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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 989/2005**of 27 June 2005****amending Regulation (EC) No 1255/96 temporarily suspending the autonomous common customs tariff duties on certain industrial, agricultural and fishery products**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) It is in the interest of the Community to suspend partially or totally the autonomous common customs tariff duties for a number of new products not listed in the Annex to Regulation (EC) No 1255/96 ⁽¹⁾.
- (2) A number of products which are referred to in the said Regulation should be withdrawn from the list in the Annex because it is no longer in the Community's interest to maintain suspension of autonomous common customs tariff duties or because the description needs to be altered in order to take account of technical product developments and economic trends on the market.
- (3) Accordingly, products whose description needs to be altered should be regarded as new products.
- (4) It is therefore appropriate to amend Regulation (EC) No 1255/96 accordingly.

- (5) In view of the economic importance of this Regulation, it is necessary to rely upon the grounds of urgency provided for in point I.3 of the Protocol annexed to the Treaty on European Union and to the Treaties establishing the European Communities on the role of national parliaments in the European Union.

- (6) Since this Regulation is to apply from 1 July 2005, it should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1255/96 is hereby amended as follows:

1. The products set out in Annex I to this Regulation shall be inserted.
2. The products for which the codes are set out in Annex II to this Regulation shall be deleted.

Article 2

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

It shall apply with effect from 1 July 2005.

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

Done at Luxembourg, 27 June 2005.

For the Council
The President
L. LUX

⁽¹⁾ OJ L 158, 29.6.1996, p. 1. Regulation as last amended by Regulation (EC) No 2271/2004 (OJ L 396, 31.12.2004, p. 13).

ANNEX I

CN code	TARIC	Description	Rate of autonomous duty (%)'
ex 2903 43 00	10	1,1,1-Trichlorotrifluoroethane	0
ex 2903 49 10	10	Chloro-1,1,1-trifluoroethane	0
ex 2904 20 00	50	2,2'-dinitro-bibenzyl	0
ex 2906 29 00	20	1-Hydroxymethyl-4-methyl-2,3,5,6-tetrafluorobenzene	0
ex 2907 29 00	85	Phloroglucinol whether or not hydrated	0
ex 2909 60 00	10	Bis(α,α-dimethylbenzyl) peroxide	0
ex 2915 39 90	60	1-phenylethyl acetate	0
ex 2916 39 00	85	2,6-difluorobenzoic acid	0
ex 2920 90 10	40	Dimethyl carbonate	0
ex 2920 90 85	50	tri iso octyl phosphite	0
ex 2921 42 10	85	3,5-dichloroaniline	0
ex 2921 51 19	20	Toluene diamine (TDA), containing by weight 78 % or more but not more than 82 % of 4-methyl-m-phenylenediamine and 18 % or more but not more than 22 % of 2-methyl-m-phenylenediamine, and with a residual tar content of not more than 0,23 % by weight	0
ex 2924 19 00	50	Acrylamide	0
ex 2924 29 95	91	3-hydroxy-2'-methoxy-2-naphthanilide	0
ex 2924 29 95	92	3-hydroxy-2-naphthanilide	0
ex 2924 29 95	93	3-hydroxy-2'-methyl-2-naphthanilide	0
ex 2924 29 95	94	2'-ethoxy-3-hydroxy-2-naphthanilide	0
ex 2924 29 95	96	4'-chloro-3-hydroxy-2',5'-dimethoxy-2-naphthanilide	0
ex 2926 90 95	25	Aminoacetonitrile hydrochloride	0
ex 2926 90 95	35	2-Bromo-2(bromomethyl) pentanedinitrile	0
ex 2932 99 70	40	1,3:2,4-Bis-O-(3,4-dimethylbenzylidene)-D-glucitol	0
ex 2932 99 85	30	Carbofuran (ISO)	0
ex 2933 19 90	30	3-methyl-1-p. -tolyl-5-pyrazolone	0
ex 2933 39 99	40	2-chloropyridine	0
ex 2933 59 95	85	Adenine	0
ex 2933 99 90	88	2,6-dichloroquinoxaline	0
ex 2935 00 90	88	N-(2-(4-amino-N-ethyl-m-toluidino)ethyl)methanesulfonamide sesquisulfate monohydrate	0

CN code	TARIC	Description	Rate of autonomous duty (%)'
ex 3205 00 00	10	Aluminium lakes prepared from dyes for use in the manufacture of pigments for the pharmaceutical industry ⁽¹⁾	0
ex 3208 90 19	85	Mixture containing by weight: — 30-45 % Polyamide resin; — 2-10 % Diazonaphthoquinone; — 50-65 % γ -Butyrolactone.	0
ex 3402 11 90	10	Surfactant mixture, of disodium salts of dodecyl (sulphophenoxy)benzenesulphonic acid and oxybis (dodecylbenzenesulphonic acid)	0
ex 3811 90 00	10	Dinonylnaphthylsulphonic acid salt, in the form of a solution in mineral oil, for use as an additive for distillate fuels and lubricating oils ⁽¹⁾	0
ex 3814 00 90	40	Azeotrope mixtures containing isomers of nonafluorobutyl methyl ether and/or nonafluorobutyl ethyl ether	0
ex 3815 90 90	88	Catalyst, consisting of titanium tetrachloride and magnesium chloride, containing by weight on an oil- and hexane-free basis: — 4 % or more but not more than 10 % of titanium and — 10 % or more but not more than 20 % magnesium	0
ex 3815 90 90	89	Rhodococcus rhodocrous J1 bacteria, containing enzymes, suspended in a polyacrylamide gel, for use as a catalyst in the production of acrylamide by the hydration of acrylonitrile ⁽¹⁾	0
ex 3824 90 99	54	2-Hydroxybenzonitrile, in the form of a solution in N,N-dimethylformamide, containing by weight 45 % or more but not more than 55 % of 2-hydroxybenzonitrile	0
ex 3824 90 99	70	Preparation, in an aqueous solution, of tetramethylammonium hydroxide and a surfactant containing: — 2,38 % (+/-0,01) by weight of tetramethylammonium hydroxide, and — a surfactant of 100 to 500 ppm.	0
ex 3824 90 99	80	Preparation containing by weight 81 % or more but not more than 89 % bis (3,4-epoxy-cyclohexylmethyl)-adipate	0
ex 3824 90 99	97	Preparation containing by weight either 10 % or more but not more than 20 % of lithiumfluorophosphate or 5 % or more but not more than 10 % of lithium perchlorate in mixtures of organic solvents	0
ex 3904 69 90	97	Copolymer of chlorotrifluoroethylene and vinylidene difluoride	0
ex 3906 90 90	55	Mixtures containing copolymers of methyl acrylate and ethylene and polyether-ester copolymers containing terephthalic acid, in the form of granules or pellets	0
ex 3906 90 90	85	Non aqueous dispersion type polymers of esters of acrylic acid with a hydrolyzable silyl group at one or both polymer ends	0
ex 3908 90 00	40	Thermoplastic polyamide resin having a fire point of more than 750 °C, for use in the manufacture of deflection yokes of cathode ray tubes ⁽¹⁾	0

CN code	TARIC	Description	Rate of autonomous duty (%)'
ex 3911 90 99	75	Microspheres of a copolymer of divinylbenzene and styrene, of an average diameter of 220 µm or more but not exceeding 575 µm	0
ex 3926 90 99	75		
ex 3913 90 00	98	Sodium hyaluronate	0
ex 3919 10 69	95	Reflecting laminated sheet showing a regular pattern, consisting of a film of poly(methylmethacrylate), followed by a layer of acrylic polymer containing microprisms, a film of poly(methylmethacrylate), an adhesive layer and a release sheet	0
ex 3919 90 69	98		
ex 3919 90 31	70	Poly(ethylene terephthalate) sheet, covered on one side with an anti-static layer and a hardcoat layer and on the other side with an adhesive layer and a release sheet, in rolls, for the manufacture of optical filters ⁽¹⁾	0
ex 3920 20 21	30	Biaxially oriented polypropylene film with a coextruded layer of polyethylene on one side and a total thickness of 11,5 µm or more but not more than 13,5 µm.	0
ex 3920 91 00	93	Film of poly(ethylene terephthalate), whether or not metallised on one or both sides, or laminated film of poly(ethylene terephthalate) films, metallised on the external sides only, and having the following characteristics: — a visible light transmission of 50 % or more, — coated on one or both sides with a layer of poly(vinyl butyral) but not coated with an adhesive or any other material except poly(vinyl butyral), — a total thickness not exceeding 0,2 mm without taking the presence of poly(vinyl butyral) into account, for use in the manufacture of heat-reflecting or decorative laminated glass ⁽¹⁾	0
ex 3920 99 59	60	Film of a vinyl alcohol copolymer, soluble in cold water, of a thickness of 34 µm or more but not exceeding 90 µm, a tensile strength at break of 20 MPa or more but not exceeding 45 MPa and an elongation at break of 250 % or more but not exceeding 900 %	0
ex 3921 90 60	94	Composite sheet containing an acrylic coating and laminated to a high-density polyethylene layer, of a total thickness of 0,8 mm or more but not exceeding 1,2 mm	0
ex 3926 90 99	15	Glass fibre reinforced plastic traverse leaf spring for use in the manufacture of motor vehicle suspension systems ⁽¹⁾	0
ex 3926 90 99	25	Unexpandable microspheres of a copolymer of acrylonitrile, methacrylonitrile and isobornyl methacrylate, of a diameter of 3 µm or more but not exceeding 4,6 µm	0
ex 6909 19 00	60	Supports for catalysts, consisting of porous ceramic pieces, of a blend of silicon carbide and silicon, with a hardness of less than 9 on the Mohs scale, with a total volume not exceeding 65 liters, having per cm ² of the surface of the cross section one or more closed channels at the tail end	0

CN code	TARIC	Description	Rate of autonomous duty (%)'
ex 7007 19 20	10	Glass plate of a diagonal size of 81,28 cm (+/- 1,5 cm) or more, but not exceeding 185,42 cm (+/- 1,5 cm), consisting of tempered glass; provided either with a mesh film and a near-infrared absorbing film or a sputtered conductive layer, with optional additional anti-reflex layer on one or two sides, for use in the manufacture of PDP video monitors or television sets ⁽¹⁾	0
ex 7007 29 00	10	Glass plate of a diagonal size of 81,28 cm (+/- 1,5cm) or more, but not exceeding 185,42 cm (+/- 1,5 cm), consisting of 2 sandwich plates laminated together; provided either with a mesh film and a near-infrared absorbing film or a sputtered conductive layer, with optional additional anti-reflex layer on one or two sides, for use in the manufacture of PDP video monitors or television sets ⁽¹⁾	0
ex 8501 10 99	81	DC stepping motor, with an angle of step of 18° or more, a holding torque of 0,5 mNm or more, a coupling bracket the exterior dimensions of which do not exceed 22 × 68 mm, a two phase winding and an output not exceeding 5 W	0
ex 8501 10 99	82	DC motor, brushless, with an external diameter not exceeding 29 mm, a rated speed of 1 500 (± 15 %) or 6 800 (± 15 %) rpm, a supply voltage of 2 or 8 V	0
ex 8501 10 99	83	Multiphase electric motor with D.C. current, without brush, of a normal power drive of 31 W (+/- 5 W) calculated with 600 rpm (revolution per minute), equipped with electronic circuit provided with sensors using Hall effect (electric power steering motor)	0
ex 8505 11 00	33	Neodymium-magnet discs with a diameter not exceeding 90 mm, whether or not containing a hole in the centre	0
ex 8507 80 94	30	Electric lithium-ion accumulator, with: — a length of 35 mm or more, but not more than 45 mm — a width of 35 mm or more, but not more than 53 mm — a thickness of 3,5 mm or more, but not more than 7 mm — a mass of 15,5 g or more, but not more than 35 g — a rated capacity of 600 mAh or more, but not more than 780 mAh — a nominal voltage of 3,7 V for use in the manufacture of mobile phones ⁽¹⁾	0
ex 8516 90 00	33	Stainless steel soleplate with heating wire, for use in the manufacture of electric irons ⁽¹⁾ ⁽¹⁾	0
ex 8516 90 00	35	Steam iron, not capable of independent operation, for use in the manufacture of steam ironing systems ⁽¹⁾	0
ex 8522 90 98	44	Assembly for optical discs, comprising at least an optical unit and DC motors, capable or not of double layer recording	0
ex 8522 90 98	49	Magnetic head for playback of audio tapes, for use in the manufacture of products falling within heading 8 519 ⁽¹⁾	0

CN code	TARIC	Description	Rate of autonomous duty (%)'
ex 8529 90 81	44	LCD modules, solely consisting of one or more TFT glass or plastic cells, not combined with touch screen facilities, with or without backlight unit, with or without inverters and one or more printed circuit boards with control electronics for pixel addressing only	0
ex 8537 10 99 ex 8543 89 95	94 66	Unit consisting of two junction field effect transistors contained in a dual lead frame housing	0
ex 8537 10 99 ex 8543 89 95	95 65	Unit consisting of two metal oxide semiconductor field effect transistors contained in a dual lead frame housing	0
ex 8540 91 00	32	Electron gun of colour cathode-ray tubes with an anode voltage of 27,5 kV or more but not exceeding 36 kV	0
ex 8543 89 95	52	Opto-electronic circuit comprising one or more light-emitting diodes (LEDs), whether or not equipped with an integrated driving circuit, and one photodiode with amplifier circuit, whether or not with an integrated logic gate arrays circuit or one or more light-emitting diodes and at least 2 photodiodes with an amplifier circuit, whether or not with an integrated logic gate arrays circuit or other integrated circuits, contained in a housing	0
ex 8548 90 90	47	Unit consisting of two or more light emitting diode chips operating at a typical wavelength of 450 nm or more but not exceeding 660 nm, contained in a lead frame housing having a circular opening whose exterior dimensions without fittings – do not exceed 4 × 4 mm	0
ex 8548 90 90	48	Optical unit, consisting at least of a laserdiode and a photodiode operating at a typical wavelength of 635 nm or more but not exceeding 815 nm	0
ex 8548 90 90	49	LCD modules, solely consisting of one or more TFT glass or plastic cells, combined with touch screen facilities, with or without backlight unit, with or without inverters and one or more printed circuit boards with control electronics for pixel addressing only	0
ex 9405 40 35	10	Electric light assembly of synthetic material containing 3 fluorescent tubes (RBG) of a diameter of 3,0 mm (± 0,2 mm), of a length of 420 mm (± 1 mm) or more, but not exceeding 600 mm (± 1 mm), for the manufacture of goods of heading 8528 ⁽¹⁾	0

⁽¹⁾ Entry under this subheading is subject to conditions laid down in the relevant Community provisions (see Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1)).

ANNEX II

Code NC	TARIC
ex 2932 11 00	10
ex 2933 69 80	10
ex 3824 90 99	54
ex 3907 20 99	25
ex 3911 90 99	75
ex 3926 90 99	75
ex 3920 91 00	93
ex 3920 99 59	60
ex 3926 90 99	85
ex 8522 90 98	44
ex 8529 90 81	31
ex 8540 91 00	32
ex 8543 89 95	52
ex 8548 90 90	39
ex 8548 90 90	46

COMMISSION REGULATION (EC) No 990/2005**of 29 June 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 30 June 2005.

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

Done at Brussels, 29 June 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 29 June 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	43,1
	999	43,1
0707 00 05	052	88,2
	999	88,2
0709 90 70	052	86,5
	999	86,5
0805 50 10	382	71,1
	388	65,3
	528	27,6
	624	71,1
	999	58,8
0808 10 80	388	91,8
	400	91,3
	508	76,0
	512	70,4
	524	62,4
	528	73,8
	720	51,4
	804	92,4
0809 10 00	999	76,2
0809 20 95	052	167,5
	999	167,5
0809 30 10, 0809 30 90	052	272,9
	068	218,2
	400	325,6
	999	272,2
0809 40 05	052	157,0
	999	157,0
	624	121,8
	999	121,8

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 991/2005**of 28 June 2005****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 28 June 2005.

For the Commission
Günter VERHEUGEN
Vice-President

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

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

ANNEX

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.10	New potatoes 0701 90 50	— — —	— — —	— — —	— — —	— — —	— — —
1.30	Onions (other than seed) 0703 10 19	26,36 91,03 247,86	15,12 18,35 17,48	789,29 11,32	196,36 106,21	412,51 6 312,40	6 516,46 1 010,28
1.40	Garlic 0703 20 00	129,22 446,19 1 214,90	74,11 89,95 85,68	3 868,72 55,48	962,46 520,58	2 021,92 30 940,20	31 940,39 4 951,88
1.50	Leeks ex 0703 90 00	62,17 214,66 584,49	35,65 43,28 41,22	1 861,25 26,69	463,04 250,45	972,75 14 885,36	15 366,56 2 382,35
1.60	Cauliflowers 0704 10 00	—	—	—	—	—	—
1.80	White cabbages and red cabbages 0704 90 10	53,56 184,93 503,54	30,72 37,28 35,51	1 603,48 22,99	398,91 215,77	838,03 12 823,87	13 238,43 2 052,42
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	— — —	— — —	— —	— —	— —	— —
1.100	Chinese cabbage ex 0704 90 90	104,01 359,13 977,85	59,65 72,40 68,96	3 113,85 44,65	774,67 419,00	1 627,40 24 903,11	25 708,15 3 985,66
1.110	Cabbage lettuce (head lettuce) 0705 11 00	—	—	—	—	—	—
1.130	Carrots ex 0706 10 00	30,30 104,62 284,87	17,38 21,09 20,09	907,12 13,01	225,67 122,06	474,09 7 254,73	7 489,25 1 161,10
1.140	Radishes ex 0706 90 90	52,35 180,75 492,17	30,02 36,44 34,71	1 567,25 22,47	389,90 210,89	819,10 12 534,16	12 939,35 2 006,05
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	498,36 1 720,72 4 685,29	285,81 346,91 330,41	14 919,78 213,94	3 711,76 2 007,63	7 797,58 119 321,40	123 178,68 19 097,01

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.170	Beans:						
1.170.1	— Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	126,24 435,87 1 186,81	72,40 87,87 83,69	3 779,25 54,19	940,21 508,54	1 975,16 30 224,69	31 201,75 4 837,36
1.170.2	— Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 00	151,09 521,68 1 420,47	86,65 105,17 100,17	4 523,33 64,86	1 125,32 608,67	2 364,04 36 175,48	37 344,92 5 789,77
1.180	Broad beans ex 0708 90 00	—	—	—	—	—	—
1.190	Globe artichokes 0709 10 00	—	—	—	—	—	—
1.200	Asparagus:						
1.200.1	— green ex 0709 20 00	422,34 1 458,27 3 970,67	242,21 293,99 280,01	12 644,13 181,31	3 145,62 1 701,41	6 608,24 101 121,78	104 390,72 16 184,21
1.200.2	— other ex 0709 20 00	254,55 878,92 2 393,16	145,99 177,19 168,77	7 620,76 109,28	1 895,90 1 025,46	3 982,86 60 947,24	62 917,47 9 754,41
1.210	Aubergines (eggplants) 0709 30 00	95,52 329,81 898,02	54,78 66,49 63,33	2 859,66 41,01	711,43 384,80	1 494,55 22 870,19	23 609,51 3 660,30
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	124,01 428,18 1 165,87	71,12 86,32 82,22	3 712,59 53,24	923,62 499,57	1 940,33 29 691,57	30 651,40 4 752,04
1.230	Chantarelles 0709 59 10	926,44 3 198,81 8 709,93	531,31 644,89 614,23	27 735,76 397,72	6 900,13 3 732,16	14 495,64 221 817,53	228 988,17 35 501,18
1.240	Sweet peppers 0709 60 10	116,98 403,92 1 099,82	67,09 81,43 77,56	3 502,26 50,22	871,29 471,27	1 830,40 28 009,41	28 914,86 4 482,82
1.250	Fennel 0709 90 50	—	—	—	—	—	—
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	115,02 397,14 1 081,36	65,96 80,07 76,26	3 443,47 49,38	856,67 463,36	1 799,67 27 539,24	28 429,49 4 407,57
2.10	Chestnuts (<i>Castanea</i> spp.) fresh ex 0802 40 00	—	—	—	—	—	—
2.30	Pineapples, fresh ex 0804 30 00	62,26 225,32 613,51	37,42 45,43 43,27	1 953,66 28,01	486,03 262,89	1 021,05 15 624,41	16 129,50 2 500,64

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.40	Avocados, fresh ex 0804 40 00	132,86 458,73 1 249,07	76,19 92,48 88,09	3 977,51 57,04	989,53 535,22	2 078,78 31 810,26	32 838,59 5 091,13
2.50	Guavas and mangoes, fresh ex 0804 50	—	—	—	—	—	—
2.60	Sweet oranges, fresh:						
2.60.1	— Sanguines and semi-sanguines ex 0805 10 20	55,08 190,18 517,83	31,59 38,34 36,52	1 648,99 23,65	410,24 221,89	861,81 13 187,80	13 614,12 2 110,67
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins ex 0805 10 20	52,72 182,03 495,64	30,23 36,70 34,95	1 578,32 22,63	392,66 212,38	824,88 12 622,68	13 030,73 2 020,22
2.60.3	— Others ex 0805 10 20	44,44 153,44 417,80	25,49 30,93 29,46	1 330,44 19,08	330,99 179,03	695,33 10 640,27	10 984,23 1 702,94
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkins and similar citrus hybrids, fresh:						
2.70.1	— Clementines ex 0805 20 10	66,82 230,72 628,21	38,32 46,51 44,30	2 000,45 28,69	497,67 269,18	1 045,50 15 998,66	16 515,85 2 560,53
2.70.2	— Monreales and satsumas ex 0805 20 30	56,31 194,42 529,39	32,29 39,20 37,33	1 685,77 24,17	419,39 226,84	881,04 13 481,97	13 917,80 2 157,75
2.70.3	— Mandarines and wilkins ex 0805 20 50	67,05 231,49 630,33	38,45 46,67 44,45	2 007,21 28,78	499,35 270,09	1 049,03 16 052,68	16 571,61 2 569,18
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	72,20 249,30 678,81	41,41 50,26 47,87	2 161,61 31,00	537,77 290,87	1 129,73 17 287,52	17 846,37 2 766,81
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90	111,16 383,80 1 045,02	63,75 77,38 73,70	3 327,76 47,72	827,88 447,79	1 739,20 26 613,87	27 474,21 4 259,46
2.90	Grapefruit, fresh:						
2.90.1	— white ex 0805 40 00	74,07 255,74 696,34	42,48 51,56 49,11	2 217,41 31,80	551,65 298,38	1 158,89 17 733,79	18 307,07 2 838,24
2.90.2	— pink ex 0805 40 00	82,86 286,10 779,00	47,52 57,68 54,94	2 480,63 35,57	617,13 333,80	1 296,46 19 838,80	20 480,26 3 175,16

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.100	Table grapes 0806 10 10	162,78 562,06 1 530,42	93,36 113,31 107,93	4 873,46 69,88	1 212,42 655,78	2 547,03 38 975,61	40 235,57 6 237,92
2.110	Water melons 0807 11 00	38,37 132,48 360,74	22,01 26,71 25,44	1 148,72 16,47	285,78 154,57	600,36 9 186,93	9 483,91 1 470,34
2.120	Melons (other than water melons):						
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onte- niente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	62,97 217,42 592,01	36,11 43,83 41,75	1 885,20 27,03	469,00 253,67	985,27 15 076,91	15 564,29 2 413,01
2.120.2	— Other ex 0807 19 00	81,05 279,85 762,00	46,48 56,42 53,74	2 426,51 34,80	603,67 326,51	1 268,17 19 406,06	20 033,40 3 105,88
2.140	Pears						
2.140.1	— Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	— — —	— — —	— —	— —	— —	— —
2.140.2	— Other ex 0808 20 50	— — —	— — —	— —	— —	— —	— —
2.150	Apricots 0809 10 00	— — —	— — —	— —	— —	— —	— —
2.160	Cherries 0809 20 95 0809 20 05	— — —	— — —	— —	— —	— —	— —
2.170	Peaches 0809 30 90	— — —	— — —	— —	— —	— —	— —
2.180	Nectarines ex 0809 30 10	— — —	— — —	— —	— —	— —	— —
2.190	Plums 0809 40 05	— — —	— — —	— —	— —	— —	— —
2.200	Strawberries 0810 10 00	281,43 971,72 2 645,86	161,40 195,90 186,59	8 425,45 120,82	2 096,09 1 133,74	4 403,42 67 382,78	69 561,05 10 784,40

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.205	Raspberries 0810 20 10	304,95	174,89	9 129,59	2 271,27	4 771,43	75 374,49
		1 052,93	212,28	130,92	1 228,49	73 014,18	11 685,68
		2 866,99	202,18				
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 455,44	834,69	43 572,96	10 840,12	22 772,69	359 741,10
		5 025,34	1 013,13	624,82	5 863,24	348 476,00	55 772,46
		13 683,32	964,96				
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	129,87	74,48	3 888,10	967,29	2 032,05	32 100,41
		448,42	90,40	55,75	523,19	31 095,21	4 976,69
		1 220,99	86,11				
2.230	Pomegranates ex 0810 90 95	67,40	38,65	2 017,82	502,00	1 054,58	16 659,26
		232,72	46,92	28,93	271,52	16 137,58	2 582,77
		633,66	44,69				
2.240	Khakis (including sharon fruit) ex 0810 90 95	157,94	90,58	4 728,54	1 176,37	2 471,29	39 039,12
		545,35	109,95	67,81	636,28	37 816,63	6 052,43
		1 484,91	104,72				
2.250	Lychees ex 0810 90	—	—	—	—	—	—

COMMISSION REGULATION (EC) No 992/2005**of 29 June 2005****opening and providing for the administration of an import quota for young male bovine animals for fattening (1 July 2005 to 30 June 2006)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

animals per application, each application of import licences should respect a minimum and a maximum number of heads.

Having regard to the Treaty establishing the European Community,

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

Whereas,

(5) With a view to preventing speculation, the quantities available within the quota should be made accessible to operators able to show that they are genuinely engaged in import of a significant scale from third countries. In consideration of this and in order to ensure efficient management, the traders concerned should be required to have imported a minimum of 100 animals during the period 1 May 2004 to 30 April 2005 given that a consignment of 100 animals may be considered to be a commercial viable consignment.

(1) The World Trade Organisation (WTO) schedule CXL requires the Community to open an annual import tariff quota for 169 000 head of young male bovine animals for fattening.

(6) If such criteria should to be checked, applications must be presented in the Member State where the importer is entered in a VAT register.

(2) Pending the results of the negotiations under Article XXIV.6 GATT in the context of the WTO following the Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Malta, Hungary, Poland, Slovenia and Slovakia (hereinafter referred to as the new Member States) certain of which were, together with Romania, the principal supplier countries within this quota in the last three quota years, it is appropriate to lay down in the detailed rules for the management of this tariff quota that for the period 1 July 2005 to 30 June 2006 the available quantity should be phased over the year in a suitable manner within the meaning of Article 32(4) of Regulation (EC) No 1254/1999.

(7) In order to prevent speculation, importers no longer involved in trade in live bovine animals at 1 January 2005 should be denied access to the quota and licences should not be transferable.

(8) Provision should be made for quantities for which licence applications may be requested to be allocated after a period of consideration and, where appropriate, once a uniform percentage reduction has been applied.

(3) To take into account the traditional trade patterns between the Community and the supplier countries within this quota and the need to safeguard the equilibrium of the market, the quantity available is staggered over four quarters for the quota year 2005/2006. Once the ongoing XXIV.6 negotiations have been finalised and ratified, new management rules will be implemented. Those rules should take into account the results of those negotiations and the quantities already used within the quota hereby opened.

(9) The arrangements should be managed using import licences. To this end, rules should be laid down on the submission of applications and the information to be given on applications and licences, where necessary by addition of certain provisions of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽²⁾ and of Commission Regulation (EC) No 1291/2000 of 9 June 2000 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽³⁾.

(4) In order to provide a more equal access to the quota while ensuring a commercially viable number of

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Commission Regulation (EC) No 1899/2004 (OJ L 328, 30.10.2004, p. 67).

⁽²⁾ OJ L 143, 27.6.1995, p. 35. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

⁽³⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1741/2004 (OJ L 311, 8.10.2004, p. 17).

- (10) Experience shows that a proper management of the quota also requires that the titular holder of the licence is a genuine importer. Therefore, such importer should actively participate in the purchase, transport and import of the animals concerned. Presentation of proof of those activities should thus also be a primary requirement with regard to the licence security.
- (11) With a view to ensuring a strict statistical control of the animals imported under the quota, the tolerance referred to in Article 8(4) of Regulation (EC) No 1291/2000 should not apply.
- (12) The application of this tariff quota requires effective checks on the specific destination of the imported animals. The animals should therefore be fattened in the Member State which has issued the import licence.
- (13) A security should be lodged to ensure that the animals are fattened for at least 120 days in designated production units. The amount of the security should cover the difference between the common customs tariff (CCT) duty and the reduced duty applicable on the date of release for free circulation of the animals in question.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Beef and Veal,

HAS ADOPTED THIS REGULATION:

Article 1

1. A tariff quota for 169 000 young male bovine animals falling within CN code 0102 90 05, 0102 90 29 or 0102 90 49 and intended for fattening in the Community is hereby opened for the period 1 July 2005 to 30 June 2006 subject to any reductions negotiated subsequently between the Community and its WTO partners within the framework of the negotiations under Article XXIV.6 GATT in the context of the WTO.

This tariff quota shall have the order number 09.4005.

2. The customs import duty applicable under the tariff quota referred to in paragraph 1 shall be 16 % *ad valorem* plus EUR 582 per tonne net.

The rate of duty provided for in the first subparagraph shall apply on condition that the imported animals are fattened for at least 120 days in the Member State which has issued the import licence.

3. The quantities referred under paragraph 1 shall be staggered over the period referred to in that paragraph as follows:

- (a) 42 250 live bovine animals for the period 1 July to 30 September 2005;
- (b) 42 250 live animals for the period 1 October to 31 December 2005;
- (c) 42 250 live animals for the period 1 January to 31 March 2006;
- (d) 42 250 live animals for the period 1 April to 30 June 2006.

4. If, during one of the periods mentioned under paragraphs 3(a), 3(b) and 3(c), the quantity covered by licence applications submitted for each of these periods is less than the quantity available for the period in question, the remaining quantity of that period will be added to the quantity available for the following period.

Article 2

1. To be eligible under the quota provided for in Article 1, applicants must be natural or legal persons and must prove to the satisfaction of the competent authorities of the Member State concerned, at the time they submit their applications for import licences, that they have imported at least 100 animals covered by CN code 0102 90 during the period 1 May 2004 to 30 April 2005.

Applicants must be listed in a national VAT register.

2. Proof of import shall be furnished exclusively by means of the customs document of release for free circulation, duly endorsed by the customs authorities and containing a reference to the applicant concerned as being the consignee.

Member States may accept copies of the documents referred to in the first subparagraph, duly certified by the competent authority. Where such copies are accepted, notification hereof shall be made in the communication from Member States referred to in Article 3(5) in respect of each applicant concerned.

3. Operators who at 1 January 2005 have ceased their activities in trade with third countries in the beef and veal sector shall not qualify for any application.

4. A company formed by the merger of companies each having reference imports complying with the minimum quantity referred to in paragraph 1 may use those reference imports as a basis for its application.

Article 3

1. Applications for import licences may be submitted only in the Member State in which the applicant is registered for VAT purposes.
2. Applications for import licences per each period referred to in Article 1(3):
 - (a) must cover at least 100 animals,
 - (b) may not cover more than 5 % of the quantity available.

Where applications exceed the quantity referred to in the first subparagraph, point (b), the excess shall be disregarded.

3. Applications for import licences shall be submitted during the first 10 working days of each period referred in Article 1(3). However, application for the first period shall be submitted during the 10 working days following the publication of this Regulation in the *Official Journal of the European Union*.
4. Applicants may lodge no more than one application each per period referred to in Article 1(3). Where the same applicant lodges more than one application, all applications from that applicant shall be inadmissible.
5. After verification of the documents presented, Member States shall forward to the Commission, by the fifth working day following the end of the period for the submission of applications at the latest, the list of applicants and their addresses as well as the quantities applied for.

All notifications, including 'nil' returns, shall be forwarded by fax or e-mail using the model form in Annex I to this Regulation in cases where applications have actually been submitted.

Article 4

1. Following the notification referred to in Article 3(5), the Commission shall decide as soon as possible to which extent the applications can be met.
2. If the quantities covered by applications as referred to in Article 3 exceed those available for the period in question, the Commission shall fix a single percentage reduction to be applied to the quantities applied for.

Where application of the reduction coefficient provided for in the first subparagraph gives a figure of less than 100 head per application, the quantity available shall be awarded by the Member States concerned by drawing lots for import rights

covering 100 head each. Where the remainder lot is less than 100 head it shall be considered a single lot.

3. Licences shall be issued as soon as possible subject to the Commission's decision regarding acceptance of the applications.

Article 5

1. Import licences shall be issued on the name of the operator who submitted the application.
2. Licence applications and licences shall show the following:
 - (a) in box 8, the country of origin;
 - (b) in box 16, one or several of the following Combined Nomenclature codes:

— 0102 90 05; 0102 90 29 or 0102 90 49;
 - (c) in box 20, the order number of the quota (09.4005) and one of the endorsements provided for in Annex III.

Article 6

1. Notwithstanding Article 9(1) of Regulation (EC) No 1291/2000, import licences issued pursuant to this Regulation shall not be transferable and shall confer rights under the tariff quotas only if made out in the same name and address as the one entered as consignee in the customs declaration of release for free circulation accompanying them.
2. No import licences shall be valid after 30 June 2006.
3. The security relating to the import licence shall be EUR 15 per head and shall be lodged by the applicant together with the licence application.
4. Licences issued shall be valid throughout the Community.
5. Pursuant to Article 50(1) of Regulation (EC) No 1291/2000, the full Common Customs Tariff duty applicable on the date of acceptance of the customs declaration for free circulation shall be collected in respect of all quantities imported in excess of those shown on the import licence.
6. Notwithstanding the provisions of Section 4 of Title III of Regulation (EC) No 1291/2000, the security shall not be released until proof has been produced that the titular holder of the licence has been commercially and logistically responsible for the purchase, transport and clearance for free circulation of the animals concerned. Such proof shall at least consist of:

- (a) the original commercial invoice or authenticated copy made out in the name of the titular holder by the seller or his representative, both established in the third country of export, and proof of payment by the titular holder or the opening by the titular holder of an irrevocable documentary credit in favour of the seller,
- (b) the bill of lading or, where applicable, the road or air transport document, drawn up in the name of the titular holder, for the animals concerned,
- (c) the copy No 8 of form IM 4 with the name and address of the titular holder being the only indication in box 8.

Article 7

1. At the time of import, the importer shall provide proof that he has:

- (a) given a written undertaking to inform within one month the competent authority of the Member State of the farm or farms where the young bovine animals are to be fattened;
- (b) lodged a security of an amount as laid down for each eligible CN code in Annex II with the competent authority of the Member State; the fattening of the imported animals in that Member State for at least 120 days from the date of acceptance of the customs declaration of release for free circulation is a primary requirement within the meaning of Article 20(2) of Regulation (EEC) No 2220/85.

2. Except in cases of *force majeure*, the security referred to paragraph 1(b) shall be released only if proof is furnished to the competent authority of the Member State that the young bovine animals:

- (a) have been fattened on the farm or farms indicated pursuant to paragraph 1;

- (b) have not been slaughtered before a period of 120 days from the date of import has elapsed; or
- (c) have been slaughtered for health reasons or have died as a result of sickness or accident before that period has elapsed.

The security shall be released immediately after such proof has been furnished.

However, where the time-limit referred to in paragraph 1(a) has not been observed, the security to be released shall be reduced by:

— 15 %, and by

— 2 % of the remaining amount for each day by which it has been exceeded.

The amounts not released shall be forfeited and retained as customs duties.

3. If the proof referred to in paragraph 2 is not furnished within 180 days from the date of import, the security shall be forfeited and retained as customs duty.

However, if such proof is not furnished within the period of 180 days provided for in the first subparagraph but is produced within six months following the said period, the amount forfeited, less 15 % of the security, shall be repaid.

Article 8

Regulations (EC) No 1291/2000 and (EC) No 1445/95 shall apply, subject to this Regulation.

Article 9

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

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

Done at Brussels, 29 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX I

EC Fax (32-2) 292 17 34

E-mail: AGRI-IMP-BOVINE@cec.eu.int

Application of Regulation (EC) No 992/2005

Order No: 09.4005

COMMISSION OF THE EUROPEAN COMMUNITIES — DG AGRI D.2 — IMPLEMENTATION OF MARKET MEASURES

APPLICATION FOR IMPORT LICENCES

Date: Quota period:

Member State:

Number of applicant ⁽¹⁾ ⁽²⁾	Applicant (name and address)	Quantity (heads)
Total		

Member State: Fax No:

Tel. No:

E-mail:

(¹) Continuous numbering.

(2) Indicate with an asterisk where application is made in accordance with the second subparagraph of Article 2(2).

ANNEX II

SECURITY AMOUNTS

Male bovine animals for fattening (CN Code)	Amount (EUR) per head
0102 90 05	28
0102 90 29	56
0102 90 49	105

ANNEX III

Endorsements provided for in Article 5(2)(c)

- *in Spanish:* 'Bovinos machos vivos de peso vivo inferior o igual a 300 kg [Reglamento (CE) n.º 992/2005]'
- *in Czech:* 'Živí býci s živou váhou nepřevyšující 300 kg na kus, na výkrm (Nařízení (ES) č. 992/2005)'
- *in Danish:* 'Levende ungtyre til opfedning, med en levende vægt på ikke over 300 kg pr. dyr (forordning (EF) nr. 992/2005)'
- *in German:* 'Lebende männliche Rinder mit einem Gewicht von höchstens 300 kg je Tier, zur Mast bestimmt (Verordnung (EG) Nr. 992/2005)'
- *in Estonian:* 'Elusad isasveised elusmassiga kuni 300 kg, nuumamiseks (määrus (EÜ) nr 992/2005)'
- *in Greek:* 'Ζώντα βοοειδή με βάρος ζώντος που δεν υπερβαίνει τα 300 kg ανά κεφαλή, προς πάχυνση [κανονισμός (ΕΚ) αριθ. 992/2005]'
- *in English:* 'Live male bovine animals of a live weight not exceeding 300 kg per head, for fattening (Regulation (EC) No 992/2005)'
- *in French:* 'Bovins mâles vivants d'un poids vif inférieur ou égal à 300 kg par tête, destinés à l'engraissement [Règlement (CE) n.º 992/2005]'
- *in Italian:* 'Bovini maschi vivi di peso vivo non superiore a 300 kg per capo, destinati all'ingrasso [regolamento (CE) n. 992/2005]'
- *in Latvian:* 'Jaunbulļi nobarošanai, kuru dzīvsvārs nepārsniedz 300 kg (Regula (EK) Nr. 992/2005)'
- *in Lithuanian:* 'Penėjimui skirti gyvi jaučiai, kurių vieno galvijo gyvasis svoris yra ne didesnis kaip 300 kg (Reglamentas (EB) Nr. 992/2005)'
- *in Hungarian:* 'Legfeljebb 300 kg egyedi élőtömegű élő hím szarvasmarhaféle, hizlalás céljára (992/2005/EK rendelet)'
- *in Dutch:* 'Levende mannelijke mestrunderen met een gewicht van niet meer dan 300 kg per dier (Verordening (EG) nr. 992/2005)'
- *in Polish:* 'Żywe młode byki o żywej wadze nieprzekraczającej 300 kg za sztukę bydła, opasowe (rozporządzenie (WE) nr 992/2005)'
- *in Portuguese:* 'Bovinos machos vivos com peso vivo inferior ou igual a 300 kg por cabeça, para engorda [Regulamento (CE) n.º 992/2005]'
- *in Slovakian:* 'Živé mladé býčky, ktorých živá hmotnosť nepresahuje 300 kg na kus, určené na výkrm (nariadenie (ES) č. 992/2005)'
- *in Slovenian:* 'Živo moško govedo za pitanje, katerega živa teža ne presega 300 kg na glavo (Uredba (ES) št. 992/2005)'
- *in Finnish:* 'Lihotettaviksi tarkoitettuja eläviä urospuolisia nautaeläimiä, elopaino enintään 300 kg/eläin (asetus (EY) N:o 992/2005)'
- *in Swedish:* 'Levande handjur av nötkreatur som väger högst 300 kg, för gödning (förordning (EG) nr 992/2005)'

COMMISSION REGULATION (EC) No 993/2005**of 29 June 2005****fixing the corrective amount applicable to the refund on cereals**

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 15(2) thereof,

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which an application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽²⁾, allows for the fixing of a corrective amount for the products listed in Article 1(1)(c) of Regulation (EEC) No 1766/92 ⁽³⁾. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) The world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination.
- (4) The corrective amount must be fixed at the same time as the refund and according to the same procedure; it may be altered in the period between fixings.
- (5) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (6) 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

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance except for malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 29 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

⁽³⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

ANNEX

to the Commission Regulation of 29 June 2005 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12	6th period 1
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	A00	0	0	0	0	0	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	0	– 0,46	– 0,92	– 1,38	– 1,84	—	—
1002 00 00 9000	A00	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	C02	0	– 0,46	– 0,92	– 1,38	– 1,84	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	C03	0	– 0,46	– 0,92	– 1,38	– 1,84	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	– 0,63	– 1,26	– 1,89	– 2,52	—	—
1101 00 15 9130	C01	0	– 0,59	– 1,18	– 1,76	– 2,36	—	—
1101 00 15 9150	C01	0	– 0,54	– 1,09	– 1,63	– 2,17	—	—
1101 00 15 9170	C01	0	– 0,50	– 1,00	– 1,50	– 2,00	—	—
1101 00 15 9180	C01	0	– 0,47	– 0,94	– 1,41	– 1,88	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

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 Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

C01: All third countries with the exception of Albania, Bulgaria, Romania, Croatia, Bosnia and Herzegovina, Serbia and Montenegro, the former Yugoslav Republic of Macedonia, Lichtenstein and Switzerland.

C02: Algeria, Saudi Arabia, Bahrain, Egypt, United Arab Emirates, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Lybia, Morocco, Mauritania, Oman, Qatar, Syria, Tunisia and Yemen.

C03: All third countries with the exception of Bulgaria, Norway, Romania, Switzerland and Lichtenstein.

COMMISSION REGULATION (EC) No 994/2005**of 29 June 2005****fixing the export refunds on malt**

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) Article 13 of Regulation (EC) No 1784/2003 provides that the difference between quotations or prices on the world market 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.
- (2) The refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under 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 ⁽²⁾.
- (3) The refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question. The said quantities are laid down in Regulation (EC) No 1501/95.
- (4) The world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination.
- (5) The refund must be fixed once a month. It may be altered in the intervening period.
- (6) It follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto.
- (7) 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

The export refunds on malt listed in Article 1(1)(c) of Regulation (EC) No 1784/2003 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 29 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

ANNEX

to the Commission Regulation of 29 June 2005 fixing the export refunds on malt

Product code	Destination	Unit of measurement	Amount of refunds
1107 10 19 9000	A00	EUR/t	0,00
1107 10 99 9000	A00	EUR/t	0,00
1107 20 00 9000	A00	EUR/t	0,00

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).

COMMISSION REGULATION (EC) No 995/2005**of 29 June 2005****fixing the corrective amount applicable to the refund on malt**

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 organization of the market in cereals ⁽¹⁾, and in particular Article 15(2),

Whereas:

- (1) Article 14(2) of Regulation (EC) No 1784/2003 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence. In this case, a corrective amount may be applied to the refund.
- (2) Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under 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 ⁽²⁾ allows for the fixing of a corrective amount for the malt referred

to in Article 1(1)(c) of Regulation (EEC) No 1766/92 ⁽³⁾. That corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95.

- (3) It follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto.
- (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

The corrective amount referred to in Article 15(3) of Regulation (EC) No 1784/2003 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 29 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 1431/2003 (OJ L 203, 12.8.2003, p. 16).

⁽³⁾ OJ L 181, 1.7.1992, p. 21. Regulation as last amended by Regulation (EC) No 1104/2003 (OJ L 158, 27.6.2003, p. 1).

ANNEX

to the Commission Regulation of 29 June 2005 fixing the corrective amount applicable to the refund on malt

(EUR/t)

Product code	Destination	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

(EUR/t)

Product code	Destination	6th period 1	7th period 2	8th period 3	9th period 4	10th period 5	11th period 6
1107 10 11 9000	A00	0	0	0	0	0	0
1107 10 19 9000	A00	0	0	0	0	0	0
1107 10 91 9000	A00	0	0	0	0	0	0
1107 10 99 9000	A00	0	0	0	0	0	0
1107 20 00 9000	A00	0	0	0	0	0	0

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 Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

COMMISSION REGULATION (EC) No 996/2005**of 29 June 2005****fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid**

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,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organisation of the market in rice ⁽²⁾ and in particular Article 13(3) thereof,

Whereas:

- (1) Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽³⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section.
- (2) In order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined.

- (3) The general and implementing rules provided for in Article 13 of Regulation (EC) No 1784/2003 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the abovementioned operations.

- (4) The specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95.

- (5) 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 Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 July 2005.

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

Done at Brussels, 29 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 329, 30.12.1995, p. 18. Regulation as last amended by Commission Regulation (EC) No 411/2002 (OJ L 62, 5.3.2002, p. 27).

⁽³⁾ OJ L 288, 25.10.1974, p. 1.

ANNEX

to the Commission Regulation of 29 June 2005 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(EUR/t)

Product code	Refund
1001 10 00 9400	0,00
1001 90 99 9000	0,00
1002 00 00 9000	0,00
1003 00 90 9000	0,00
1005 90 00 9000	0,00
1006 30 92 9100	0,00
1006 30 92 9900	0,00
1006 30 94 9100	0,00
1006 30 94 9900	0,00
1006 30 96 9100	0,00
1006 30 96 9900	0,00
1006 30 98 9100	0,00
1006 30 98 9900	0,00
1006 30 65 9900	0,00
1007 00 90 9000	0,00
1101 00 15 9100	0,00
1101 00 15 9130	0,00
1102 10 00 9500	0,00
1102 20 10 9200	57,30
1102 20 10 9400	49,12
1103 11 10 9200	0,00
1103 13 10 9100	73,67
1104 12 90 9100	0,00

NB: The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1), amended.

COMMISSION REGULATION (EC) No 997/2005**of 29 June 2005****setting the actual production of olive oil and the unit amount of the production aid for the 2003/2004 marketing year**

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 5 thereof,

Having regard to Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organisations⁽²⁾, and in particular Article 17a(2) thereof,

Whereas:

(1) Under Article 5 of Regulation No 136/66/EEC, the unit production aid must be adjusted in each Member State where actual production exceeds the guaranteed national quantity referred to in paragraph 3 of that Article. With a view to assessing the extent of the overrun in Greece, Spain, France, Italy and Portugal, account should be taken of the estimates for the production of table olives, expressed as olive-oil equivalent using the relevant coefficients referred to, in the case of Greece, in Commission Decision 2001/649/EC⁽³⁾, in the case of Spain, in Commission Decision 2001/650/EC⁽⁴⁾, in the case of France, in Commission Decision 2001/648/EC⁽⁵⁾, in the case of Italy, in Commission Decision 2001/658/EC⁽⁶⁾ and in the case of Portugal, in Commission Decision 2001/670/EC⁽⁷⁾.

⁽¹⁾ OJ L 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 208, 3.8.1984, p. 3. Regulation as last amended by Regulation (EC) No 1639/1998 (OJ L 210, 28.7.1998, p. 38).

⁽³⁾ OJ L 229, 25.8.2001, p. 16. Decision as last amended by Decision 2004/607/EC (OJ L 274, 24.8.2004, p. 13).

⁽⁴⁾ OJ L 229, 25.8.2001, p. 20. Decision as last amended by Decision 2004/607/EC.

⁽⁵⁾ OJ L 229, 25.8.2001, p. 12. Decision as last amended by Decision 2004/607/EC.

⁽⁶⁾ OJ L 231, 29.8.2001, p. 16. Decision as last amended by Decision 2004/607/EC.

⁽⁷⁾ OJ L 235, 4.9.2001, p. 16. Decision as last amended by Decision 2004/607/EC.

(2) Article 17a(1) of Regulation (EEC) No 2261/84 provides that, in order to determine the unit amount of the production aid for olive oil that can be paid in advance, the estimated production for the marketing year concerned should be determined. That amount must be set at a level that rules out any risk of undue payment to olive growers. The amount also applies to table olives, expressed as olive-oil equivalent. For the 2003/2004 marketing year, the estimated production and the unit amount of the production aid that can be paid in advance were laid down in Commission Regulation (EC) No 1807/2004⁽⁸⁾.

(3) In order to determine the actual production for which entitlement to aid is recognised, the individual Member States concerned must inform the Commission by no later than 15 May following each marketing year of the quantity on which the aid is payable in that Member State, in accordance with Article 14(4) of Commission Regulation (EC) No 2366/98⁽⁹⁾. According to that information, the quantity on which the aid is payable for the 2003/2004 marketing year is 342 997 tonnes for Greece, 1 570 169 tonnes for Spain, 3 284 tonnes for France, 736 198 tonnes for Italy and 34 644 tonnes for Portugal.

(4) Confirmation by the Member States that aid is payable on those quantities implies that the controls referred to in Regulations (EEC) No 2261/84 and (EC) No 2366/98 have been carried out. However, setting actual production on the basis of information from the Member States on the quantities on which aid is payable does not prejudice the conclusions that may be drawn from verification of the accuracy of that information under the accounts clearance procedure.

(5) Taking account of the actual production figures, the unit amount of the production aid provided for in Article 5(1) of Regulation No 136/66/EEC payable on the eligible quantities of actual production should also be set.

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

⁽⁸⁾ OJ L 318, 19.10.2004, p. 13.

⁽⁹⁾ 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).

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 2003/2004 marketing year, the actual production to be used to calculate the aid for olive oil as referred to in Article 5 of Regulation No 136/66/EEC shall be:

- 342 997 tonnes for Greece,
- 1 570 169 tonnes for Spain,
- 3 284 tonnes for France,
- 736 198 tonnes for Italy,
- 34 644 tonnes for Portugal.

2. For the 2003/04 marketing year, the unit amount of the production aid referred to in Article 5 of Regulation No 136/66/EEC payable on the eligible quantities of actual production shall be:

- EUR 129,64/100 kg for Greece,
- EUR 64,03/100 kg for Spain,
- EUR 130,40/100 kg for France,
- EUR 97,83/100 kg for Italy,
- EUR 130,40/100 kg for Portugal.

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, 29 June 2005.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 998/2005**of 29 June 2005****on granting of import licences for cane sugar for the purposes of certain tariff quotas and preferential agreements**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Having regard to Commission Regulation (EC) No 1159/2003 of 30 June 2003 laying down detailed rules of application for the 2003/2004, 2004/2005 and 2005/2006 marketing years for the import of cane sugar under certain tariff quotas and preferential agreements and amending Regulations (EC) No 1464/95 and (EC) No 779/96 ⁽³⁾, and in particular Article 5(3) thereof,

Whereas:

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

be determined for imports originating in signatory countries to the ACP Protocol and the Agreement with India.

- (3) Article 22 of Regulation (EC) No 1159/2003 opens tariff quotas at a duty of EUR 98 per tonne for products of CN code 1701 11 10 for imports originating in Brazil, Cuba and other third countries.
- (4) In the week 20 to 24 June 2005 applications were presented to the competent authorities in line with Article 5(1) of Regulation (EC) No 1159/2003 for import licences for a total quantity exceeding the contingent stipulated in Article 16 of Regulation (EC) No 1159/2003 for special preferential sugar.
- (5) In these circumstances the Commission must set reduction coefficients to be used so that licences are issued for quantities scaled down in proportion to the total available and must indicate that the limit in question has been reached,

HAS ADOPTED THIS REGULATION:

Article 1

In the case of import licence applications presented from 20 to 24 June 2005 in line with Article 5(1) of Regulation (EC) No 1159/2003 licences shall be issued for the quantities indicated in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 30 June 2005.

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

Done at Brussels, 29 June 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 146, 20.6.1996, p. 1.

⁽³⁾ OJ L 162, 1.7.2003, p. 25. Regulation as last amended by Regulation (EC) No 568/2005 (OJ L 97, 15.4.2005, p. 9).

ANNEX

ACP—INDIA preferential sugar

Title II of Regulation (EC) No 1159/2003

2004/05 marketing year

Country	Week of 20.-24.6.2005: percentage of requested quantity to be granted	Limit
Barbados	100	
Belize	0	reached
Congo	100	
Fiji	0	reached
Guyana	0	reached
India	0	reached
Côte d'Ivoire	100	
Jamaica	100	
Kenya	100	
Madagascar	100	
Malawi	0	reached
Mauritius	0	reached
Mozambique	0	reached
Saint Kitts and Nevis	100	
Swaziland	0	reached
Tanzania	100	
Trinidad and Tobago	100	
Zambia	100	
Zimbabwe	0	reached

2005/06 marketing year

Country	Week of 20.-24.6.2005: percentage of requested quantity to be granted	Limit
Barbados	100	
Belize	100	
Congo	100	
Fiji	100	
Guyana	100	
India	100	
Côte d'Ivoire	100	
Jamaica	100	
Kenya	100	
Madagascar	100	
Malawi	100	
Mauritius	100	
Mozambique	100	
Saint Kitts and Nevis	100	
Swaziland	100	
Tanzania	100	
Trinidad and Tobago	100	
Zambia	100	
Zimbabwe	100	

Special preferential sugar**Title III of Regulation (EC) No 1159/2003****2004/05 marketing year**

Country	Week of 20.-24.6.2005: percentage of requested quantity to be granted	Limit
India	0	reached
ACP	94,9374	reached

2005/06 marketing year

Country	Week of 20.-24.6.2005: percentage of requested quantity to be granted	Limit
India	100	
ACP	100	

CXL concessions sugar**Title IV of Regulation (EC) No 1159/2003****2004/05 marketing year**

Country	Week of 20.-24.6.2005: percentage of requested quantity to be granted	Limit
Brazil	0	reached
Cuba	0	reached
Other third countries	0	reached

2005/06 marketing year

Country	Week of 20.-24.6.2005: percentage of requested quantity to be granted	Limit
Brazil	100	
Cuba	100	
Other third countries	100	reached

II

(Acts whose publication is not obligatory)

EUROPEAN ECONOMIC AREA
EFTA SURVEILLANCE AUTHORITY

EFTA SURVEILLANCE AUTHORITY DECISION

No 22/04/COL

of 25 February 2004

with regard to a notification of a new direct transport aid scheme (Norway)

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area ⁽¹⁾, 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⁾, in particular to Article 24 and Protocol 3 thereof,

Having regard to the Authority's Guidelines ⁽³⁾ on the application and interpretation of Articles 61 and 62 of the EEA Agreement,

Having called on interested parties to submit their comments pursuant to the provisions cited above ⁽⁴⁾,

Whereas:

I. FACTS

1. Introduction

By letter from the Mission of Norway to the European Union dated 26 March 2003 (Doc. No: 03-1846 A), forwarding a letter from the Ministry of Trade and Industry dated 25 March 2003, a letter from the Ministry of Finance dated 25 March 2003 and a letter from the Ministry of Local Government and Regional Development dated 25 March 2003, all received and registered by the Authority on 26 March 2003, the Norwegian authorities notified a transition period for the regionally differentiated social security contributions and a new direct transport aid scheme.

By letter dated 16 May 2003 (Doc. No: 03-2951 D), the Authority acknowledged the receipt of the above letters and requested additional information.

By letter from the Mission of Norway to the European Union dated 10 June 2003 (Doc. No: 03-3707 A), forwarding a letter from the Ministry of Finance dated 5 June 2003, both received and registered by the Authority on 11 June 2003, the Norwegian authorities submitted additional information.

⁽¹⁾ Hereinafter referred to as the EEA Agreement.

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

⁽³⁾ Procedural and Substantive Rules in the Field of State Aid (State Aid Guidelines), adopted and issued by the EFTA Surveillance Authority on 19 January 1994. Published in OJ L 231, 3.9.1994, p. 1. The Guidelines were last amended on 18 February 2004 (not yet published).

⁽⁴⁾ Decision No 141/03/COL of 16 July 2003 (OJ C 216, 11.9.2003, p. 3 and EEA Supplement No 45 11.9.2003, p. 1).

By letter from the Mission of Norway to the European Union dated 19 June 2003 (Doc. No: 03-3976 A), forwarding a letter from the Ministry of Trade and Industry dated 10 June 2003, both received and registered by the Authority on 20 June 2003, the Norwegian authorities submitted a survey documenting additional transport costs ⁽⁵⁾.

By letter dated 16 July 2003 (Doc. No: 03-4598 D), the Authority informed the Norwegian authorities of its decision to initiate the procedure laid down in Article 1(2) in Part I of Protocol 3 to the Surveillance and Court Agreement, with regard to State aid in the form of regionally differentiated social security contributions and direct transport aid (hereinafter the decision to open an investigation).

The decision to open an investigation was published in the *Official Journal of the European Union* ⁽⁶⁾. The Authority invited interested parties to present comments on the aid schemes concerned.

The official response of the Norwegian authorities to the decision to open an investigation was received by fax from the Ministry of Trade and Industry dated 17 September 2003, forwarding a letter from the Ministry of Finance dated 17 September 2003 (Doc. No: 03-6381 A). The letter from the Ministry of Finance dated 17 September 2003 was also forwarded by letter from the Mission of Norway dated 18 September 2003, received and registered by the Authority on 19 September 2003 (Doc. No: 03-6451 A). The letter from the Ministry of Finance contained, *inter alia*, an extended version of the survey of additional transport costs that was submitted to the Authority by letter dated 19 June 2003.

The Authority received comments from 10 interested parties concerning the decision to open an investigation.

By letters dated 16 October 2003 (Doc. No: 03-7071 D) and 17 October 2003 (Doc. No: 03-7135), respectively, the Authority submitted the comments from third parties to the Norwegian authorities.

By fax dated 21 October 2003, the Ministry of Trade and Industry forwarded a reply dated 21 October 2003 from the Ministry of Finance (Doc. No: 03-7243 A) concerning the comments from third parties. By letter from the Mission of Norway dated 23 October 2003, received and registered by the Authority on 24 October 2003 (Doc. No: 03-7360 A), the letter from the Ministry of Finance was also forwarded to the Authority.

By letter from the Mission of Norway to the European Union dated 22 October 2003, forwarding a letter from the Ministry of Local Government and Regional Development dated 20 October 2003, both received and registered by the Authority on 24 October 2003 (Doc. No: 03-7362 A), the Norwegian authorities notified an extension of the geographic area eligible for direct transport aid that was notified by letter dated 25 March 2003.

By letter dated 19 December 2003 (Doc. No: 03-8952 D), the Authority requested additional information and clarification, in particular concerning the cumulation rules contained in the notified scheme.

By fax dated 21 January 2004, the Ministry of Trade and Industry forwarded a letter dated the same day from the Ministry of Local Government and Regional Development (Event No: 187224) containing additional information. By letter from the Mission of Norway to the European Union dated 23 January 2004, received and registered on 26 January 2004 (Event No: 188041), the same letter was forwarded to the Authority.

By fax dated 9 February 2004, the Ministry of Trade and Industry forwarded a letter dated the same day from the Ministry of Local Government and Regional Development (Event No: 189794). By letter from the Mission of Norway to the European Union dated 11 February 2004, received and registered on 12 February 2004 (Event No: 191138), the same letter was forwarded to the Authority. The letter dated 9 February from the Ministry of Local Government and Regional Development contained a minor change concerning the administration of the scheme.

⁽⁵⁾ Institute of Transport Economics (TØI). Arbeidsdokument av 4.6.2003. U-2899. TR1180/2003.

⁽⁶⁾ See footnote 4.

The notification dated 25 March 2003 and the decision to open an investigation referred to above, concerned a three year transitional period, from 2004 to 2007, for the regionally differentiated social security contributions, as well as the introduction of a new direct transport aid scheme. The Authority decided on 12 November 2003 to close — with a positive decision — the investigation concerning the three year transitional period for the regionally differentiated social security contributions (Dec. No: 218/03/COL) ⁽⁷⁾.

Consequently, the present decision deals with two aspects concerning the direct transport aid scheme. Firstly, the notification dated 25 March 2003 and the subsequent decision to open an investigation. Secondly, the additional notification dated 22 October 2003 containing a geographical extension of the scheme.

2. Description of the aid scheme notified on 25 March 2003

2.1. Aim of the scheme

The Norwegian authorities point out that extra transport cost is one of the permanent disadvantages or costs of distance related handicaps for firms located in peripheral areas and within sparsely populated regions compared to firms located in central areas. According to the Norwegian authorities, the aim of the new scheme is thus partly to offset the competitive disadvantages that additional transport costs represent for enterprises situated long distances from their markets.

2.2. Proposed eligible geographic area

The following counties/municipalities were proposed as eligible for national direct transport aid:

- Troms: Harstad, Tromsø, Kvæfjord, Skånland, Bjarkøy, Ibestad, Gratangen, Lavangen, Bardu, Salangen, Målselv, Sørreisa, Dyrøy, Tranøy, Torsken, Berg, Lenvik and Balsfjord,
- Nordland: all municipalities,
- Nord-Trøndelag: Leka, Nærøy, Vikna, Flatanger, Fosnes, Overhalla, Høylandet, Grong, Namsos, Namsskogan, Røyrvik, Lierne, Snåsa, Inderøy, Namdalseid, Verran, Mosvik, Verdal, Leksvik, Meråker and Steinkjer,
- Sør-Trøndelag: Hemne, Snillfjord, Hitra, Frøya, Ørland, Agdenes, Rissa, Bjugn, Åfjord, Roan, Osen, Oppdal, Rennebu, Meldal, Røros, Holtålen, Midtre Gauldal, Selbu and Tydal,
- Møre og Romsdal: Kristiansund, Vanylven, Sande, Herøy, Ulstein, Hareid, Norddal, Stranda, Stordal, Rauma, Nesset, Midsund, Sandøy, Aukra, Eide, Averøy, Frei, Gjemnes, Tingvoll, Sunndal, Surnadal, Rindal, Aure, Halså, Tustna and Smøla,
- Sogn og Fjordane: Gulen, Solund, Hyllestad, Høyanger, Vik, Balestrand, Leikanger, Sogndal, Aurland, Lærdal, Årdal, Luster, Askvoll, Fjaler, Gaular, Jølster, Bremanger, Vågsøy, Selje, Eid, Hornindal, Gloppen and Stryn.

The proposed areas eligible for direct transport aid are within the eligible area for regional aid, approved by the Authority on 17 December 1999 (327/99/COL), except for the municipalities Herøy (8 374 inhabitants), Ulstein (6 664 inhabitants), Hareid (4 780 inhabitants) and Aukra (3 026 inhabitants) in Møre og Romsdal county. The area for regional aid in Norway covers 25,2 % of the total population ⁽⁸⁾, while the proposed area for the new direct transport aid scheme, as notified on 25 October 2003, covers 16,0 % of the total population (721 079 inhabitants).

The Norwegian authorities state that the designation of the area for regional transport aid is based on Annex XI of the State Aid Guidelines, which establishes criteria for granting aid to offset additional transport costs in low population density areas, i.e. regions with fewer than 12,5 inhabitants per square kilometre.

⁽⁷⁾ OJ L 145, 9.6.2005, p. 25.

⁽⁸⁾ All the population figures used in this decision are on 1 January 2002. The total population of Norway on 1 January 2002 was 4 503 436 inhabitants.

The counties Troms, Nordland, Nord-Trøndelag and Sogn og Fjordane have a population density of fewer than 12,5 inhabitants per square kilometre.

The counties Sør-Trøndelag and Møre og Romsdal do not have a low population density, but the parts of these counties proposed eligible for direct transport aid have a low population density (4,1 and 9,6 inhabitants per square kilometre, respectively). The total population of the municipalities in the two counties that are included in the proposed area is 179 792.

The Norwegian authorities state in the notification that the population covered by the existing indirect transport aid scheme (the geographically differentiated social security contributions scheme) is 23,55 % compared to a population coverage of 16,01 % in the new proposed area, and that this is in accordance with the first condition in the fifth indent in Annex XI (see section II.3 below) of the State Aid Guidelines for national regional aid.

2.3. Calculation of the regional direct transport aid

According to the notification, aid may only be given in respect of the extra costs of transporting goods inside the national territory, calculated on the basis of the most direct and economical mode of transport between the place of production and processing and the nearest commercial outlet. When transporting goods to destinations in Sweden and Finland, the calculation of the total transport distance also includes the distances within Sweden and Finland. However, aid is only given to the transport costs occurred within the national borders.

Only documented transport costs may form the basis for calculating the aid. The transport aid is calculated as a percentage of the total transport costs. The transport costs must be specified in a consignment note or equivalent document that is dependent on the transport distance inside national boundaries, weight of goods and type of goods and on freight charges and other charges that may be attributed to the actual transport. Compensation is given on the basis of applications from the firms, the year after the transport costs occurred.

The aid intensity will be differentiated according to two geographical transport zones and according to transport distance (minimum 350 km). The highest aid intensity priority is given to Troms, Nordland and Nord-Trøndelag (zone 1) while Sør-Trøndelag, Møre og Romsdal and Sogn og Fjordane (zone 2) is subject to lower aid intensity. Table 1 below shows the differentiation in aid intensities.

Table 1
Aid intensity

Transport distances in kilometres	(in %)	
	Zone 1	Zone 2
350-700	30	20
701-	40	30

2.4. Documentation of additional transport costs

By letter dated 10 June 2003, the Ministry of Trade and Industry submitted a survey from the Institute of Transport Economics (TØI) ⁽⁹⁾ on the extra transport costs in the proposed area for transport aid. The survey is based on interviews with 33 enterprises divided into six samples (geographic areas). The 33 enterprises are selected from the Central Register of Establishments and Enterprises (CRE) at Statistics Norway ⁽¹⁰⁾ by using a random sample statistical method. The conclusion from TØI is that sample 1 (the three northernmost counties (Troms, Nordland and Nord-Trøndelag)) and sample 2 (counties in Western-Norway (Sør-Trøndelag, Møre og Romsdal and Sogn og Fjordane)) have on average transport costs per man-year — in total and for transport distances above 350 kilometres — that are significantly above comparable cost figures for the reference area. The reference area is zone 1 of the geographically differentiated social security contributions scheme (mostly Oslo and surrounding areas).

⁽⁹⁾ Interju av industribedrifter i aktuelle transportstøttesoner og i referansesoner. Arbeidsdokument av 4.6.2003.

⁽¹⁰⁾ 'Statistisk sentralbyrås bedrifts- og foretaksregister'.

2.5. *Duration of the scheme*

1 January 2004-31 December 2006.

2.6. *Budget*

The budget is estimated at approximately NOK 200 million (some EUR 24,5 million) per year.

2.7. *Cumulation*

By setting the maximum aid intensities as percentages of the total transport costs (see table 1 above), the Norwegian authorities state that they will ensure that firms are not being overcompensated. If undertakings benefit from a reduced social security contribution in the same period, the advantages of this reduction will be deducted from the transport aid grant calculated according to table 1. Furthermore, the undertakings will not receive more in transport aid from the new transport aid scheme and reduced social security contributions, altogether, than the amount equivalent to what they would have received through the existing differentiation of social security contributions.

2.8. *Sectors exempted from the scheme and sensitive sectors that are subject to specific notification requirements*

The economic activities hereunder cannot, according to the notification, receive direct transport aid.

(a) The scheme does not apply to transport or transmission of products of the following sectors and/or products of businesses without an alternative location:

- production and distribution of electricity,
- extraction of crude petroleum and natural gas,
- service activities incidental to oil and gas extraction excluding surveying,
- mining of metal ores,
- extraction of the industrial minerals nepheline syenite and olivine.

(b) Industries covered by specific sectoral rules

The following sectors may not receive regional transport aid due to specific sectoral rules:

- enterprises covered by the Act referred to in point 1a and b of Annex XV to the EEA Agreement (on aid to the steel industry and aid to shipbuilding).

(c) Economic activities within the agriculture/forestry-and-fisheries-sectors that will still be subject to the current system of differentiated rates of social security contribution.

Direct transport aid given to the motor vehicle industry or industrial production of synthetic fibres will, according to the notification, be subject to prior notification and approval by the Authority in accordance with the State Aid Guidelines.

2.9. *The decision to open an investigation*

In its decision of 16 July 2003 to open an investigation, the Authority expressed two doubts in respect of the direct aid scheme.

Firstly, the Authority noted that four of the notified municipalities proposed eligible for direct transport aid are outside the approved regional aid map (Herøy, Ulstein, Hareid and Aukra). As the Norwegian authorities have not notified an adjustment of the map of assisted areas, the Authority considered that direct transport aid to these four municipalities would be incompatible with the State aid provisions of the EEA Agreement.

Secondly, the Authority considered that the documentation submitted by the Norwegian authorities did not, to a sufficient degree, prove that additional transport costs exist in the geographical areas in southern Norway proposed eligible for direct transport aid (Sogn og Fjordane, Møre og Romsdal and Sør-Trøndelag).

2.10. Comments from Norway to the decision to open an investigation

By letter dated 17 September 2003 from the Ministry of Finance, the Norwegian authorities submitted comments on the Authority's decision to open an investigation. The Norwegian authorities stated that, to ensure the validity of the previously presented documentation for extra transport costs in the notified area for transport aid, they had carried out a more extended survey compared to the one submitted by letter dated 19 June 2003 (enclosed with the comments). This survey confirmed the results of the previous survey, according to the Norwegian authorities.

The extended survey ⁽¹⁾ covers 39 enterprises, including firms in the area not proposed eligible for the new national transport aid. Transport costs in zone 1 of the geographically differentiated social security contributions scheme are established as reference transport costs compared to extra transport costs in areas proposed eligible for direct transport aid. The conclusions of the study confirm, according to the Norwegian authorities, that enterprises in the counties of Troms, Nordland, Nord-Trøndelag, Sør-Trøndelag, Møre og Romsdal and Sogn og Fjordane have average transport costs — both in total and for distances above 350 kilometres — that are significantly higher than for enterprises in the reference area. The transport costs in the counties Troms, Nordland and Nord-Trøndelag are 220 % higher than the reference area for transport distances above 350 kilometres. The transport costs in the counties Sør-Trøndelag, Møre og Romsdal and Sogn og Fjordane are 143 % higher than the reference area for transport distances above 350 kilometres.

2.11. Comments from interested parties to the decision to open an investigation

Ten organisations and undertakings from Norway submitted comments to the decision to open an investigation. The main part of the comments concerned the geographically differentiated social security contributions scheme (transition period). The interested parties commenting upon the direct transport aid scheme, *inter alia*, stated that they do not know how the direct transport aid scheme will work, or what the effects of the scheme will be. Some comments also claim that the new direct transport aid scheme will only, to a limited extent, reduce the additional transport costs for enterprises located in the peripheral regions in Norway.

By letter dated 23 October 2003 from the Mission of Norway to the European Union, forwarding a letter dated 21 October 2003 from the Ministry of Trade and Industry and a letter dated 21 October 2003 from the Ministry of Finance, all received and registered by the Authority on 24 October (Doc. No: 03-7360 A), the Norwegian authorities briefly commented upon the comments from third parties. The Norwegian authorities note that the considerations and figures put forward in the comments from third parties substantiate the arguments that have been presented previously to the Authority. The Norwegian authorities also note that no third parties have raised any objections to the notified direct transport aid scheme.

3. Description of the notification of 22 October 2003

3.1. Extension of the geographical scope

On 22 October 2003 the Norwegian authorities notified an extension of the geographical scope of the scheme notified on 25 March 2003. The following 13 municipalities were also proposed as eligible for national direct transport aid:

in Hedmark county: Rendalen, Engerdal, Tolga, Tynset, Alvdal, Folldal and Os,

in Oppland county: Dovre, Lesja, Lom, Skjåk, Vågå and Sel.

The total population in these 13 municipalities is 37 271 persons. Both Hedmark and Oppland have a population density of fewer than 12,5 inhabitants per square kilometre. The population density for the area in Hedmark proposed as eligible for direct transport aid is 1,5 inhabitants per square kilometre, while it is 2,0 inhabitants per square kilometre for the proposed eligible area in Oppland county.

⁽¹⁾ 'Arbeidsdokument av 4.6.2003 (rev.1.9.2003-U-2899-TR1180/2003)'.

3.2. Amended justification for including municipalities from non-low population density counties (Møre og Romsdal and Sør-Trøndelag)

In the notification dated 22 October 2003, the Norwegian authorities amended their justification for including municipalities from counties that do not have a low population density in the proposed area eligible for direct transport aid (see last paragraph in point I.2.2 above).

The Norwegian authorities now argue that it is justified to include municipalities in Sør-Trøndelag and Møre og Romsdal according to Annex XI of the State Aid Guidelines, because the population of Sør-Trøndelag and Møre og Romsdal within the proposed area for direct transport aid is 179 792 inhabitants, while the population in other low density population counties⁽¹²⁾ within the regional aid map, but outside the proposed transport aid map, is 172 322 inhabitants. The population within the proposed direct transport aid area in Sør-Trøndelag and Møre og Romsdal (counties with a population density higher than 12,5 inhabitants per square kilometre) is thus slightly higher (7 470 inhabitants) than the population within the regional aid map, but outside the proposed direct transport aid map, in counties with a low population density. The Norwegian authorities consider that it is within the Authority's discretionary powers to approve this limited increase in the population covered by the scheme.

3.3. Additional documentation of transport costs

As part of the amended notification of 22 October 2003, the Norwegian authorities submitted a new survey covering enterprises in notified municipalities in Hedmark and Oppland. The method used is the same as in the first survey (see point 2.4 above).

The survey⁽¹³⁾ — also carried out by TØI — covers 13 enterprises in 13 municipalities in the northern parts of the counties of Hedmark and Oppland. Engerdal municipality was not covered by the survey, but is included in the additional notification. The survey confirms, according to the Norwegian authorities, that the enterprises in these 12 municipalities have transport costs — both in total and for distances above 350 kilometres — that on average are significantly higher than the costs of enterprises in the reference area. The reference area is the same as for the first study. The survey concludes that the transport costs in the 12 municipalities are 120 % higher than the reference area for transport distances above 350 kilometres.

II. APPRECIATION

1. The existence of aid

Article 61(1) of the EEA Agreement reads as follows:

‘Save as otherwise provided in this Agreement, any aid granted by EC Member States, EFTA States or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Contracting Parties, be incompatible with the functioning of this Agreement.’

The notified aid is being funded by State resources and will favour certain undertakings in the meaning of Article 61(1) of the EEA Agreement. The benefiting enterprises are actually or potentially in competition with similar undertakings in Norway and other EEA States. As the proposed aid distorts or threatens to distort competition and affects trade within the EEA, the scheme therefore constitutes State aid in the meaning of Article 61(1) of the EEA Agreement.

2. Notification requirement

Article 1(3) in Part I of Protocol 3 to the Surveillance and Court Agreement states: ‘The EFTA Surveillance Authority shall be informed, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid.’ Aid provided without notification or aid that is notified late, i.e. notified after being ‘put into effect’ is considered unlawful aid.

⁽¹²⁾ Population within the low density population counties of Aust-Agder, Telemark, Hedmark and Oppland.

⁽¹³⁾ ‘Arbeidsdokument av 22.9.2003-U-2929-TR1194/2003’.

By letters from the Mission of Norway to the European Union dated 26 March 2003 (Doc. No: 03-1846 A), 10 June 2003 (Doc. No: 03-3707 A), 22 October 2003 (Doc. No: 03-7362 A), 23 January 2004 (Event No: 188041) and 11 February 2004 (Event No: 191138) the Norwegian authorities have complied with their obligation under Article 1(3) in Part I of Protocol 3 to the Surveillance and Court Agreement by notifying the aid measure before putting it into effect.

3. Relevant legal basis

In their notifications, the Norwegian authorities qualified the aid granted under the proposed scheme as transport aid.

Chapter 25.4(27) of the Authority's State Aid Guidelines states that: 'In the regions of low population density qualifying either for exemption under Article 61(3)(a) or under 61(3)(c) on the basis of the population density test referred to in Chapter 25.3, paragraph 17, aid intended partly to offset additional transport costs ⁽¹⁴⁾ may be authorised under special conditions. It is up to the EFTA State to prove that such additional costs exist and to determine their amount.'

Chapter 25(3), paragraph 17, of the State Aid Guidelines defines low population density as below 12,5 inhabitants per square kilometre.

With regard to the special conditions for regions qualifying for the Article 61(3)(c) derogation under the population density criterion, Chapter 25.4(27) of the Guidelines refers to Annex XI that sets out the conditions to be met for aid to qualify for exemption. The conditions to be met are:

- Aid may serve only to compensate for the additional cost of transport. The EFTA State concerned will have to show that compensation is needed on objective grounds. There must never be over-compensation. Account will have to be taken here of other schemes of assistance to transport.
- Aid may be given only in respect of the extra cost of transport of goods inside the national borders of the country concerned. It must not be allowed to become export aid.
- Aid must be objectively quantifiable in advance, on the basis of an aid-per-kilometre ratio or on the basis of an aid-per-kilometre and an aid-per-unit-weight ratio, and there must be an annual report drawn up which, among other things, shows the operation of the ratio or ratios.
- The estimate of the additional cost must be based on the most economical form of transport and the shortest route between the place of production or processing and commercial outlets.
- Aid may be given only to firms located in areas qualifying for regional aid on the basis of the new population density test. Such areas will be made up essentially of NUTS level III geographic regions with a population density of less than 12,5 inhabitants per square kilometre. However, a certain flexibility is allowed in the selection of areas, subject to the following limitations:
 - flexibility in the selection of areas must not mean an increase in the population covered by transport aid,
 - the NUTS III parts qualifying for flexibility must have a population density of less than 12,5 inhabitants per square kilometre,
 - they must be contiguous with NUTS III regions which satisfy the low population density test,
 - their population must remain low compared with the total coverage of the transport aid;

⁽¹⁴⁾ Additional transport costs mean the extra costs occasioned by movements of goods within the borders of the country concerned. In no circumstances may such aid constitute export aid, nor must it constitute measures having an equivalent effect to quantitative restrictions on imports, within the meaning of Article 11 of the EEA Agreement.

- No aid may be given towards the transport or transmission of the products of businesses without an alternative location (products of the extractive industries, hydroelectric power stations, etc.);
- Transport aid given to firms in industries which the EFTA Surveillance Authority considers sensitive (motor vehicles, synthetic fibres, shipbuilding and steel) must always be notified in advance and will be subject to the industry guidelines in force.¹⁵

In Chapter 25.5(5) of the State Aid Guidelines it is stated in relation to the EFTA State's regional aid maps that: 'During the period of validity of the map, EFTA States may request adjustments to it, if it is shown that socioeconomic conditions have changed significantly. Such changes may relate to the rates of intensity and the eligible regions, provided that the possible inclusion of new regions is offset by the exclusion of regions having the same population. The validity of the adjusted map expires on the date already set for the original map'.

The Authority has examined the two notifications dated 25 March 2003 and 22 October 2003, respectively, in light of Article 61(3)(c) of the EEA Agreement and the relevant parts of the State Aid Guidelines on national regional aid cited above.

4. The notification dated 25 March 2003

The assessment of the notification dated 25 March 2003, which was the subject of the opening decision dated 16 July 2003, has led to the following observations:

- (a) *The aid is limited to regions of low population density qualifying for Article 61(3)(c) status, with the exception of four municipalities (Chapter 25.4(27) and 25.5(5) and fifth indent of Annex XI of the State Aid Guidelines)*

The Norwegian authorities have notified four municipalities outside the current regional aid map (Herøy, Ulstein, Hareid and Aukra).

The Authority's authorisation of the map of assisted areas for Norway in 1999 (327/99/COL) implied an endorsement of the granting of aid to enterprises in areas covered by the regional aid map under approved regional aid schemes. It follows that regional aid (for example direct transport aid) cannot be granted outside the approved map of assisted areas.

Chapter 25.5(5) of the State Aid Guidelines obliges Member States to remove existing regions of the approved regional aid map, in order to include new regions. As the Norwegian authorities have not notified an adjustment of the map of assisted areas in accordance with Chapter 25.5(5) of the State Aid Guidelines, regional aid (direct transport aid) to the four municipalities outside the regional aid map (Herøy, Ulstein, Hareid and Aukra, all located in the county of Møre og Romsdal) is incompatible with the State aid provisions of the EEA Agreement. Consequently, the Norwegian authorities cannot implement the notified aid scheme for these four municipalities.

The total population coverage in the notification dated 25 March 2003 was 721 079 inhabitants, or 16,0 % of the total population in Norway. The total population of Herøy, Ulstein, Hareid and Aukra is 22 844 inhabitants. The population coverage without these four municipalities therefore becomes 698 235 inhabitants, or 15,5 % of the total population.

The population coverage in Sør-Trøndelag and Møre og Romsdal (the counties that do not have a low population density) was 179 792 inhabitants in the notification dated 25 March 2003. Without the four municipalities Herøy, Ulstein, Hareid and Aukra the population coverage for these two counties becomes 156 948 ⁽¹⁵⁾ inhabitants, which is lower than the population within the regional aid map in counties with a low population density that is not proposed eligible for direct transport aid (Hedmark, Oppland, Telemark and Aust-Agder). The total population within the regional aid map in these four counties is 209 593 inhabitants.

⁽¹⁵⁾ 179 792 – 22 844 = 156 948.

The areas in Sør-Trøndelag and Møre og Romsdal proposed eligible for direct transport aid have a population density lower than 12,5 inhabitants per square kilometre. They are contiguous with the counties that satisfy the low population density test (Nord-Trøndelag and northwards). The population coverage in Sør-Trøndelag and Møre og Romsdal (156 948 inhabitants) amounts to 22,5 % of the total population coverage of the proposed scheme (698 235 inhabitants).

As to the rest of the notified areas, they are all Article 61(3)(c) EEA areas with a low population density. The conditions of Chapter 25.4(27) and the fifth indent of Annex XI are fulfilled.

(b) The Norwegian authorities have proven that additional transport costs exist and have determined their amount (Chapter 25.4(27) of the State Aid Guidelines)

To document additional transport costs, the Norwegian authorities have submitted two surveys. The first one by letter from the Mission of Norway to the European Union dated 19 June 2003, the second one, which is an extension of the first one, by letter from the Mission of Norway to the European Union dated 18 September 2003. Both surveys are random sample surveys where a number of firms were selected according to established statistical methods. For the selected firms data on transport costs were assembled.

In the opening decision (dated 16 July 2003), the Authority expressed doubts about the documentation submitted by the Norwegian authorities (the first survey). The Authority considered that the survey did not, to a sufficient degree, prove that additional transport costs exist in the geographical areas in southern Norway proposed eligible for direct transport aid (Sogn og Fjordane, Møre og Romsdal and Sør-Trøndelag).

In the second survey, the number of enterprises was increased. The study now confirms that enterprises located in the proposed area for direct transport aid have additional transport costs. Enterprises in the counties of Troms, Nordland, Nord-Trøndelag, Sør-Trøndelag, Møre og Romsdal and Sogn and Fjordane have average transport costs, both in total and for distances above 350 kilometres, that are significantly higher than for enterprises in the reference area. Enterprises in Troms, Nordland and Nord-Trøndelag have transport costs that are 220 % higher than enterprises in the reference area for transport distances above 350 kilometres. Enterprises in Sør-Trøndelag, Møre og Romsdal and Sogn and Fjordane have transport costs that are 143 % above the reference area for transport distances above 350 kilometres.

The Authority finds that the Norwegian authorities have proven that additional transport costs exist, and that the condition of Chapter 25.4(27) of the State Aid Guidelines therefore is fulfilled.

(c) The aid serves to compensate for the additional transport costs only (first indent of Annex XI of the State Aid Guidelines)

The aid intensities presented in table 1 in point I.2.3 above ensure that enterprises can receive aid up to a maximum of 40 % of their transport costs (for transport distances above 701 kilometres). Only transportation of more than 350 kilometres will be eligible for transport aid. The Authority considers that this is consistent with the results of the surveys presented by the Norwegian authorities (see point I.3.3 above) and finds that the scheme does not provide aid in excess of what is needed to compensate these additional transport costs.

In order to ensure that companies are not being overcompensated, any benefit from a reduced social security contribution rate will be deducted from the transport aid grant calculated according to table 1 in point I.2.3 above.

The condition in the first indent of Annex XI of the State Aid Guidelines is thus fulfilled.

(d) Aid is given only in respect of transport of goods inside the national borders of the country concerned (second indent of Annex XI of the State Aid Guidelines)

Under the scheme, aid may only be given in respect of the extra cost of transport of goods inside national boundaries and calculated on the basis of the direct and most economical option of transport mode between the place of production and processing and commercial outlet. When transporting goods to destinations in Finland and Sweden, the calculation of total transport distance also includes the distances within Sweden and Finland but aid is only given to the transport costs incurred within the national borders.

The condition in the second indent of Annex XI of the State Aid Guidelines is therefore fulfilled.

(e) *The aid is objectively quantifiable in advance on the basis of an aid-per-kilometre and an aid-per-unit-weight ratio; the estimate of additional costs is based on the most economical form of transport and the shortest route (third and fourth indent of Annex XI of the State Aid Guidelines)*

The proposed scheme satisfies these requirements in the following manner:

- the aid is calculated as a percentage of the transport costs (see table 1 in point I.2.3),
- the transport costs refer to reasonable costs specified in a consignment note or equivalent document, and which are dependent on the transport distance inside national boundaries, weight of goods and type of goods and on freight charges and other charges that may be attributed to the actual transport,
- transport costs must be calculated on the basis of the most economical mode of transport and the shortest route between place of production and the destination.

The conditions in the third and fourth indent of Annex XI of the State Aid Guidelines are thereby fulfilled.

(f) *The sector-specific arrangements are complied with (sixth and seventh indent of Annex XI of the State Aid Guidelines)*

- The scheme does not apply to transport or transmission of the products of businesses without an alternative location: production and distribution of electricity, extraction of crude petroleum and natural gas, service activities incidental to oil and gas extraction excluding surveying, mining of metal ores and extraction of the industrial minerals nepheline syenite and olivine.
- The scheme does not apply to enterprises covered by the Act referred to in point 1a and b of Annex XV to the EEA Agreement (on aid to the steel industry and aid to shipbuilding).
- The scheme does not apply to agriculture, forestry and fisheries that will continue to be subject to the current system of geographically differentiated social security contributions.

The conditions in the sixth and seventh indent of Annex XI of the State Aid Guidelines are thus fulfilled.

5. The amended notification dated 22 October 2003

By letter from the Mission of Norway to the European Union dated 22 October 2003, the Norwegian authorities notified a geographical extension of the scheme notified on 25 March 2003 (see point I.3.1 above).

To document additional transport costs, the Norwegian authorities have submitted a survey that documents additional transport costs for the 13 proposed eligible municipalities in Hedmark and Oppland counties. The conclusion of the survey is that the enterprises in these 13 municipalities have transport costs — both in total and for distances above 350 kilometres — that, on average, are significantly higher than the costs of enterprises in the reference area (120 % for transport distances above 350 kilometres).

The Authority finds that the survey proves that additional transport costs exist for the notified 13 municipalities.

The Authority notes that the extension of the geographical scope of the scheme brings the total population coverage for the scheme up to 735 506 inhabitants⁽¹⁶⁾, or 16,3 % of the total population (without the municipalities Herøy, Ulstein, Hareid and Aukra).

The Authority also notes that the population density in the proposed areas from Hedmark and Oppland is lower than 12,5 inhabitants per square kilometre.

⁽¹⁶⁾ 698 235 + 37 271 = 735 506.

Furthermore, the population within the regional aid map in counties with a low population density that is not proposed eligible for direct transport aid becomes 172 322 inhabitants⁽¹⁷⁾, which is higher than the population of the areas in Møre og Romsdal and Sør-Trøndelag (the counties that do not have a low population density) that is proposed eligible for direct transport aid (156 948 inhabitants).

Concerning the notification of 22 October 2003, the Authority concludes that the population density in the 13 municipalities is lower than 12,5 inhabitants per square kilometre and that they are within the existing regional aid map. The inclusion of these 13 municipalities does not bring the population coverage in the non-low population density counties Møre og Romsdal and Sør-Trøndelag (156 948 inhabitants) above the population coverage in the low population density counties Hedmark, Oppland, Telemark and Aust-Agder that is not proposed eligible for direct transport aid (172 322 inhabitants). The Norwegian authorities have also proven that additional transport costs exist for the 13 additional municipalities. As to the remaining requirements that need to be fulfilled, the Authority refers to the assessment in point 4 above that are equally valid when the 13 municipalities are included in the scheme.

6. Conclusion

The Authority concludes, with reference to the arguments above, that direct transport aid to the four municipalities Herøy, Ulstein, Hareid and Aukra is incompatible with the State aid provisions of the EEA Agreement and the aid shall not be put into effect for these four municipalities. Otherwise, the notified direct transport aid scheme is compatible with the EEA Agreement.

The Norwegian authorities are reminded that they are obliged to inform the Authority of any plan to amend or extend the scheme. The Norwegian authorities are also requested to submit an annual report providing detailed information on the implementation of the scheme and on the aid-per-kilometre ratio or the aid-per-kilometre and aid-per-unit-weight ratio in particular,

HAS ADOPTED THIS DECISION:

1. Direct transport aid to the four municipalities Herøy, Ulstein, Hareid and Aukra is incompatible with the State aid provisions of the EEA Agreement. The aid shall not be put into effect for these four municipalities.
2. The direct transport aid scheme, as notified by the Norwegian authorities on 25 March 2003 and 22 October 2003, with the exception of direct transport aid to the four municipalities mentioned in point 1 above, is compatible with Article 61(3)(c) of the EEA Agreement.
3. This decision is addressed to the Kingdom of Norway.
4. This decision is authentic in the English language.

Done at Brussels, 25 February 2004.

For the EFTA Surveillance Authority

The President
Hannes HAFSTEIN

College Member
Einar M. BULL

⁽¹⁷⁾ 209 593 – 37 271 = 172 322.

STANDING COMMITTEE OF THE EFTA STATES

DECISION OF THE STANDING COMMITTEE OF THE EFTA STATES

No 5/2004/SC

of 23 September 2004

establishing a principle of cost sharing for the EEA Financial Mechanism

THE STANDING COMMITTEE OF THE EFTA STATES,

Having regard to the Agreement on the European Economic Area as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as the EEA Agreement,

Having regard to the Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic in the European Economic Area, hereinafter referred to as the EEA Enlargement Agreement,

Having regard to Protocol 38a on the EEA Financial Mechanism inserted into the EEA Agreement by the EEA Enlargement Agreement,

Having regard to the Agreement between the Kingdom of Norway and the European Community on a Norwegian Financial Mechanism for the period 2004 to 2009,

Having regard to the Decision of the Standing Committee of the EFTA States No 4/2003/SC of 4 December 2003 establishing an EEA Financial Mechanism Interim Committee,

Having regard to the Decision of the Standing Committee of the EFTA States No 4/2004/SC of 3 June 2004 establishing a Financial Mechanism Committee,

HAS DECIDED AS FOLLOWS:

Article 1

The contributions of the EEA EFTA Member States to the EEA Financial Mechanism for the period 2004 to 2009 are to be determined on the basis of the Annex to this Decision.

Article 2

This Decision shall take immediate effect.

Article 3

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 23 September 2004.

For the Standing Committee

The President

Kjartan JÓHANSSON

The Secretary-General

William ROSSIER

ANNEX

TECHNICAL DESCRIPTION OF COST SHARING OF THE EEA FINANCIAL MECHANISM FOR THE PERIOD 2004 TO 2009

1. The contributions of the EEA EFTA Member States to the EEA Financial Mechanism are to be based on Gross Domestic Product (GDP) for the three most recent years for which data is available. For any EEA EFTA Member State, the share to be applied for the financial year t , is to be calculated according to the following formula:

$$\text{Share } (t) = ((\text{GDP}_{(t-4)}/\text{GDP}_{(t-4)}^{\text{EEFTA}}) + (\text{GDP}_{(t-3)}/\text{GDP}_{(t-3)}^{\text{EEFTA}}) + (\text{GDP}_{(t-2)}/\text{GDP}_{(t-2)}^{\text{EEFTA}})) : 3$$

2. In this formula, $\text{GDP}_{(t-4)}^{\text{EEFTA}}$ denotes the overall GDP of the EEA EFTA Member States while $\text{GDP}_{(t-4)}$ denotes the GDP of the EEA EFTA Member State in question.
 3. The contribution of an individual EEA EFTA Member State to each of the five annual tranches of the Financial Mechanism thus corresponds to that State's share of GDP in the overall GDP of the EEA EFTA Member States, averaged over the three most recent years for which data is available.
 4. The data on GDP shall be delivered by the EEA EFTA Member States' National Statistical Institutes (NSIs).
 5. Contributions shall be expressed in euro.
 6. The GDP figures for Liechtenstein, which does not officially provide such data, shall be estimated by dividing the GDP for Switzerland by the resident population of Switzerland and multiplying the result by the resident population of Liechtenstein.
 7. The GDP data on which the contributions for a specific year t are to be based, shall be delivered by 1 February of the same year and shall relate to the years $t-4$, $t-3$ and $t-2$.
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