 61(3)(a) and (c) of the EEA Agreement into account as described in points 54 to 55.
- (20) The Authority will pay particular attention to the need to prevent the use of these Guidelines to circumvent the principles laid down in existing frameworks and Guidelines.
- (21) The assessment of rescue or restructuring aid should not be affected by changes in the ownership of the business aided.

⁽⁹⁾ Specific rules of this nature exist for the aviation sector. See Chapter 30 of these Guidelines.

16.2.5. *Recipients of previous unlawful aid*

- (22) Where unlawful aid has previously been granted to the firm in difficulty, in respect of which the Authority has adopted a negative decision with a recovery order, and where no such recovery has taken place in compliance with Article 14 in Part II of Protocol 3 to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice (hereinafter the Surveillance and Court Agreement)⁽¹⁰⁾, the assessment of any rescue and restructuring aid to be granted to the same undertaking shall take into account, first, the cumulative effect of the old aid and of the new aid and, secondly, the fact that the old aid has not been repaid⁽¹¹⁾.

16.3. **General conditions for the authorisation of rescue and/or restructuring aid notified individually to the Authority**

- (23) This Chapter deals exclusively with aid measures that are notified individually to the Authority. Under certain conditions, the Authority may authorise rescue or restructuring aid schemes: those conditions are set out in Section 16.4.

16.3.1. *Rescue aid*

16.3.1.1. *Conditions*

- (24) In order to be approved by the Authority, rescue aid as defined in point 14 must:
- (a) consist of liquidity support in the form of loan guarantees or loans⁽¹²⁾; in both cases, the loan must be granted at an interest rate at least comparable to those observed for loans to healthy firms, and in particular the reference rates adopted by the Authority; any loan must be reimbursed and any guarantee must come to an end within a period of not more than six months after the disbursement of the first instalment to the firm;
 - (b) be warranted on the grounds of serious social difficulties and have no unduly adverse spillover effects on other Contracting Parties to the EEA Agreement;
 - (c) be accompanied, on notification, by an undertaking given by the EFTA State concerned to communicate to the Authority, not later than six months after the rescue aid measure has been authorised, a restructuring plan or a liquidation plan or proof that the loan has been reimbursed in full and/or that the guarantee has been terminated; in the case of non-notified aid the EFTA State must communicate, no later than six months after the first implementation of a rescue aid measure, a restructuring plan or a liquidation plan or proof that the loan has been reimbursed in full and/or that the guarantee has been terminated;
 - (d) be restricted to the amount needed to keep the firm in business for the period during which the aid is authorised; such an amount may include aid for urgent structural measures in accordance with point 15; the amount necessary should be based on the liquidity needs of the company stemming from losses; in determining that amount regard will be had to the outcome of the application of the formula set out in the Annex; any rescue aid exceeding the result of that calculation will need to be duly explained;
 - (e) respect the condition set out in Section 16.3.3 ("one time, last time").

⁽¹⁰⁾ The Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice (The Surveillance and Court Agreement) (OJ L 344, 31.12.1994, p. 1).

⁽¹¹⁾ Case C-355/95 P, *Textilwerke Deggendorf v Commission and others* [1997] ECR I-2549.

⁽¹²⁾ An exception may be made in the case of rescue aid in the banking sector, in order to enable the credit institution in question to continue temporarily carrying on its banking business in accordance with the prudential legislation in force (Directive 2000/12/EC of the European Parliament and of the Council (OJ L 126, 26.5.2000, p. 1) as incorporated into the point 14 of Annex IX to the EEA Agreement by the Decision of the EEA Joint Committee No 15/2001 (OJ L 117, 26.4.2001, p. 13 and EEA Supplement No 22, 26.4.2001, p. 8)). At any rate, aid granted in a form other than loan guarantees or loans fulfilling the conditions set out in point (a), should fulfil the general principles of rescue aid and cannot consist in structural financial measures related to the bank's own funds. Any aid granted in a form other than loan guarantees or loans fulfilling the conditions set out in point (a), will be taken into account when any compensatory measures under a restructuring plan are examined in accordance with points 37 to 41.

- (25) Where the EFTA State has submitted a restructuring plan within six months of the date of authorisation or, in the case of non-notified aid, of implementation of the measure, the deadline for reimbursing the loan or for putting an end to the guarantee is extended until the Authority reaches its decision on the plan, unless the Authority decides that such an extension is not justified.
- (26) Without prejudice to Article 23 in Part II of Protocol 3 to the Surveillance and Court Agreement and to the possibility of an action before the EFTA Court, in accordance with the second subparagraph of Article 1(2) in Part I of Protocol 3 to the Surveillance and Court Agreement, the Authority will initiate proceedings under Article 1(2) in Part I of Protocol 3 to the Surveillance and Court Agreement if the EFTA State fails to communicate:
 - (a) a credible and substantiated restructuring plan or a liquidation plan, or
 - (b) proof that the loan has been reimbursed in full and/or that the guarantee has been terminated before the six-month deadline has expired.
- (27) In any event, the Authority may decide to initiate such proceedings, without prejudice to Article 23 in Part II of Protocol 3 to the Surveillance and Court Agreement and to the possibility of an action before the EFTA Court in accordance with the second subparagraph of Article 1(2) in Part I of Protocol 3 to the Surveillance and Court Agreement if it considers that the loan or the guarantee has been misused, or that, after the six-month deadline has expired, the failure to reimburse the aid is no longer justified.
- (28) The approval of rescue aid does not necessarily mean that aid under a restructuring plan will subsequently be approved; such aid will have to be assessed on its own merits.

16.3.1.2. Simplified procedure

- (29) The Authority will as far as possible endeavour to take a decision within a period of one month in respect of rescue aids fulfilling all conditions set out in Section 16.3.1.1 and the following cumulative requirements:
 - (a) the firm concerned satisfies at least one of the three criteria set out in point 9;
 - (b) the rescue aid is limited to the amount resulting from the application of the formula set out in the Annex and does not exceed EUR 10 million.

16.3.2. Restructuring aid

16.3.2.1. Basic principle

- (30) Aid for restructuring raises particular competition concerns as it can shift an unfair share of the burden of structural adjustment and the attendant social and economic problems onto other producers who are managing without aid, and to other Contracting Parties to the EEA Agreement. The general principle should therefore be to allow the grant of restructuring aid only in circumstances in which it can be demonstrated that it does not run counter to the EEA interest. This will only be possible if strict criteria are met, and if it is certain that any distortions of competition will be offset by the benefits flowing from the firm's survival (for instance, where it is clear that the net effect of redundancies resulting from the firm's going out of business, combined with the effects on its suppliers, would exacerbate employment problems or, exceptionally, where the firm's disappearance would result in a monopoly or tight oligopolistic situation) and that, in principle, there are adequate compensatory measures in favour of competitors.

16.3.2.2. Conditions for the authorisation of aid

- (31) Subject to the special provisions for assisted areas and SMEs (see points 54, 55, 56 and 58), the Authority will approve aid only under the following conditions:

Eligibility of the firm

- (32) The firm must qualify as a firm in difficulty within the meaning of these Guidelines (see points 8 to 12).

Restoration of long-term viability

- (33) The grant of the aid must be conditional on implementation of the restructuring plan which must be endorsed by the Authority in all cases of individual aid, except in the case of SMEs, as laid down in Section 16.3.2.5.
- (34) The restructuring plan, the duration of which must be as short as possible, must restore the long-term viability of the firm within a reasonable timescale and on the basis of realistic assumptions as to future operating conditions. Restructuring aid must therefore be linked to a viable restructuring plan to which the EFTA State concerned commits itself. The plan must be submitted in all relevant detail to the Authority and include, in particular, a market survey. The improvement in viability must derive mainly from internal measures contained in the restructuring plan; it may be based on external factors such as variations in prices and demand over which the company has no great influence, but only if the market assumptions made are generally acknowledged. Restructuring must involve the abandonment of activities which would remain structurally loss-making even after restructuring.
- (35) The restructuring plan must describe the circumstances that led to the company's difficulties, thereby providing a basis for assessing whether the proposed measures are appropriate. It must take account, *inter alia*, of the present state of and future prospects for supply and demand on the relevant product market, with scenarios reflecting best-case, worst-case and intermediate assumptions and the firm's specific strengths and weaknesses. It must enable the firm to progress towards a new structure that offers it prospects for long-term viability and enables it to stand on its own feet.
- (36) The plan must provide for a turnaround that will enable the company, after completing its restructuring, to cover all its costs including depreciation and financial charges. The expected return on capital must be enough to enable the restructured firm to compete in the marketplace on its own merits. Where the firm's difficulties stem from flaws in its corporate governance system, appropriate adaptations will have to be introduced.

Avoidance of undue distortions of competition

- (37) In order to ensure that the adverse effects on trading conditions are minimised as much as possible, so that the positive effects pursued outweigh the adverse ones, compensatory measures must be taken. Otherwise, the aid will be regarded as "contrary to the common interest" and therefore incompatible with the EEA Agreement. The Authority will have regard to the objective of restoring the long-term viability in determining the adequacy of the compensatory measures.
- (38) These measures may comprise divestment of assets, reductions in capacity or market presence and reduction of entry barriers on the markets concerned. When assessing whether the compensatory measures are appropriate the Authority will take account of the market structure and the conditions of competition to ensure that any such measure does not lead to a deterioration in the structure of the market, for example by having the indirect effect of creating a monopoly or a tight oligopolistic situation. If an EFTA State is able to prove that such a situation would arise, the compensatory measures should be construed in such a way to avoid this situation.
- (39) The measures must be in proportion to the distortive effects of the aid and, in particular, to the size⁽¹³⁾ and the relative importance of the firm on its market or markets. They should take place in particular in the market(s) where the firm will have a significant market position after restructuring. The degree of reduction must be established on a case-by-case basis. The Authority will determine the extent of the measures necessary on the basis of the market survey attached to the restructuring plan and, where appropriate, on the basis of any other information at the disposal of the Authority including that supplied by interested parties. The reduction must be an integral part of the restructuring as laid down in the restructuring plan. This principle applies irrespective of whether the divestitures take place before or after the granting of the State aid, as long as they are part of the same restructuring. Write-offs and closure of loss-making activities which would at any rate be necessary to restore viability will not be considered reduction of capacity or market presence for the purpose of the assessment of the compensatory measures. Such an assessment will take account of any rescue aid granted beforehand.
- (40) However, this condition will not normally apply to small enterprises, since it can be assumed that ad hoc aid to small enterprises does not normally distort competition to an extent contrary to the common interest, except where otherwise provided by rules on State aid in a particular sector or when the beneficiary is active in a market suffering from long-term overcapacity.

⁽¹³⁾ In this respect the Authority may also take into account whether the company in question is a medium-sized enterprise or a large one.

- (41) When the beneficiary is active in a market suffering from long-term structural overcapacity, as defined in the context of the Multisectoral framework on regional aid for large investments⁽¹⁴⁾, the reduction in the company's capacity or market presence may have to be as high as 100 %⁽¹⁵⁾.

Aid limited to the minimum: real contribution, free of aid

- (42) The amount and intensity of the aid must be limited to the strict minimum of the restructuring costs necessary to enable restructuring to be undertaken in the light of the existing financial resources of the company, its shareholders or the business group to which it belongs. Such assessment will take account of any rescue aid granted beforehand. Aid beneficiaries will be expected to make a significant contribution to the restructuring plan from their own resources, including the sale of assets that are not essential to the firm's survival, or from external financing at market conditions. Such a contribution is a sign that the markets believe in the feasibility of the return to viability. Such contribution must be real, i.e., actual, excluding all future expected profits such as cash flow, and must be as high as possible.
- (43) The Authority will normally consider the following contributions⁽¹⁶⁾ to the restructuring to be appropriate: at least 25 % in the case of small enterprises, at least 40 %, for medium-sized enterprises and at least 50 % for large firms. In exceptional circumstances and in cases of particular hardship, which must be demonstrated by the EFTA State, the Authority may accept a lower contribution.
- (44) To limit the distortive effect, the amount of the aid or the form in which it is granted must be such as to avoid providing the company with surplus cash which could be used for aggressive, market-distorting activities not linked to the restructuring process. The Authority will accordingly examine the level of the firm's liabilities after restructuring, including the situation after any postponement or reduction of its debts, particularly in the context of its continuation in business following collective insolvency proceedings brought against it under national law⁽¹⁷⁾. None of the aid should go to finance new investment that is not essential for restoring the firm's viability.

Specific conditions attached to the authorisation of aid

- (45) In addition to the compensatory measures described in points 37 to 41, the Authority may impose any conditions and obligations it considers necessary in order to ensure that the aid does not distort competition to an extent contrary to the common interest, in the event that the EFTA State concerned has not given a commitment that it will adopt such provisions. For example, it may require the EFTA State:
- (a) to take certain measures itself (for example, to open up certain markets directly or indirectly linked to the company's activities to other EEA operators with due respect to EEA law);
 - (b) to impose certain obligations on the recipient firm;
 - (c) to refrain from granting other types of aid to the recipient firm during the restructuring period.

Full implementation of restructuring plan and observance of conditions

- (46) The company must fully implement the restructuring plan and must discharge any other obligations laid down in the Authority decision authorising the aid. The Authority will regard any failure to implement the plan or to fulfil the other obligations as misuse of the aid, without prejudice to Article 23 in Part II of Protocol 3 to the Surveillance and Court Agreement and to the possibility of an action before the EFTA Court in accordance with the second subparagraph of Article 1(2) in Part I of Protocol 3 to the Surveillance and Court Agreement.
- (47) Where restructuring operations cover several years and involve substantial amounts of aid, the Authority may require payment of the restructuring aid to be split into instalments and may make payment of each instalment subject to:
- (a) confirmation, prior to each payment, of the satisfactory implementation of each stage in the restructuring plan, in accordance with the planned timetable; or
 - (b) its approval, prior to each payment, after verification that the plan is being satisfactorily implemented.

⁽¹⁴⁾ Chapter 26A on Multisectoral framework on regional aid for large investment project, adopted on 18 December 2002 (not yet published), last amended on 17 March 2004 (not yet published).

⁽¹⁵⁾ In such cases, the Authority will only allow aid to alleviate the social costs of the restructuring, in line with Section 16.3.2.6, and environmental aid to clean up polluted sites which might otherwise be abandoned.

⁽¹⁶⁾ See point 6. This minimum contribution must not contain any aid. This is not the case, for instance, where a loan carries an interest-rate subsidy or is backed by government guarantees containing elements of aid.

⁽¹⁷⁾ See point 9(c).

Monitoring and annual report

- (48) The Authority must be put in a position to make certain that the restructuring plan is being implemented properly, through regular detailed reports communicated by the EFTA State concerned.
- (49) In the case of aid to large firms, the first of these reports will normally have to be submitted to the Authority not later than six months after approval of the aid. Reports will subsequently have to be sent to the Authority at least once a year, at a fixed date, until the objectives of the restructuring plan can be deemed to have been achieved. They must contain all the information the Authority needs in order to be able to monitor the implementation of the restructuring programme, the timetable for payments to the company and its financial position and the observance of any conditions or obligations laid down in the decision approving the aid. They must in particular include all relevant information on any aid for any purpose which the company has received, either on an individual basis or under a general scheme, during the restructuring period (see points 67 to 70). Where the Authority needs prompt confirmation of certain key items of information, for example, on closures or capacity reductions, it may require more frequent reports.
- (50) In the case of aid to SMEs, transmission each year of a copy of the recipient firm's balance sheet and profit-and-loss account will normally be sufficient, except where stricter conditions have been laid down in the decision approving the aid.

16.3.2.3. Amendment of the restructuring plan

- (51) Where restructuring aid has been approved, the EFTA State concerned may, during the restructuring period, ask the Authority to agree to changes to the restructuring plan and the amount of the aid. The Authority may allow such changes where they meet the following conditions:
- (a) the revised plan must still show a return to viability within a reasonable time scale;
 - (b) if the amount of the aid is increased, any requisite compensatory measures must be more extensive than those initially imposed;
 - (c) if the proposed compensatory measures are smaller than those initially planned, the amount of the aid must be correspondingly reduced;
 - (d) the new timetable for implementation of the compensatory measures may be delayed with respect to the timetable initially adopted only for reasons outside the company's or the EFTA State's control: if that is not the case, the amount of the aid must be correspondingly reduced.
- (52) If the conditions imposed by the Authority or the commitments given by the EFTA State are relaxed, the amount of aid must be correspondingly reduced or other conditions may be imposed.
- (53) Should the EFTA State introduce changes to an approved restructuring plan without duly informing the Authority, the Authority will initiate proceedings as provided for by Article 16 of Part II of Protocol 3 to the Surveillance and Court Agreement (misuse of aid), without prejudice to Article 23 of Part II of Protocol 3 to the Surveillance and Court Agreement and to the possibility of an action before the EFTA Court in accordance with the second subparagraph of Article 1(2) in Part I of Protocol 3 to the Surveillance and Court Agreement.

16.3.2.4. Restructuring aid in assisted areas

- (54) The Authority will take the needs of regional development into account when assessing restructuring aid in assisted areas. The fact that an ailing firm is located in an assisted area does not, however, justify a permissive approach to aid for restructuring: in the medium to long term it does not help a region to prop up companies artificially. Furthermore, in order to promote regional development it is in the regions own best interest to apply its resources to develop as soon as possible activities that are viable and sustainable. Finally, distortions of competition must be minimised even in the case of aid to firms in assisted areas. In this context, regard must also be had to possible harmful spillover effects which could take place in the area concerned and other assisted areas.

- (55) Thus, the criteria listed in points 31 to 53 are equally applicable to assisted areas, even when the needs of regional development are considered. In assisted areas, however, and unless otherwise stipulated in rules on State aid in a particular sector, the conditions for authorising aid may be less stringent as regards the implementation of compensatory measures and the size of the beneficiary's contribution. If needs of regional development justify it, in cases in which a reduction of capacity or market presence appear to be the most appropriate measure to avoid undue distortions of competition, the required reduction will be smaller in assisted areas than in non-assisted areas. In those cases, which need to be demonstrated by the EFTA State concerned, a distinction will be drawn between areas eligible for regional aid under Article 61(3)(a) of the EEA Agreement and those eligible under Article 61(3)(c) so as to take account of the greater severity of the regional problems in the former areas.

16.3.2.5. Aid for restructuring SMEs

- (56) Aid to small enterprises⁽¹⁸⁾ tends to affect trading conditions less than that granted to medium-sized and large firms. This also applies to aid to help restructuring, so that the conditions laid down in points 31 to 53 are applied less strictly in the following respects:
- (a) the grant of restructuring aid to small enterprises will not usually be linked to compensatory measures (see point 40), unless this is otherwise stipulated in rules on State aid in a particular sector.
 - (b) the requirements regarding the content of reports will be less stringent for SMEs (see points 48, 49 and 50).
- (57) However, the "one time, last time" principle (Section 16.3.3) applies in full to SMEs.
- (58) For SMEs the restructuring plan does not need to be endorsed by the Authority. However, the plan must meet the requirements laid down in points 34 to 36 and be approved by the EFTA State concerned and communicated to the Authority. The grant of aid must be conditional on full implementation of the restructuring plan. The obligation to verify that these conditions are fulfilled lies with the EFTA State.

16.3.2.6. Aid to cover the social costs of restructuring

- (59) Restructuring plans normally entail reductions in or abandonment of the affected activities. Such retrenchments are often necessary in the interests of rationalisation and efficiency, quite apart from any capacity reductions that may be required as a condition for granting aid. Whatever the reason for them, such measures will generally lead to reductions in the company's workforce.
- (60) The EFTA States' labour legislation may comprise general social security schemes under which redundancy benefits and early retirement pensions are paid direct to redundant employees. Such schemes are not to be regarded as State aid falling within the scope of Article 61(1) of the EEA Agreement.
- (61) Besides direct redundancy benefit and early retirement provision for employees, general social support schemes frequently provide for the government to cover the cost of benefits which the company grants to redundant workers and which go beyond its statutory or contractual obligations. Where such schemes are available generally without sectoral limitations to any worker meeting predefined and automatic eligibility conditions, they are not deemed to involve aid under Article 61(1) for firms undertaking restructuring. On the other hand, if the schemes are used to support restructuring in particular industries, they may well involve aid because of the selective way in which they are used⁽¹⁹⁾.
- (62) The obligations a company itself bears, under employment legislation or collective agreements with trade unions, to provide redundancy benefits and/or early retirement pensions are part of the normal costs of a business which a firm has to meet from its own resources. That being so, any contribution by the State to these costs must be counted as aid. This is true regardless of whether the payments are made direct to the firm or are administered through a government agency to the employees.
- (63) The Authority has no a priori objection to such aid when it is granted to firms in difficulty, for it brings economic benefits above and beyond the interests of the firm concerned, facilitating structural change and reducing hardship.

⁽¹⁸⁾ As defined in the Commission Recommendation 2003/361/EC (OJ L 124, 20.5.2003, p. 36), incorporated into the EEA Agreement by the Decision of the EEA Joint Committee No 131/2004 (not yet published). Until 31 December 2004, the relevant definition is to be found in the Commission Recommendation 96/280/EC (OJ L 107, 30.4.1996, p. 4). The definition could also be found in Annex 1 to Commission Regulation (EC) No 70/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to State aid to small and medium-sized enterprises (OJ L 10, 13.1.2001, p. 33), incorporated in the EEA Agreement through Annex XV point 1(f) by Decision of the EEA Joint Committee No 88/2002 of 25 June 2002 amending Annex XV (State aid) to the EEA Agreement (OJ L 266, 3.10.2002, p. 56 and EEA Supplement No 49, 3.10.2002, p. 42).

⁽¹⁹⁾ In its judgment in Case C-241/94, *France v Commission* [1996] ECR I-4551, (*Kimberly Clark Sopalin*), the European Court of Justice confirmed that the system of financing on a discretionary basis by the French authorities, through the National Employment Fund, was liable to place certain firms in a more favourable situation than others and thus to qualify as aid within the meaning of Article 87(1) of the EC Treaty. (The Court's judgment did not call into question the Commission's conclusion that the aid was compatible with the common market).

- (64) Besides meeting the cost of redundancy payments and early retirement, aid is commonly provided in connection with a particular restructuring scheme for training, counselling and practical help with finding alternative employment, assistance with relocation, and professional training and assistance for employees wishing to start new businesses. The Authority consistently takes a favourable view of such aid when it is granted to firms in difficulty.
- (65) The type of aid described in points 61 to 64 must be clearly identified in the restructuring plan, since aid for social measures exclusively for the benefit of redundant employees is disregarded for the purposes of determining the extent of the compensatory measures referred to in points 37 to 41.
- (66) In the common interest, the Authority will ensure in the context of the restructuring plan that social effects of the restructuring in other Contracting Parties to the EEA Agreement other than the one granting aid are kept to the minimum.

16.3.2.7. Need to inform the Authority of any aid granted to the recipient firm during the restructuring period

- (67) Where restructuring aid received by a large or medium-sized enterprise is examined under these Guidelines, the grant of any other aid during the restructuring period, even in accordance with a scheme that has already been authorised, is liable to influence the Authority's assessment of the extent of the compensatory measures required.
- (68) Notifications of aid for restructuring a large or medium-sized enterprise must indicate all other aid of any kind which is planned to be granted to the recipient firm during the restructuring period, unless it is covered by the *de minimis* rule or by exemption regulations.
- (69) The Authority shall take such aid into account when assessing the restructuring aid. Any aid actually granted to a large or medium-sized enterprise during the restructuring period, including aid granted in accordance with an approved scheme, must be notified individually to the Authority to the extent that the latter was not informed thereof at the time of its decision on the restructuring aid.
- (70) The Authority shall ensure that the grant of aid under approved schemes is not liable to circumvent the requirements of these Guidelines.

16.3.3. "One time, last time"

- (71) Rescue aid is a one-off operation primarily designed to keep a company in business for a limited period, during which its future can be assessed. It should not be possible to allow repeated granting of rescue aids that would merely maintain the status quo, postpone the inevitable and in the meantime shift economic and social problems on to other, more efficient producers or other Contracting Parties to the EEA Agreement. Hence, rescue aid should be granted only once ("one time, last time" condition). In accordance with the same principle, in order to prevent firms from being unfairly assisted when they can only survive thanks to repeated State support, restructuring aid should be granted once only. Finally, if rescue aid is granted to a firm that has already received restructuring aid, it can be considered that the beneficiary's difficulties are of a recurrent nature and that repeated State interventions give rise to distortions of competition that are contrary to the common interest. Such repeated State interventions should not be permitted.
- (72) When planned rescue or restructuring aid is notified to the Authority, the EFTA State must specify whether the firm concerned has already received rescue or restructuring aid in the past, including any such aid granted before the date of application of these Guidelines and any unnotified aid⁽²⁰⁾. If so, and where less than 10 years have elapsed since the rescue aid was granted or the restructuring period came to an end or implementation of the restructuring plan has been halted (whichever is the latest), the Authority will not allow further rescue or restructuring aid. Exceptions to that rule are permitted in the following cases:

- (a) where restructuring aid follows the granting of rescue aid as part of a single restructuring operation;

⁽²⁰⁾ With regard to unnotified aid, the Authority will take account in its appraisal of the possibility that the aid could have been declared compatible with the EEA Agreement other than as rescue or restructuring aid.

(b) where rescue aid has been granted in accordance with the conditions in Section 16.3.1.1, and this aid was not followed by a State supported restructuring, if:

(i) the firm could reasonably be believed to be viable in the long-term following the granting of rescue aid, and

(ii) new rescue or restructuring aid becomes necessary after at least five years due to unforeseeable circumstances⁽²¹⁾ for which the company is not responsible;

(c) in exceptional and unforeseeable circumstances for which the company is not responsible.

In the cases set out in points (b) and (c), the simplified procedure mentioned in Section 16.3.1.2 cannot be used.

(73) The application of this rule will in no way be affected by any changes in ownership of the recipient firm following the grant of aid or by any judicial or administrative procedure which has the effect of putting its balance sheet on a sounder footing, reducing its liabilities or wiping out its previous debts where it is the same firm that is continuing in business.

(74) Where a business group has received rescue or restructuring aid, the Authority will normally not allow further rescue or restructuring aid to the group itself or any of the entities belonging to the group unless 10 years have elapsed since the rescue aid was granted or the restructuring period came to an end or implementation of the restructuring plan has been halted, whichever is the latest. Where an entity belonging to a business group has received rescue or restructuring aid, the group as a whole as well as the other entities of the group remain eligible for rescue or restructuring aid (subject to compliance with the other provisions of these Guidelines), with the exception of the earlier beneficiary of the aid. EFTA States must ensure that no aid will be passed on from the group or other group entities to the earlier beneficiary of the aid.

(75) Where a firm takes over assets of another firm, and in particular one that has been the subject of one of the procedures referred to in point 73 or of collective insolvency proceedings brought under national law and has already received rescue or restructuring aid, the purchaser is not subject to the "one time, last time" requirement, provided that the following cumulative conditions are met:

(a) the purchaser is clearly separate from the old firm;

(b) the purchaser has acquired the old firm's assets at market prices;

(c) the winding-up or court-supervised administration and purchase of the old company are not merely devices aimed at evading application of the "one time, last time" principle: the Authority may determine that this was the case if, for example, the difficulties encountered by the purchaser were clearly foreseeable when it took over the assets of the old company.

(76) It should, however, be stressed here that, since it constitutes aid for initial investment, aid for the purchase of the assets cannot be authorised under these Guidelines.

16.4. Aid schemes for SMEs

16.4.1. General principles

(77) The Authority will authorise schemes for providing rescue and/or restructuring aid to small or medium-sized enterprises in difficulty only where the firms concerned correspond to the definition of SMEs. Subject to the following specific provisions, the compatibility of such schemes will be assessed in the light of the conditions set out in Chapters 16.2 and 16.3, with the exception of Section 16.3.1.2 which does not apply to aid schemes. Any aid which is granted under a scheme but does not meet any of those conditions must be notified individually and approved in advance by the Authority.

⁽²¹⁾ An unforeseeable circumstance is one which could in no way be anticipated by the company's management when the restructuring plan was drawn up and which is not due to negligence or errors of the company's management or decisions of the group to which it belongs.

16.4.2. Eligibility

- (78) Unless otherwise stipulated in rules on State aid in a particular sector, awards of aid under schemes authorised from the date of application of these Guidelines, to small or medium-sized enterprises will be exempted from individual notification only where the enterprise concerned meets at least one of the three criteria set out in point 9. Aid to enterprises that do not meet any of those three criteria must be notified individually to the Authority so that it can assess whether they qualify as firms in difficulty. Aid to enterprises active in a market suffering from long-term structural overcapacity, irrespective of the size of the beneficiary, must also be notified individually to the Authority so that it can assess the application of point 41.

16.4.3. Conditions for the authorisation of rescue aid schemes

- (79) In order to be approved by the Authority, rescue aid schemes must satisfy the conditions set out in points (a), (b), (d) and (e) of point 24. Furthermore, rescue aid may not be granted for more than six months, during which time an analysis must be made of the firm's position. Before the end of that period the EFTA State must either approve a restructuring plan or a liquidation plan, or demand reimbursement of the loan and the aid corresponding to the risk premium from the beneficiary.

- (80) Any rescue aid granted for longer than six months or not reimbursed after six months must be individually notified to the Authority.

16.4.4. Conditions for the authorisation of restructuring aid schemes

- (81) The Authority will authorise restructuring aid schemes only if the grant of aid is conditional on full implementation by the recipient of a restructuring plan that has been approved by the EFTA State concerned and meets the following conditions:

- (a) restoration of viability: the criteria set out in points 33 to 36 apply;
- (b) avoidance of undue distortions of competition: since aid to small enterprises tends to distort competition less, the principle set out in points 37 to 41 does not apply unless it is otherwise stipulated in rules on State aid in a particular sector; schemes should nevertheless provide that recipient firms must not increase their capacity during the restructuring; for medium-sized enterprises points 37 to 41 apply;
- (c) aid limited to the minimum necessary: the principles set out in points 42, 43 and 44 apply;
- (d) amendment of the restructuring plan: any changes to the plan must comply with the rules set out in points 51, 52 and 53.

16.4.5. Common conditions for the authorisation of rescue and/or restructuring aid schemes

- (82) Schemes must specify the maximum amount of aid that can be awarded to any one firm as part of an operation to provide rescue and/or restructuring aid, including where the plan is modified. Any aid exceeding that amount must be notified individually to the Authority. The maximum amount of aid granted for the combined rescue and restructuring aid of any one firm may not be more than EUR 10 million, including any aid obtained from other sources or under other schemes.
- (83) In addition, the "one time, last time" principle must be respected. The rule laid down in Section 16.3.3 applies.
- (84) EFTA States must also notify measures individually to the Authority where one firm takes over assets of another firm which has itself already received rescue or restructuring aid.

16.4.6. Monitoring and annual reports

- (85) Points 48, 49 and 50 do not apply to aid schemes. However, it will be a condition of approval that reports are presented on the scheme's operation, normally on an annual basis, containing the information specified in the Authority's instructions on standardised reports⁽²²⁾. The reports must also include a list of all beneficiary companies, indicating for each of them:
- (a) company name;
 - (b) the company's sectoral code, using the NACE⁽²³⁾ three-digit sectoral classification codes;
 - (c) number of employees;
 - (d) annual turnover and balance sheet value;
 - (e) amount of aid granted;
 - (f) amount and form of the beneficiary's contribution;
 - (g) where appropriate, the form and the degree of the compensatory measures;
 - (h) where appropriate, any restructuring aid, or other support treated as such, which it has received in the past;
 - (i) whether or not the beneficiary company has been wound up or subject to collective insolvency proceedings before the end of the restructuring period.

16.5. Appropriate measures as referred to in Article 1(1) in Part I of Protocol 3 to the Surveillance and Court Agreement

- (86) The Authority will propose, by separate letter, pursuant to Article 1(1) in Part I of Protocol 3 to the Surveillance and Court Agreement, that the EFTA States adopt appropriate measures as set out in points 87 to 88 with regard to their existing aid schemes. The Authority will make authorisation of any future scheme conditional on compliance with those provisions.
- (87) EFTA States which have accepted the Authority's proposal must adapt their existing aid schemes which are to remain in operation after the adoption within six months in order to bring them into line with these Guidelines.
- (88) EFTA States must indicate their acceptance of these appropriate measures within one month following receipt of said letter proposing appropriate measures.

16.6. Date of application and duration

- (89) The present Guidelines shall enter into force on the date of adoption. They shall remain in force, unless otherwise stipulated in any new decision, for five years.
- (90) Notifications registered by the Authority prior to the date of adoption will be examined in the light of the criteria in force at the time of notification.
- (91) The Authority will examine the compatibility with the EEA Agreement of any rescue or restructuring aid granted without its authorisation and therefore in breach of Article 1(3) in Part I of Protocol 3 to the Surveillance and Court Agreement on the basis of these Guidelines if some or all of the aid is granted after their publication in the *Official Journal of the European Union* and the EEA Supplement thereto. In all other cases it will conduct the examination on the basis of the Guidelines which apply at the time the aid is granted.

⁽²²⁾ See Annex III. A and B (standardised reporting format for existing State aid) to the EFTA Surveillance Authority Decision 195/04/COL of 14 July 2004 on the implementing provisions referred to under Article 27 in Part II of Protocol 3 to the Surveillance and Court Agreement (not yet published).

⁽²³⁾ Statistical classification of economic activities in the European Community, published by the Statistical Office of the European Communities.

ANNEX

Formula ⁽¹⁾ to calculate maximum amount of rescue aid to qualify for the simplified procedure:

$$\frac{\text{EBIT}_t + \text{depreciation}_t + (\text{working capital}_t - \text{working capital}_{t-1})}{2}$$

The formula is based on the operating results of the company (EBIT, earnings before interest and taxes) recorded in the year before granting/notifying the aid (indicated as t). To this amount depreciation has been added. Then changes in working capital must be added to the total. The change in working capital is calculated as the difference between the current assets and current liabilities ⁽²⁾ for the latest closed accounting periods. Similarly, if there would be provisions at the level of the operating result, this will need to be clearly indicated and the result should not include such provisions.

The formula aims at estimating the negative operating cash flow of the company in the year preceding the application for the aid (or before the award of the aid in case of non-notified aids). Half of this amount should keep the company in business for a six-month period. Thus the result of the formula has to be divided by 2.

This formula can only be applied where the result is a negative amount.

In case the formula leads to a positive result, a detailed explanation will need to be submitted demonstrating that the firm is in difficulty as defined in points 9 to 10.

Example:

Earnings before interest and taxes (million EUR)	(12)
Depreciation (million EUR)	2

Balance Sheet (million euro)	December 31, t-1	December 31, t
<i>Current assets</i>		
Cash or equivalents	10	5
Accounts receivable	30	20
Inventories	50	45
Prepaid expenses	20	10
Other current assets	20	20
Total current assets	130	100
<i>Current liabilities</i>		
Accounts payable	20	25
Accrued expenses	15	10
Deferred income	5	5
Total current liabilities	40	40
Working capital	90	60
Change in working capital	(30)	

Maximum amount of rescue aid = $[-12 + 2 + (-30)]/2 = -20$ million EUR

As the outcome of the formula is higher than EUR 10 million, the simplified procedure described in point 29 cannot be used. If this limit is exceeded, the EFTA State should provide an explanation of how the future cash-flow needs of the company and the amount of rescue aid have been determined.'

⁽¹⁾ EBIT (earnings before interest and taxes as set out in the annual accounts of the year before the application, indicated as t) must be increased with depreciation in the same period plus the changes in working capital over a two-year period (year before the application and preceding year), divided by two to determine an amount over six months, i.e. normal period for permitting rescue aid.

⁽²⁾ Current assets: liquid funds, receivables (client and debtor accounts), other current assets and prepaid expenses, inventories. Current liabilities: financial debt, trade accounts payable (supplier and creditor accounts) and other current liabilities, deferred income, other accrued liabilities, tax liabilities.

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL COMMON POSITION 2005/304/CFSP
of 12 April 2005
concerning conflict prevention, management and resolution in Africa and repealing Common
Position 2004/85/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

(including through ESDP support), the Peace Facility for Africa, Community instruments and bilateral actions by Member States.

Having regard to the Treaty on the European Union and in particular, Article 15 thereof,

Whereas:

- (1) The primary responsibility for prevention, management and resolution of conflicts on the African continent lies with Africans themselves.
- (2) International law defines the framework for activities undertaken within the context of prevention, management and resolution of conflicts in Africa.
- (3) The United Nations Security Council has the primary responsibility for the maintenance of international peace and security under the Charter of the United Nations.
- (4) In the drawing up of UN Security Council decisions, the defence of European Union positions and interests is fully ensured by the application of Article 19 of the Treaty on European Union.
- (5) On 26 January 2004, the Council adopted Common Position 2004/85/CFSP concerning conflict prevention, management and resolution in Africa⁽¹⁾.
- (6) On 22 November 2004, the Council approved the Action Plan for ESDP support for Peace and Security in Africa and Conclusions on Peace and Security in Africa, and on 13 December 2004 the Council endorsed the Guidelines for implementing that Action Plan. In this context, the Council stressed the complementary character of actions in the framework of CFSP
- (7) The promotion of peace, security and stability in the continent is one of the objectives of the African Union (AU) and the peaceful resolution of conflicts among Member States is one of the principles enshrined in the Constitutive Act of the AU. The prevention, management and resolution of conflicts have been the subject of dialogue with the Organisation of African Unity (OAU) and its successor, the AU, and are included in the Cairo Declaration and Plan of Action. The AU and African sub regional organisations constitute the central actors in the prevention, management and resolution of conflicts in Africa.
- (8) Effective conflict prevention requires strategies to create enabling conditions for a stable and more predictable international environment, and comprehensive and balanced aid and developmental assistance programmes to alleviate the pressures that trigger violent conflict; the importance of economic factors in conflicts in Africa, as well as the potential of diplomatic and economic measures for the prevention and resolution of violent conflicts also have to be taken into account.
- (9) There is a link between conflict prevention and democracy, human rights, the rule of law and good governance, where development cooperation has a strategic role to play in strengthening capacities to manage conflicts in peaceful ways.
- (10) The linkages between HIV/AIDS and conflict have to be addressed in all policies concerning peace and security. In all phases of conflict, from prevention to reconstruction, instability creates the conditions for an accelerated spread of the pandemic. The spread of HIV/AIDS itself has serious socioeconomic and political consequences in the short and the long term.
- (11) The European Community and its Member States entered into a Partnership Agreement with the ACP States at Cotonou on 23 June 2000.

⁽¹⁾ OJ L 21, 28.1.2004, p. 25.

(12) The European Parliament adopted on 30 November 2000 a Resolution on Participation of Women in Peaceful Conflict Resolution; and the ACP-EU Joint Parliamentary Assembly adopted on 21 March 2002 a Resolution on Gender Issues.

(13) On 8 December 2003 the Council adopted Guidelines on Children and Armed Conflict,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. The EU shall contribute to the prevention, management and resolution of violent conflicts in Africa by strengthening African capacity and means of action in this field, in particular through enhanced dialogue with, and support for, the AU and sub-regional organisations and initiatives, and civil society organisations. In doing this, the EU shall take further steps to promote coordination between the many actors that may be involved, including a closer coordination of the measures taken by the Community and its Member States, notably in the frame of the Action Plan for ESDP Support for Peace and Security in Africa and the Guidelines for its implementation.

2. In particular, the EU shall implement the Action Plan for ESDP Support for Peace and Security in Africa, in accordance with the Guidelines endorsed by the Council. Coordination of Member States and Community contributions shall be improved and possibilities for a management mechanism in order to facilitate the pooling of voluntary contributions by Member States shall be explored.

3. The EU shall, as it strengthens its capacity in the areas of crisis management and conflict prevention, improve its close cooperation with the UN and relevant regional and sub-regional organisations in order to achieve the above objective. Cooperation with the UN on crisis management shall be taken forward in line with and as a part of the implementation of the Joint Declaration on UN-EU Cooperation in Crisis Management of 24 September 2003. The EU, notwithstanding its commitment to African ownership, shall remain prepared to become involved, whenever necessary, in crisis management in Africa with its own capabilities.

4. The EU shall develop long-term conflict prevention and peace-building initiatives, recognising that progress in these areas is a necessary precondition also for African States to build and sustain capacity to deal effectively with terrorism.

5. The EU shall develop a proactive, comprehensive and integrated approach, which shall also serve as a common framework for actions of individual Member States. As a part

of this, and to enhance capacity for early action, a yearly survey shall continue to be drawn up by the Presidency assisted by the Secretary General/High Representative and the Commission, so as to identify and monitor potential violent conflicts and presenting the policy options necessary to prevent their outbreak or recurrence.

Article 2

The EU's policy shall focus on preventing the outbreak and spreading of violent conflicts through early action, and on preventing the recurrence of violent conflicts. In this context, EU action shall cover:

- conflict prevention by seeking to address the more structural root causes while targeting the direct causes — trigger factors — of violent conflicts,
- crisis management by addressing acute phases of conflicts and supporting efforts to bring the violence to an end, using all possible measures including political and practical support to regional and sub-regional initiatives to achieve and support a ceasefire agreement between all parties involved and, when appropriate, deployment of a crisis management operation,
- peace-building by seeking to support initiatives for containing violent conflict and to prepare for, and sustain, peaceful solutions to such conflicts,
- reconstruction by supporting the economic, political and social rebuilding of post-conflict States and societies to prevent the re-escalation of violence and to promote sustainable peace.

Article 3

In order to better contribute to conflict management as well as to respond to existing crises, the EU shall take into account:

- development of international legal systems, dispute resolution mechanisms, and cooperative arrangements at the regional level, in particular, the establishment of the AU Peace and Security Council in June 2004,
- institution building by increasing the effectiveness of African national security and judicial institutions including for counter-terrorism activities as well as by identifying specific action to assist African countries in implementing their commitments under the existing international instruments in all relevant fields, including the fight against terrorism and illicit trafficking,

— support for the ratification and full implementation of the Rome Statute of the International Criminal Court, which can play an important role in shaping national institutions for the fight against impunity. This includes the reinforcement of judicial institutions which have an important complementary role in this context. Special attention will be paid to war-related crimes included in the Rome Statute of the International Criminal Court, like the conscription or enlistment of children, which has a serious impact on conflict-struck countries.

Article 4

1. The EU shall seek to increase its support to regional arrangements and efforts in conflict prevention by enhancing corporate responsibility, strengthening the rule of law, training in conflict prevention, building capacities for, *inter alia*, political and economic analyses, early warning systems, negotiation/mediation skills, improving international sanctioning and enforcement mechanisms, developing mechanisms that address economic factors that fuel conflicts, and strengthening linkages between regional organisations themselves as well as with local, national and regional non-State actors and other members of the international community. Efforts to support regional and sub-regional organisations in the area of conflict prevention shall be carefully coordinated by the Community and its Member States so as to develop joint initiatives and synergies, including through joint programming where appropriate.

2. The EU's support for, and cooperation with, the AU in the field of conflict prevention, management and resolution shall be pursued with a view to developing a long-term partnership, particularly in the framework of the follow-up to the Cairo Summit.

Article 5

The EU shall seek:

- to support the mainstreaming of conflict prevention perspectives within the framework of Community development and trade policy and its associated country and regional strategies,
- to introduce, as appropriate, conflict indicators and peace and conflict impact assessment tools in development and trade cooperation so as to reduce the risk of aid and trade fuelling conflict, and to maximise its positive impact on peace-building,
- to ensure that tangible dividends reach swiftly the population as a whole,

— to improve the coordination between the efforts of the Community and those of its Member States in this field,

— to improve development and trade cooperation with regional, subregional and local actors in order to ensure consistency between initiatives and to support African activities,

— to coordinate its efforts with the international financial institutions.

Article 6

1. The EU shall support, over the long term, the enhancement of African peace support operations capabilities, at regional, subregional and bilateral levels as well as the capacity of the African States to contribute to regional integration, peace, security and development. Notwithstanding such capacity enhancement, the EU and its Member States shall continue, on a case-by-case basis, to consider deploying their own operational means for conflict prevention and crisis management in Africa, in accordance with the principles of the Charter of the United Nations and in close cooperation with UN activities in the region. Such considerations shall take into account the scope of capabilities developed under the EU crisis management capabilities, including the deployment of civilian personnel for longer-term responses to peace-building.

2. Member States and the Commission shall exchange information on all action taken to support African peace support operations capabilities with a view to improving coordination and developing synergies. This information shall be summarised in the annual review of this Common Position provided for in Article 14.

3. Member States and the Commission shall give higher priority to country and regional strategies and risk assessment. Country strategies can be developed with the use of standardised indicators and the assistance of expert groups. Risk assessment and country strategies would benefit from greater use of local knowledge, including information from local experts trained in early warning and risk assessment.

4. Member States and the Commission shall seek to achieve improved coordination of bilateral action in support of the AU and African subregional organisations, in particular the Economic Community of West African States, the South African Development Community and the Intergovernmental Authority on Development, the Economic Community of Central African States and the Economic and Monetary Community of Central Africa, regarding African peace support operations capabilities.

5. Member States and the Commission shall systematically invite each other or the Presidency, as appropriate, to participate in exercises and seminars they organise with a view to reinforcing African peacekeeping capabilities.

6. Coordination and exchanges on enhancement activities shall be sought with interested third parties, notably the United States, Canada, Norway and Japan in particular in the framework of the political dialogue with these countries.

7. The EU shall endeavour to improve further its coordination with the UN, and in particular with the Department of Peacekeeping Operations, on all activities aiming at strengthening African peace support operations capabilities.

8. The EU shall analyse how best to coordinate efforts in areas of training and exercises.

9. On an ad hoc basis, the EU shall consider in due course initiating, where there is value added, capacity enhancement programmes in its own name, separately or in conjunction with programmes initiated by individual Member States. Such action might range from small-scale observer missions from African organisations during EU peacekeeping exercises to more comprehensive training programmes.

Article 7

Member States shall continue to conduct a restrictive policy with regard to arms exports, fully applying the EU Code of Conduct on Arms Exports. Recognising that the availability and accumulation of arms exceeding legitimate security needs may be a factor contributing to instability, and that the curbing of the illicit trafficking in arms is an important contribution to the easing of tension and the reconciliation processes, the Member States and the Commission shall:

- cooperate in promoting international respect for arms embargoes and other relevant decisions by the UN Security Council and support initiatives to implement such measures effectively,
- continue to support and actively respect regional initiatives contributing to the prevention and combating of illicit trafficking in arms,
- cooperate to encourage associated countries to align themselves with principles adopted and measures taken by the EU. The EU shall further consider support for African efforts to improve controls on arms manufacture, import and export, and support for controlling or eliminating surplus small arms, as well as support for African efforts to tackle

problems relating to small arms in accordance with Council Joint Action 2002/589/CFSP of 12 July 2002 on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons ⁽¹⁾

- continue to support the UN Programme of Action on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects as well as the negotiations of the Protocol Against the Illicit Manufacturing and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the UN Convention against Transnational Organised Crime, adopted by the UN General Assembly on 31 May 2001.

Article 8

1. The EU shall:

- seek to address economic factors that fuel conflicts,
- seek to promote the further integration of Africa into the world economy, and to support even access to the benefits and opportunities of this across societies,
- support economic and political cooperation, such as regional stabilisation arrangements, to strengthen relations between parties as a preventive and post-conflict peace-building measure,
- work to ensure that regional trade integration measures, within a policy context comprising safety nets for vulnerable groups, support conflict prevention and resolution.

2. The EU shall also:

- cooperate in promoting universal respect for embargoes related to the illegal exploitation of, and trade in, high value commodities and for other relevant decisions by the UN Security Council and support initiatives to implement such measures effectively,
- actively work towards finding means to suppress illegal exploitation of natural resources which contributes to the eruption, escalation and continuation of violent conflicts,
- where appropriate, use restrictive measures, including economic and financial sanctions, targeted at actors who profit from and exacerbate violent conflicts. In this context, there is a need to further reflect on the (positive or negative) role to be played by the private sector in the area of conflict prevention and resolution.

⁽¹⁾ OJ L 191, 19.7.2002, p. 1.

Article 9

Throughout the different phases of the conflict cycle, the EU shall:

- evaluate the important role that ‘non State actors’ can play either fuelling conflict or helping to resolve or prevent it. Either way, their role and the positive contribution they may make, needs to be accounted for,
- encourage the application of UN Security Council Resolution 1325 on Women, Peace and Security, through ensuring that a gender perspective informs planning, implementing and evaluating the impact of conflict, the needs of the different actors in conflict and the level and nature of participation in decision-making in the prevention, management and resolution of conflicts, including peace processes and negotiations,
- address the short, medium and long-term impact of armed conflict on children in an effective and comprehensive manner, making use of the variety of tools at its disposal, and building on past and ongoing activities, in accordance with the UN Security Council Resolutions 1460 and 1539 on Children and Armed Conflict and the EU Guidelines on Children and Armed Conflict. It shall also try to influence third country actors (governments as well as non-State actors including armed groups) to take effective measures to protect the rights of children affected by armed conflict.

Article 10

To reflect the need to maintain focus on a conflict even after it has become less acute, and to contribute to a more coherent and systematic approach to post-war situations in Africa, the EU shall:

- develop and organise its own capacities in order to support security sector reform within the framework of democratic principles, respect for human rights, the rule of law, and good governance, in particular in countries in transition from violent conflict to sustainable peace,
- continue and consolidate its support for tackling the problems of the destabilising accumulation and uncontrolled spread of small arms,
- enhance its support for the disarmament and sustainable reintegration of demobilised ex-combatants with particular

attention to gender-based needs and the needs of children recruited to take part in military activities,

- increase its assistance to the removal of existing landmines, as well as it shall promote mine awareness and encourage and support the development of African capacities in demining,
- continue to support actions aimed at facilitating the reintegration of uprooted populations in post conflict situations, taking into account the relevant Guiding Principles on Internal Displacement, of the Representative of the UN Secretary General,
- encourage reconciliation and support reconstruction needed to allow countries emerging from conflict to re launch policies for long term development,
- in accordance with the Council Common Position 2003/444/CFSP of 16 June 2003 on the International Criminal Court⁽¹⁾, reiterate in its political dialogue with its African counterparts its strong commitment to support the International Criminal Court and its position regarding the US proposed non surrender bilateral agreements.

Article 11

The EU shall evaluate possible cooperation at national and regional levels in this area suggesting avenues, utilising a range of instruments, to address the problem of the relationship between the radicalisation of religious groups and their vulnerability to terrorist recruitment, in a conflict prevention and peace building perspective. In this context, the EU shall take account of the Joint Declaration on Terrorism adopted by the EU Africa Ministerial Conference of Brussels (11 October 2001), as well as the Joint Declaration on Terrorism adopted by the EU Africa Ministerial Conference of Ouagadougou (28 November 2002).

Article 12

The EU shall ensure that tackling HIV/AIDS is an integral part of EU strategies to prevent and mitigate conflict. Dialogue with the AU on this matter, which shall be based on the principle of African ownership, should be intensified. In this context, assistance to peace support operations shall ensure elements on awareness and training for prevention of HIV/AIDS, in accordance with UN Security Council Resolution 1308, on HIV/AIDS and International Peacekeeping Operations.

⁽¹⁾ OJ L 150, 18.6.2003, p. 67.

Article 13

The Council notes that the Commission intends to direct its action towards achieving the objectives and priorities of this Common Position, where appropriate by pertinent Community measures.

Article 14

On the basis of a report by the Presidency, in association with the Secretary General/High Representative and the Commission, this Common Position and the implementation thereof shall be reviewed annually and amended as appropriate.

Article 15

Common Position 2004/85/CFSP is hereby repealed.

Article 16

This Common Position shall take effect on the day of its adoption.

Article 17

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 12 April 2005.

For the Council

The President

J.-C. JUNKER

CORRIGENDA

Corrigendum to the Commission Directive 2004/93/EC of 21 September 2004 amending Council Directive 76/768/EEC for the purpose of adapting its Annexes II and III to technical progress*(Official Journal of the European Union L 300 of 25 September 2004)*

On page 24, reference 663:

for: '(2RS,3RS)-3-(2-Chlorophenyl)-2-(4-fluorophenyl)-[1H-1,2,4-triazol-1-yl)methyl]oxirane (CAS No 106325-08-0)',

read: '(2RS,3RS)-3-(2-Chlorophenyl)-2-(4-fluorophenyl)-[1H-1,2,4-triazol-1-yl)methyl]oxirane (CAS No 133855-98-8);

on page 40, reference 1107:

for: 'Solvent yellow 14 (CAS No 842-07-9)',

read: 'C.I Solvent yellow 14 (CAS No 842-07-9);

on page 41, reference 1127:

for: 'Mineral wool, with the exception of those specified elsewhere in this Annex; [Man-made vitreous (silicate)fibres with random orientation with alkaline oxide and alkali earth oxide ($\text{Na}_2\text{O} + \text{K}_2\text{O} + \text{CaO} + \text{MgO} + \text{BaO}$) content greater than 18 % by weight] (EC No 406-230-1)',

read: 'Mineral wool, with the exception of those specified elsewhere in this Annex; [Man-made vitreous (silicate)fibres with random orientation with alkaline oxide and alkali earth oxide ($\text{Na}_2\text{O} + \text{K}_2\text{O} + \text{CaO} + \text{MgO} + \text{BaO}$) content greater than 18 % by weight];

reference 1128:

for: 'Reaction product of acetophenone, formaldehyde, cyclohexylamine, methanol and acetic acid',

read: 'Reaction product of acetophenone, formaldehyde, cyclohexylamine, methanol and acetic acid (EC No 406-230-1);

reference 1131:

for: 'Trisodium bis(7-acetamido-2-(4-nitro-2-oxidophenylazo)-3-sulfonato-1-naphtholato)chromate(1-)',

read: 'Trisodium bis(7-acetamido-2-(4-nitro-2-oxidophenylazo)-3-sulfonato-1-naphtholato)chromate(1-) (EC No 400-810-8);

reference 1132:

for: 'A mixture of: 4-allyl-2,6-bis(2,3-epoxypropyl)phenol, 4-allyl-6-(3-(6-(3-(6-(3-(4-allyl-2,6-bis(2,3-epoxypropyl)phenoxy)-2-hydroxypropyl)-4-allyl-2-(2,3-epoxypropyl)phenoxy)-2-hydroxypropyl)-4-allyl-2-(2,3-epoxypropyl)phenoxy)-2-hydroxypropyl)-2-(2,3-epoxypropyl)phenol, 4-allyl-6-(3-(4-allyl-2,6-bis(2,3-epoxypropyl)phenoxy)-2-hydroxypropyl)-2-(2,3-epoxypropyl)phenol and 4-allyl-6-(3-(6-(3-(4-allyl-2,6-bis(2,3-epoxypropyl)phenoxy)-2-hydroxypropyl)-4-allyl-2-(2,3-epoxypropyl)phenoxy)-2-hydroxypropyl)-2-(2,3-epoxypropyl)phenol'

read: 'A mixture of: 4-allyl-2,6-bis(2,3-epoxypropyl)phenol, 4-allyl-6-(3-(6-(3-(6-(3-(4-allyl-2,6-bis(2,3-epoxypropyl)phenoxy)-2-hydroxypropyl)-4-allyl-2-(2,3-epoxypropyl)phenoxy)-2-hydroxypropyl)-4-allyl-2-(2,3-epoxypropyl)phenoxy)-2-hydroxypropyl)-2-(2,3-epoxypropyl)phenol, 4-allyl-6-(3-(4-allyl-2,6-bis(2,3-epoxypropyl)phenoxy)-2-hydroxypropyl)-2-(2,3-epoxypropyl)phenol and 4-allyl-6-(3-(6-(3-(4-allyl-2,6-bis(2,3-epoxypropyl)phenoxy)-2-hydroxypropyl)-4-allyl-2-(2,3-epoxypropyl)phenoxy)-2-hydroxypropyl)-2-(2,3-epoxypropyl)phenol (EC No 417-470-1)'.

Corrigendum to Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims

(Official Journal of the European Union L 143 of 30 April 2004)

On page 24, in Article 33, first subparagraph:

for: 'This Regulation shall enter into force on 21 January 2004.'

read: 'This Regulation shall enter into force on 21 January 2005.'
