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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 130/2006**of 23 January 2006****imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of tartaric acid originating in the People's Republic of China**

THE COUNCIL OF THE EUROPEAN UNION,

B. SUBSEQUENT PROCEDURE

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the basic Regulation), and in particular Article 9 thereof,

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

Whereas:

A. PROVISIONAL MEASURES

- (1) The Commission, by Regulation (EC) No 1259/2005⁽²⁾ (the provisional Regulation) imposed a provisional anti-dumping duty on imports of tartaric acid (TA), currently classifiable within CN code 2918 12 00, originating in the People's Republic of China (PRC).
- (2) It is recalled that the investigation of dumping and injury covered the period from 1 July 2003 to 30 June 2004 (investigation period or IP). With respect to the trends relevant for the injury assessment, the Commission analysed data covering the period from 1 January 2001 to 30 June 2004 (period considered). The period used for the findings on undercutting, underselling and injury elimination is the aforementioned IP.

- (3) Following the imposition of a provisional anti-dumping duty on imports of TA originating in the PRC, some interested parties submitted comments in writing.

- (4) The Commission continued to seek and verify all information it deemed necessary for its definitive findings. Following the imposition of provisional measures, the Commission carried out further verifications, principally in order to verify the determination of normal value, at the premises of the following companies:

Exporting producers in the PRC

- Hangzhou Bioking Biochemical Engineering Co., Ltd, Hangzhou, PRC.
- Changmao Biochemical Engineering Co., Ltd, Changzhou City, PRC.
- Ninghai Organic Chemical Factory, Ninghai, PRC.

- (5) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive anti-dumping duty and the definitive collection of amounts secured by way of provisional duties. They were also granted a period within which they could make representations subsequent to this disclosure.

- (6) The oral and written comments submitted by the parties were considered, and, where appropriate, the findings have been modified accordingly.

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

⁽²⁾ OJ L 200, 30.7.2005, p. 73.

C. PRODUCT CONCERNED AND LIKE PRODUCT

- (7) The product concerned is tartaric acid, currently classifiable within CN code 2918 12 00. The product concerned is used in wine, in beverage and food additives, as a retardant in plaster and in numerous other products. It can be obtained either from the by-products of wine making, as is the case with all Community producers or, via chemical synthesis, from petrochemical compounds, as is the case with all PRC exporting producers.
- (8) Two importers argued that a distinction should be made between TA of food or pharmaceutical grades, such as the natural TA produced by the Community industry, and synthetic TA of technical (non-food) grades. They also argued that the latter should be excluded from the proceeding since, unlike TA produced by the Community industry, the technical grades could not be used for human consumption.
- (9) One importer also pointed out that the TA produced by the Community industry and that imported from the PRC resulted from completely different production processes, and only natural TA could be used for wine production. This importer further claimed that the particular type of TA it imported was tailored to the needs of one particular user and could not be used by others. This importer therefore argued that this type of TA and that produced by the Community industry were not like products.
- (10) While it is recognised that there are different types of TA which are not equally suited to all applications, the investigation confirmed that all these types of TA share the same basic physical and chemical characteristics. As far as applications are concerned, for wine making, which represents about 25 % of the market, only natural tartaric acid can be used. However, for the remaining 75 %, including some products destined for human consumption, both natural and synthetic TA can be used and are therefore in competition. It should also be noted that production processes as such are not relevant for the definition of like product.
- (11) In the absence of any other comments concerning the product concerned and like product, recitals 11 to 13 of the provisional Regulation are hereby confirmed.

D. DUMPING

1. Market economy treatment (MET)

- (12) In the absence of any comments regarding the granting of MET, the conclusions reached in recitals 14 to 17 of the provisional Regulation are definitively confirmed.

2. Normal value

- (13) Following provisional disclosure, no comments were received concerning the methodology for determining normal value. Accordingly, the conclusions reached in recitals 18 to 34 of the provisional Regulation are definitively confirmed.

3. Export price

- (14) In the absence of any relevant comments regarding export prices, the conclusions reached in recital 35 of the provisional Regulation are definitively confirmed.

4. Comparison

- (15) In the absence of any comments regarding the comparison between the normal value and the export prices, the conclusions reached in recitals 36 to 37 of the provisional Regulation are definitively confirmed.

5. Dumping margin

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

- (16) Two exporting producers submitted claims concerning the detailed calculations made for establishing the level of the provisional dumping margins found. These comments were considered in light of the revised data obtained during the verification visits as outlined in recital 4 of this Regulation. Furthermore, some calculation errors were corrected.
- (17) Accordingly, the definitive weighted average dumping margins expressed as a percentage of the cif Community frontier price duty unpaid, are:

Company	Definitive dumping margin
Hangzhou Bioking Biochemical Engineering Co., Ltd, Hangzhou	0,3 %
Changmao Biochemical Engineering Co., Ltd, Changzhou City	10,1 %
Ninghai Organic Chemical Factory, Ninghai	4,7 %

(b) *For all other exporting producers*

- (18) Following provisional disclosure, no comments were received concerning the methodology for calculating the dumping margin for all other exporting producers. Accordingly, the provisional countrywide level of dumping of 34,9 % of the cif Community frontier price is definitively confirmed.

E. INJURY

1. Community production

- (19) In the absence of comments concerning Community production, recitals 43 to 44 of the provisional Regulation are hereby confirmed.

2. Definition of the Community industry

- (20) One importer submitted that some of the Community producers which were originally complainants had ceased production, and asked the Commission to verify whether there was still enough support for the investigation according to Article 5(4) of the basic Regulation.
- (21) In this respect, the investigation confirmed that the producers supporting the complaint represented over 95 % of the estimated Community production during the IP. Therefore, the requirements of Article 5(4) of the basic Regulation are fulfilled.
- (22) In the absence of any other comments concerning the definition of the Community industry, recital 45 of the provisional Regulation is hereby confirmed.

3. Community consumption

- (23) In the absence of any comments concerning the Community consumption, recital 46 of the provisional Regulation is hereby confirmed.

4. Imports into the Community from the country concerned

- (24) In the absence of any comments concerning the imports from the country concerned, recitals 47 to 52 of the provisional Regulation are hereby confirmed.

5. Situation of the Community industry

- (25) One importer/user and one exporter objected to the analysis in the provisional Regulation based on the argument that some EC producers had ceased production, and should therefore not have been taken into consideration in assessing the situation of the Community industry.
- (26) It should be noted that the Commission's analysis of the factors mentioned in Article 3(5) of the basic Regulation did not include any data from the companies which had ceased production. Such companies were mentioned in the provisional Regulation only insofar as necessary for interpreting some aggregate indicators such as for example market shares or total production capacity. This was each time clearly explained in the text presenting each indicator concerned, in order to give a complete and correct assessment of the situation of the Community industry. Therefore, it is considered that the analysis of the situation of the Community industry was made in full accordance with the basic Regulation.
- (27) In the absence of any other comments concerning the situation of the Community industry, recitals 53 to 82 of the provisional Regulation are hereby confirmed.

F. CAUSATION

- (28) One exporter argued that the Community producers had a dominant position in the market and that Chinese imports, with only 11,5 % of the market, could not be the main cause of injury.
- (29) As for the market share of PRC exports, it is estimated at between 11,5 and 15,8 %, according to whether Eurostat or Chinese statistical sources are used. Even a conservatively estimated market share of 11,5 % cannot be considered insignificant given that, as mentioned in the provisional Regulation, injury was clearly caused by the increasing pressure of growing imports at prices substantially undercutting the prices of the Community industry. As to whether or not the Community industry had a dominant position is ultimately not relevant if it is established that the Community industry suffered injury from no other substantial causes than the dumped imports. In this respect, it should be noted that, despite its larger market share, the Community industry had not been able to avoid major losses during the period considered. This contradicts the claim that it has benefited from a dominant position. Moreover, imports from third countries also ensured that there was sufficient competition in the market.

(30) Another exporter pointed out that the new production brought into the market by the two recently established EC producers was more important than the increase in Chinese imports and therefore injury would have been self-inflicted. However, the prices of the new EC producers were in line with those of the established ones and their production was less than the production of the companies which had ceased business. For these reasons, without the Chinese imports, their entry into the market could not explain the price collapse, which occurred in a context of increasing Community consumption.

(31) Another exporter claimed that the regulatory framework of the common agricultural policy distorts normal market conditions for the EC producers and that the causation analysis failed to take this into account. Although this argument was only made in very general terms, it should be noted that the common agricultural policy does not regulate the price of TA itself, but only sets minimum prices for some of the inputs in TA production as well as a selling price for alcohol. As set out in recital 89 of the provisional Regulation, these regulatory parameters remained stable throughout the period and can therefore not account for the deterioration of the Community industry's situation. Furthermore, they do not call into question that Chinese imports are dumped and causing injury to the Community industry.

(32) In the absence of any other comments concerning causality, recitals 83 to 95 of the provisional Regulation are hereby confirmed.

G. COMMUNITY INTEREST

(33) One user from the gypsum industry claimed that the proportion represented by TA in the gypsum industry's production costs, mentioned in the provisional Regulation (less than 2 %) was too low. This figure was, however, based on the data submitted by the same company. According to the same data, the figure would be slightly higher, if it is expressed as a percentage of only those products containing TA. On the other hand, two other gypsum groups have indicated much lower percentages than this. This confirmed that the data used in the provisional Regulation can be considered to be a reasonable estimate.

(34) Moreover, it is recalled that the gypsum products in which TA is used as a retardant are not exposed to much competition from non-EC suppliers, according to Eurostat data. The conclusion of the provisional Regulation,

that a moderate dumping duty on this percentage of the costs should not have a major impact upon the costs and competitive position of those user industries, is therefore maintained.

(35) The same user also argued that the measures could lead to shortages of TA, as was claimed to have happened in the past. However, it is not considered that anti-dumping duties of the proposed individual levels on imports of TA manufactured by companies representing about two-thirds of PRC exports would foreclose the EC market to PRC suppliers.

(36) One user from the emulsifier industry argued that their competitive position would be jeopardised if measures were introduced on imports of TA originating in the PRC. This user claimed that due to technical change, emulsifiers are increasingly subject to competition from non-EU producers and that a cost increase following the imposition of measures would affect their competitive position in the market. The Commission tried to verify the possible effect of measures on this category of users on the basis of quantified data. However, in the absence of meaningful replies to the Commission's questionnaire and of cooperation from this group of users, this was not possible.

(37) In the absence of any other comments concerning Community interest, recitals 98 to 114 of the provisional Regulation are hereby confirmed.

H. DEFINITIVE ANTI-DUMPING MEASURES

1. Injury elimination level

(38) Further to the disclosure of provisional findings, the Community industry claimed that the calculated non-injurious price was too low on two grounds:

— the price of raw materials was depressed during the IP, i.e. the industry had managed to pass on to the upstream sectors some of the pressure on prices. This is recognised in recital 69 of the provisional Regulation, whilst the interest of suppliers is analysed under recitals 101 to 106. As mentioned in recital 89 of the provisional Regulation, the common agricultural policy sets out only a minimum price for the purchases of raw material. Furthermore, the industry did not substantiate its claim and did not submit any evidence indicating that the price level of raw materials would not be sustainable and should be higher than that minimum. Therefore, it was concluded that the argument was unfounded,

— it was claimed that the normal profit margin used in the injury calculation, 8 %, was too low for this type of industry. However, given the level of profits observed for the Community industry in the years before the IP and prior to the market penetration of the dumped imports, this percentage represents an adequate margin to reflect a normal profit level that could be achieved in the absence of such imports.

- (39) In the absence of any other comments concerning the injury elimination level, recitals 115 to 118 of the provisional Regulation are hereby confirmed.

2. Form and level of the duties

- (40) In the light of the foregoing and in accordance with Article 9(4) of the basic Regulation, a definitive anti-dumping duty should be imposed at the level of the dumping margins found, since for all the exporting producers concerned the injury margins were found to be higher than the dumping margins.
- (41) Regarding the form of the measures, the Community industry required that a minimum price based on the injury elimination level should be imposed. However, since the level of the definitive anti-dumping duty is based on the dumping margins found, as mentioned in the above recital, the imposition of the definitive anti-dumping duty in form of *ad valorem* duties is maintained.
- (42) On the basis of the above, the definitive duties are as follows:

Company	Dumping margin
Hangzhou Bioking Biochemical Engineering Co., Ltd, Hangzhou	<i>de minimis</i>
Changmao Biochemical Engineering Co., Ltd, Changzhou City	10,1 %
Ninghai Organic Chemical Factory, Ninghai	4,7 %
All other companies	34,9 %

- (43) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of the present investigation.

Therefore, they reflect the situation found during that investigation with respect to these companies. These duty rates (as opposed to the country-wide duty applicable to 'all other companies') are thus exclusively applicable to imports of products originating in the country concerned and produced by the companies and thus by the specific legal entities mentioned. Imported products produced by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.

- (44) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission ⁽¹⁾ forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for example, that name change or that change in the production and sales entities. If appropriate, the Regulation will then be amended accordingly by updating the list of companies benefiting from individual duty rates.
- (45) In order to ensure a proper enforcement of the anti-dumping duty, the residual duty level should not only apply to the non-cooperating exporters, but also to those companies which did not have any exports during the IP. However, the latter companies are invited, when they fulfil the requirements of Article 11(4) of the basic Regulation, second paragraph, to present a request for a review pursuant to that Article in order to have their situation examined individually.

3. Definitive collection of provisional duties

- (46) In view of the magnitude of the dumping margins found and in the light of the level of the injury caused to the Community industry, it is considered necessary that the amounts secured by way of the provisional anti-dumping duty, imposed by the provisional Regulation, i.e. Regulation (EC) No 1259/2005, should be definitively collected to the extent of the amount of the definitive duties imposed. As definitive duties are lower than the provisional duties, amounts provisionally secured in excess of the definitive duty rate of anti-dumping duties shall be released.

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

- (47) In order to minimise the risks of circumvention due to the high difference in the amounts of duties, it is considered that special measures are needed in this case to ensure the proper application of the anti-dumping duties. These special measures include:
- (48) The presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in the Annex to this Regulation. Imports not accompanied by such an invoice shall be made subject to the residual anti-dumping duty applicable to all other exporters.
- (49) In addition, the Commission will monitor the export flows as well as the relevant CN code for salts and esters of TA. Should the exports by one of the companies benefiting from lower individual duty rates increase significantly in volume, or should the imports declared under the relevant CN code for salts and esters increase dramatically, the individual measures concerned might likely be considered as being insufficient to counteract the injurious dumping found. Consequently, and provided that the requisite elements are met, the Commission may initiate an interim review pursuant to Article 11(3) of the basic Regulation. This review may, *inter alia*, examine the need for the removal of individual duty rates and the consequent imposition of a country-wide duty,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of tartaric acid, falling within CN code 2918 12 00, originating in the People's Republic of China.
2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Community-frontier price, before duty, of the products manufactured by the companies listed below shall be as follows:

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

Done at Brussels, 23 January 2006.

Company	Anti-dumping duty	TARIC additional code
Hangzhou Bioking Biochemical Engineering Co., Ltd, Hangzhou, People's Republic of China	0,0 %	A687
Changmao Biochemical Engineering Co., Ltd, Changzhou City, People's Republic of China	10,1 %	A688
Ninghai Organic Chemical Factory, Ninghai, People's Republic of China	4,7 %	A689
All other companies	34,9 %	A999

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

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

Article 2

Amounts secured by way of provisional anti-dumping duties pursuant to Regulation (EC) No 1259/2005 on imports of tartaric acid, falling within CN code 2918 12 00, originating in the People's Republic of China shall be definitively collected, in accordance with the rules set out below. The amounts secured in excess of the amount of the definitive anti-dumping duties shall be released.

Article 3

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

For the Council
The President
J. PRÖLL

ANNEX

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

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

Date and signature

COMMISSION REGULATION (EC) No 131/2006**of 26 January 2006****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 27 January 2006.

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

Done at Brussels, 26 January 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 26 January 2006 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	109,1
	204	46,7
	212	97,4
	624	140,9
	999	98,5
0707 00 05	052	138,3
	204	101,5
	999	119,9
0709 10 00	220	80,1
	624	101,2
	999	90,7
0709 90 70	052	147,8
	204	139,4
	999	143,6
0805 10 20	052	43,4
	204	55,6
	212	48,0
	220	51,3
	624	58,2
	999	51,3
0805 20 10	204	78,4
	999	78,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	62,6
	204	98,5
	400	86,7
	464	148,0
	624	75,3
	662	32,0
	999	83,9
0805 50 10	052	58,6
	220	60,5
	999	59,6
0808 10 80	400	132,0
	404	106,8
	720	67,9
	999	102,2
0808 20 50	388	109,6
	400	82,3
	720	37,7
	999	76,5

⁽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 132/2006**of 26 January 2006****fixing a percentage for acceptance of contracts concluded for the optional distillation of table wine**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1623/2000 of 25 July 2000 laying down detailed rules for implementing Council Regulation (EC) No 1493/1999 on the common organisation of the market in wine with regard to market mechanisms ⁽¹⁾, and in particular Article 63a(5) thereof,

Whereas:

(1) Article 63a of Regulation (EC) No 1623/2000 lays down the detailed rules for applying the arrangements for distilling wine as referred to in Article 29 of Council Regulation (EC) No 1493/1999 ⁽²⁾. This is optional, subsidised distillation intended to support the wine market and help ensure an uninterrupted supply to the potable alcohol sector. To that end, contracts are concluded between wine producers and distillers. These contracts were notified to the Commission by the Member States up to 15 January 2006.

(2) For the 2005/06 wine year, distillation was opened in the period 1 October to 23 December. The quantities of wine covered by distillation contracts notified to the

Commission by the Member States exceed the limits imposed by available budget resources and the absorption capacity of the potable alcohol sector. A single percentage should therefore be fixed for acceptance of the quantities notified for distillation.

(3) Under the first subparagraph of Article 63a(6) of Regulation (EC) No 1623/2000, the Member States are to approve distillation contracts within a period beginning on 30 January. This Regulation should therefore enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities of wine for which contracts were concluded and notified to the Commission under Article 63a(4) of Regulation (EC) No 1623/2000 up to 15 January 2006 shall be accepted up to 84,58 %.

Article 2

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

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

Done at Brussels, 26 January 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 194, 31.7.2000, p. 45. Regulation as last amended by Regulation (EC) No 1820/2005 (OJ L 293, 9.11.2005, p. 8).

⁽²⁾ OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 2165/2005 (OJ L 345, 28.12.2005, p. 1).

COMMISSION REGULATION (EC) No 133/2006**of 26 January 2006****amending Regulation (EEC) No 3149/92 laying down detailed rules for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3730/87 of 10 December 1987 laying down the general rules for the supply of food from intervention stocks to designated organisations for distribution to the most deprived persons in the Community ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

(1) Commission Regulation (EEC) No 3149/92 ⁽²⁾ lays down the detailed rules for the supply of food from intervention stocks for the benefit of the most deprived persons.

(2) In order to ensure proper implementation of the annual distribution plan for 2006, as established by Commission Regulation (EC) No 1819/2005 of 8 November 2005 adopting a plan allocating resources to the Member States to be charged against the 2006 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community ⁽³⁾, the deadlines set for the withdrawal of dairy products from intervention stocks should be adapted.

(3) The products to be withdrawn from intervention stocks under the annual plan may be supplied unprocessed or processed for the manufacture of food, or withdrawn in payment for the supply or manufacture of food mobilised on the Community market. In the latter case, the products in intervention stocks which may be withdrawn in payment for the manufacture of cereal products should be specified. The conditions, laid down in Article 4 of Regulation (EEC) No 3149/92, governing calls for tender for the organisation of supplies in the Member States must in this case be specified accordingly.

(4) Since intra-Community transport costs are borne by the Community on the basis of the actual costs, as determined by means of calls for tender, it is no longer necessary to make provision for the production of

supporting documents concerning the distances covered for reimbursement purposes.

(5) Article 3(1) of Regulation (EEC) No 3149/92, as amended by Regulation (EC) No 1903/2004 ⁽⁴⁾, lays down that the period for implementing the annual plan ends on 31 December. The deadline for sending annual reports, laid down in Article 10 of Regulation (EEC) No 3149/92, should therefore be adapted accordingly.

(6) Regulation (EEC) No 3149/92 should be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3149/92 is hereby amended as follows:

1. In Article 3(2), third subparagraph, the following sentence is added:

‘In the case of butter allocated to Member States under the 2006 annual plan, where the allocations involve amounts in excess of 500 tonnes, 70 % of the butter must be withdrawn from intervention stocks before 1 March 2006.’

2. Article 4 is amended as follows:

(a) in paragraph 1(b), the following subparagraph is inserted after the third subparagraph:

‘Similarly, where no cereals are available in intervention stocks, the Commission may authorise the removal of rice from intervention stocks to pay for the supply of cereals or cereal products mobilised on the market.’

(b) in paragraph 2(a), fourth subparagraph, the following sentence is added:

‘Similarly, where supply involves cereals or cereal products in exchange for rice withdrawn from intervention stocks, the invitation to tender shall specify that the product to be withdrawn is a specific rice held by an intervention agency.’

⁽¹⁾ OJ L 352, 15.12.1987, p. 1. Regulation as amended by Regulation (EC) No 2535/95 (OJ L 260, 31.10.1995, p. 3).

⁽²⁾ OJ L 313, 30.10.1992, p. 50. Regulation as last amended by Regulation (EC) No 1608/2005 (OJ L 256, 1.10.2005, p. 13).

⁽³⁾ OJ L 293, 9.11.2005, p. 3.

⁽⁴⁾ OJ L 328, 30.10.2004, p. 77.

3. In Article 7(2), the second sentence is replaced by the following:

‘The application for reimbursement shall include all necessary supporting documents, particularly those concerning the transport.’

4. In Article 10, the first sentence of the first subparagraph is replaced by the following:

‘No later than 30 June each year, the Member States shall send the Commission a report on the implementation of the plan on their territory during the previous year.’

Article 2

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, 26 January 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 134/2006**of 26 January 2006****imposing a provisional anti-dumping duty on imports of lever arch mechanisms originating in the People's Republic of China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Communities ⁽¹⁾, (the basic Regulation) and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE**1. Initiation**

- (1) On 28 April 2005, pursuant to Article 5 of the basic Regulation, the Commission announced by a notice (notice of initiation) published in the *Official Journal of the European Union* ⁽²⁾, the initiation of an anti-dumping proceeding with regard to imports into the Community of lever arch mechanisms originating in the People's Republic of China ('PRC').
- (2) The proceeding was initiated following a complaint lodged on 11 March 2005 by three Community producers, namely Interkov spol s.r.o, M.I.M.E.CA s.r.l. and Niko — Metallurgical company, d.d. Zelezniki (the complainant) representing a major proportion, in this case more than 50 %, of the total Community production of lever arch mechanisms. In addition, the complaint was supported by I.M.L., another Community producer. The complaint contained evidence of dumping of the product concerned and of material injury resulting there from, which was considered sufficient to justify the initiation of a proceeding.

2. Parties concerned by the proceeding

- (3) The Commission officially advised the complainant, the exporting producers, importers, suppliers and users as well as user associations known to be concerned, and representatives of the PRC of the initiation of the proceeding. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation.
- (4) The complainant producers, other cooperating Community producers, exporting producers, importers, suppliers, users and user associations made their views known. All interested parties, who so requested and showed that there were particular reasons why they should be heard, were granted a hearing.
- (5) In order to allow exporting producers in the PRC to submit a claim for market economy treatment (MET) or individual treatment (IT), if they so wished, the Commission sent market economy treatment and individual treatment claim forms to the Chinese companies known to be concerned. Four companies requested MET pursuant to Article 2(7) of the basic Regulation or individual treatment should the investigation establish that they did not meet the conditions for MET, and one company requested only IT.

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

⁽²⁾ OJ C 103, 28.4.2005, p. 18.

- (6) In the notice of initiation, the Commission indicated that sampling may be applied in this investigation for the importers. Given the number of importers which indicated their willingness to cooperate, it was decided that sampling was required.
- (7) The Commission sent questionnaires to all parties known to be concerned and to all other companies that made themselves known within the deadlines set out in the notice of initiation. Replies were received from three complaining Community producers, two other Community producers, five exporting producers in the PRC, 12 suppliers of raw materials, two unrelated importers and eight unrelated users in the Community.
- (8) The Commission sought and verified all the information deemed necessary for a provisional determination of dumping, resulting injury and community interest and carried out verifications at the premises of the following companies:
- (a) *Community producers:*
- Interkov spol s.r.o.
 - MI.ME.CA s.r.l.
 - Niko — Metallurgical company, d.d. Zelezniki
 - IML Industria Meccanica Lombarda S.r.l.
 - EJA international;
- (b) *Community users:*
- Esselte Leitz GmbH & Co.;
- (c) *Exporting producers in the PRC:*
- Dongguan Nanzha Leco Stationery
 - Wah Hing Stationery Manufactory Limited

A further three exporting producers submitted MET claim forms and stated their willingness to cooperate in the proceeding. However, they withdrew their cooperation before the verification of the MET claim forms was carried out.

- (9) In light of the need to establish a normal value for exporting producers in the PRC to which MET might not be granted, a verification to establish normal value on the basis of data from an analogue country took place at the premises of the following companies:

Producer in Iran:

- Metalise Co.

3. Investigation period

- (10) The investigation of dumping and injury covered the period from 1 January 2004 to 31 December 2004 (IP). The examination of trends relevant for the assessment of injury covered the period from 1 January 2001 to the end of the investigation period (period considered).

4. Product concerned and like product

4.1. General

- (11) Lever arch mechanisms (LAM) are a metal product which can be one of the components of binders for storing sheets and other documents. The specification of the product mainly depends on the material used, the size of the mechanisms and the treatments of the steel.

4.2. Product concerned

- (12) The product concerned is lever arch mechanisms generally used for archiving sheets and other documents in binders or files. They consist of arched sturdy metal elements (normally two) on a back plate and having at least one opening trigger that permits inserting and filing of sheets and other documents, originating in the PRC (the product concerned), normally falling within CN code ex 8305 10 00.
- (13) Despite differences in some factors such as, *inter alia*, the quality and thickness of the steel, the size of the mechanisms and the surface treatment, the investigation has shown that all types of the product concerned as defined in the preceding recital, have the same basic physical and technical characteristics and are used for the same purposes. Therefore, and for the purpose of the present anti-dumping proceeding, all types of the product concerned are regarded as one single product.

4.3. Like product

- (14) No differences were found between the product concerned and the lever arch mechanisms produced and sold on the domestic markets in the PRC and Iran, which served as an analogue country for establishing the normal value with respect to imports from the PRC. Indeed, these lever arch mechanisms have the same basic physical and technical characteristics and uses compared with that exported from the PRC to the Community.
- (15) Likewise, no differences were found between the lever arch mechanisms produced by the Community Industry and sold on the Community market and those imported from the PRC. They both share the same physical and technical characteristics and uses.
- (16) Therefore, these products are provisionally considered to be alike within the meaning of Article 1(4) of the basic Regulation.

B. DUMPING

1. Market economy treatment (MET)

- (17) Pursuant to Article 2(7)(b) of the basic Regulation, in anti-dumping investigations concerning imports originating in the PRC, normal value shall be determined in accordance with paragraphs 1 to 6 of the said Article for those producers which were found to meet the criteria laid down in Article 2(7)(c) of the basic Regulation. Briefly and for ease of reference only, these criteria are set out in summarised form below:
- business decisions are made in response to market signals, without significant State interference, and costs reflect market values,
 - firms have one clear set of basic accounting records, which are independently audited in line with international accounting standards and are applied for all purposes,
 - there are no significant distortions carried over from the former non-market economy system,

- bankruptcy and property laws guarantee stability and legal certainty,
 - exchange rate conversions are carried out at market rates.
- (18) Four exporting producers in the PRC requested MET pursuant to Article 2(7)(b) of the basic Regulation and replied to the MET claim form for exporting producers.
- (19) However, three of these exporting producers withdrew their cooperation before the verification visit took place. It was therefore not possible to verify whether these companies fulfilled the criteria set in Article 2(7)(c) of the basic Regulation.
- (20) For the remaining exporting producer, the Commission sought and verified at the premises of the company all information submitted in the MET application as deemed necessary.
- (21) The investigation revealed that the MET claim had to be rejected. The determinations for the company against each of the five criteria as set out in Article 2(7)(c) of the basic Regulation showed that the company did not meet the requirements of the above mentioned criteria two and three. In addition no conclusion could be reached with regard to criterion one.
- (22) With regards to criterion two it could not be concluded that the company had a clear set of basic accounting record which were independently audited in line with international accounting standards and applied for all purposes.
- (23) For criterion three the company failed to provide supporting documents and a comprehensive explanation as to the privatisation of the company and the re-evaluation of the assets. In light of this, the company did not demonstrate that there were no distortions carried over from the former non-market economy system.
- (24) No conclusion could be taken on criterion one due to remaining doubts on possible State interference with regard to the approval of labour contracts as well as the impossibility to determine whether all costs reflect market values. However, in view of the conclusions for criteria two and three, it is not necessary to take a decision in this respect.
- (25) The interested parties were given an opportunity to comment on the above findings.

2. Individual treatment (IT)

- (26) Further to Article 2(7)(a), of the basic Regulation a country-wide duty, if any, is established for countries falling under Article 2(7)(a) of the basic Regulation, except in those cases where companies are able to demonstrate, in accordance with Article 9(5) of the basic Regulation, that their export prices and quantities as well as the conditions and terms of the sales are freely determined, that exchange rates are carried out at market rates, and that any State interference is not such as to permit circumvention of measures if exporters are given different rates of duty.
- (27) The exporting producer to which MET could not be granted also claimed IT in the event it was not granted MET. On the basis of the information available it was found that the company met all of the requirements to be granted IT in accordance with Article 9(5) of the basic Regulation.

- (28) One additional exporting producer, not having claimed MET, requested only IT. This company had, via related companies, sales to independent customers in the Community during the IP and cooperated in the investigation. The investigation showed that the company met all the requirements for IT as set forth in Article 9(5) of the basic Regulation.
- (29) It was therefore concluded that IT should be granted to the following two exporting producers in the PRC:
- Dongguan Nanzha Leco Stationery,
 - Wah Hing Stationery Manufactory Limited.

3. Normal value

- (30) The exporting company which only requested IT failed to provide a comprehensive and fully substantiated reply to the exporter questionnaire within extended deadlines. On that basis, a determination of the dumping margin was not possible and the company had to be regarded as a non-cooperating party in the investigation.

3.1. Determination of normal value for all exporting producers not granted MET

(a) Analogue country

- (31) According to Article 2(7)(a) of the basic Regulation, normal value for the exporting producers not granted MET has to be established on the basis of the prices or constructed value in an analogue country.
- (32) In the Notice of Initiation, the Commission indicated its intention to use India as an appropriate analogue country for the purpose of establishing normal value for the PRC and invited the interested parties to comment on the choice of the analogue country.
- (33) One user, one cooperating exporter and one non-cooperating producer objected to this proposal. The main arguments against India as an analogue country were that:
- there are only few Indian producers and there is no competition on the domestic Indian market,
 - India only produces for its domestic market and not for export,
 - the production in India is with different specifications and the production process is therefore also different,
 - the Indian volume of production is minor compared to the Chinese production,
 - the Indian production is not stable with regard to quantity and quality.
- (34) The interested parties, however, were not able to suggest a more appropriate alternative nor could they provide any details or substantiate their allegation that India was not an appropriate analogue country.
- (35) The Commission therefore sought cooperation from India but also from all other known potential analogue countries such as: Turkey, South Africa, Iran and Thailand.

- (36) It emerged however that from among those countries mentioned in the preceding recital, lever arch mechanisms are currently only produced by very few producers in India and Iran. Moreover, it was not possible to obtain full cooperation from India but the producer in Iran agreed to fully cooperate with the Commission.
- (37) The analysis of the reply showed that Iran has one producer and that this producer had domestic sales. In addition, it was found that there were substantial imports of the Chinese products on the Iranian market. It is clear therefore that the Iranian and Chinese products compete on the Iranian market.
- (38) In view of the foregoing it is provisionally concluded that Iran is the most appropriate and reasonable analogue country in accordance with Article 2(7) of the basic Regulation.

(b) Determination of normal value in the analogue country

- (39) Pursuant to Article 2(7)(a) of the basic Regulation, the normal value for the exporting producers not granted MET was established on the basis of information received from the producer in the analogue country. The normal value was established on the basis of all prices paid or payable on the domestic market of Iran for comparable product types as the transactions by the producer in Iran were found to be made in the ordinary course of trade.
- (40) As a result, normal value was established as the weighted average domestic sales price to unrelated customers by the cooperating producer in Iran.

4. Export prices

- (41) For the export sales to the Community of the exporter granted IT which were made via related companies outside the Community, the export price was established on the basis of resale prices to independent customers in the Community.
- (42) In all cases where the product concerned was exported to independent customers in the Community, the export price was established in accordance with Article 2(8) of the basic Regulation, namely on the basis of export prices actually paid or payable.

5. Comparison

- (43) The normal value and export prices were compared on an ex-factory basis and at the same level of trade. In order to ensure a fair comparison between normal value and export price, account was taken, in accordance with Article 2(10) of the basic Regulation, of differences in factors which were claimed and demonstrated to affect prices and price comparability.
- (44) On this basis, allowances for differences in transport, insurance, handling, loading and ancillary costs, credit, commissions and after sales costs (warranty/guarantee) could be granted to the extent that they were sufficiently substantiated. Adjustments were also made where the export sales were made via a related company located in a country other than the country concerned or the Community, pursuant to Article 2(10)(i) of the basic Regulation.

6. Dumping margin

6.1. *For the cooperating exporting producer granted IT*

- (45) For the company granted individual treatment, the weighted average normal value for each type exported to the Community established for the analogue country was compared with the weighted average export price of the corresponding type exported to the Community, as provided in Article 2(11) of the basic Regulation.
- (46) The provisional weighted average dumping margins expressed as a percentage of the cif Community frontier price duty unpaid are:
- Dongguan Nanzha Leco Stationary 33,4 %.

6.2. *For all other exporting producers*

- (47) In order to calculate the countrywide duty applicable to all other exporters in the PRC, the Commission first established the level of cooperation. In this respect it is recalled that three of the four companies originally applying for MET withdrew their cooperation, and, except for one further company applying for IT only but which had to be regarded as non-cooperating, there was no cooperation from other Chinese exporting producers.
- (48) Given that there was no cooperation from exporters not granted either MET or IT, the calculation was based on facts available. The countrywide dumping margin was consequently calculated based on the most representative PCN, exported from the PRC by exporters not granted MET or IT. The export price was then compared with the normal value established for the analogue country. To ensure that this indeed was a fair comparison, the Commission additionally sought market information to establish the import prices from other exporting producers. No information found during this exercise showed that the calculations were not fair and reasonable.
- (49) On this basis, the countrywide level of dumping was provisionally established at 48,1 % of the cif Community frontier price.
- (50) This margin applies to all the producers to which no IT was granted.

C. INJURY

1. Community production

- (51) The investigation established that LAM were manufactured by the following producers in the Community during the investigation period: the three complainant Community producers, two other producers who supported the complaint and fully cooperated with the Commission during the investigation and Esselte who was only producing LAM for its own use.
- (52) Another company was producing and importing lever arch mechanisms exclusively for its own use during the IP. However, it stopped production in the course of the IP. The company replied to the questionnaire intended for Community producers and provided the data on its own production.
- (53) One further producer who submitted a letter of support to the complaint was found not to have produced the product concerned during the IP.

- (54) The complainants alleged that some other companies were producing the product concerned during the IP, however in limited quantities. These companies did not make themselves known nor did they provide their production figures in the context of the investigation. These quantities will provisionally not be included in the community production.
- (55) It was found that one of the cooperating producers who supported the complaint also imported the product concerned from the PRC. Whilst the majority of the EC sales of that producer during the IP were produced in the Community, it emerged that about 25 % of the Community sales volume was purchased from the PRC. This represented around 39 % of its total production.
- (56) Although this is a relatively important share of the company's business it was found that these imports were made as a matter of self-defence against low-priced dumped imports from the PRC. Indeed, already in the beginning of the period considered when the producer realised that he could not fully compete with low price dumped imports from the PRC, he decided to ship his old machineries to China and form a joint venture with a Chinese producer. The verification of the financial data submitted by that Community producer for the period considered showed that he was selling Chinese LAM in order to recover some of the high losses incurred on the sales of own produced products on the Community market. Importing Chinese LAM has certainly allowed the company to survive until now.
- (57) It was also found that the core activity of this company is located in the Community and its behaviour is clearly that of a Community producer. The cooperation of that company shows that it has a similar behaviour and interests as the other complainants in the investigation. It is therefore considered that the production of that producer should be included in the definition of the Community production.
- (58) Hence, the volume of Community production for the purpose of Article 4(1) of the basic Regulation has been provisionally calculated by adding the production of the five cooperating Community producers which supported the complaint to the production data available for one additional producer.

2. Definition of Community industry

- (59) The production of the five Community producers that fully cooperated in the investigation and supported the complaint was established at around 220 million units during the investigation period. This represents over 90 % of total Community production. These companies therefore constitute the Community industry within the meaning of Articles 4(1) and 5(4) of the basic Regulation.
- (60) It should be noted that even if the producer which imported Chinese LAM was excluded from Community production and Community industry the remaining producers still constitute a major proportion of the total Community production, as defined in Article 5(4) of the basic Regulation.

3. Community consumption

- (61) Consumption was established on the basis of the sales volume of the known producers to unrelated customers in the Community plus imports from third countries. Sales by Community producers were largely based on the questionnaire replies they submitted. The volume of imports, however, had to be based on the complaint due to the low level of cooperation from Chinese exporting producers and to the fact that Eurostat data was not specific enough. Indeed, the CN code for LAM also includes ring binder mechanisms and is expressed only in tonnes, not in units.

- (62) The following table shows that demand of the product concerned in the Community significantly increased over the period considered:

Table 1

(1 000 pieces)	2001	2002	2003	2004 (IP)
Consumption	301 440	301 990	337 300	399 670
Index	100	100	112	132

- (63) The main increase occurred in the period from 2003 up to the end of the IP when consumption increased by 18 % or by more than 62 million units. The Community industry increased its sales volume by 8 % or by 14 million units. During the same period, imports from China increased by 29 % or by 48 million units.

4. Imports into the Community from the PRC

4.1. Volume, market share and average price of imports concerned

(a) Import volume and market share

- (64) As mentioned in recital 61, the volume of Chinese imports was based on the data contained in the complaint. However, this data was cross-checked with Eurostat data and compared with the export data verified at the premises of the largest exporter in China representing over 65 % of total Chinese exports which cooperated in the investigation. Both sources confirmed that the trends in volume were comparable to those contained in the complaint.
- (65) The evolution of imports from the country concerned, in volume and market share, has been the following:

Table 2

Import volumes (1 000 pieces)	2001	2002	2003	IP
PRC	135 000	130 000	166 000	214 000
Index	100	96	123	159

Market shares of the imports	2001	2002	2003	IP
PRC	44,8 %	43,1 %	49,2 %	53,6 %
Index	100	96	110	120

- (66) As shown in table 1 above, consumption of lever arch mechanisms in the Community increased by 32 %, or by 98 million units during the period considered. In the meantime, the imports from the country concerned have risen by around 59 %, namely an increase by 79 million units. In consequence, their market share has increased from 44,8 % to 53,6 % during the period considered. This means a gain of 8,8 percentage points of market share. It is worth noting that the main increase in imports and market share held by Chinese exporting producers occurred between 2003 and the IP when dumped imports increased by 48 million units and market share by 4,4 percentage points.

(b) Prices of imports and undercutting

Table 3

Import prices from the PRC	2001	2002	2003	IP
EUR/1 000 pieces	120	110	96	107
Index 2001 = 100	100	92	80	89

- (67) Table 3 shows how average import prices from the PRC developed over the period considered. Import prices decreased from EUR 120 for 1 000 LAM in 2001 to EUR 107 during the IP. The import price level was so low in 2003, coinciding with a 20 % increase in consumption, that it could be increased by 11 % between 2003 and the IP. This price level remains however far below that of the Community industry. Overall the price decrease of dumped imports was as high as 11 % during the period considered.
- (68) A comparison of selling prices on the Community market during the IP was made between the prices of the Community industry and those of the Chinese exporting producers. This comparison was made after deduction of rebates and discounts and adapting for any post importation costs. The prices of the Community industry were adjusted to ex-works prices, and the prices of the imports were cif Community frontier.
- (69) The comparison showed that during the IP Chinese LAM were imported in the Community at prices which were significantly undercutting the Community industry's prices. When expressed as a percentage of the latter price, the undercutting margin was as high as 24,3 %. From this level of undercutting and the price development of the Community industry as well as its profitability situation, as explained below, it is clear that substantial price depression had already taken place during the period considered.

5. Economic situation of the Community industry

- (70) In accordance with Article 3(5) of the basic Regulation, the examination of the impact of the dumped imports on the Community industry included an evaluation of all economic factors and indices having a bearing on the state of the industry for the period considered, namely from 2001 to the IP.
- (71) The Community industry data below represent the aggregated information verified for the five cooperating Community producers.

5.1. Production, production capacity and capacity utilisation

- (72) The evolution of production, production capacity and capacity utilisation is the following:

Table 4

Indices 2001 = 100	2001	2002	2003	IP
Production (1 000 units)	225 065	222 036	221 472	219 990
Index production (2001=100)	100	99	98	98
Production capacity (units)	454 423	439 504	488 387	490 172
Index production capacity	100	97	107	108
Capacity utilisation %	50 %	51 %	45 %	45 %
Index capacity utilisation	100	102	92	91

- (73) Despite the existence of an increased demand the Community industry's production slightly decreased by 2 % during the period considered. In view of the good market prospective and the increasing consumption, investments to increase production capacity of the Community industry were made. However, capacity utilisation decreased by 9 %, also because of a slight decrease of production.

5.2. Stocks

- (74) The figures below represent the volume of stocks at the end of each period.

Table 5

	2001	2002	2003	IP
Stocks (1 000 pieces)	11 750	8 242	15 201	15 236
Index 2001 = 100	100	70	129	130

- (75) The investigation showed that stocks held by the Community industry was not a relevant indicator for the assessment of the economic situation of the Community industry. Indeed, the Community industry is mainly producing on order and the level of stock represented a limited share of production and around three to four weeks' deliveries during the period considered.

5.3. Sales volume, market shares, average unit prices in the Community and growth

- (76) The figures below represent the Community industry's sales volume to independent customers on the Community market.

Table 6

Indices 2001 = 100	2001	2002	2003	IP
Sales volume (1 000 pieces)	166 440	171 990	171 300	185 670
Index	100	103	103	112
Market share	55,1 %	56,6 %	50,7 %	46,4 %
Index	100	103	92	84
Average sales prices (EUR/1 000 pieces)	152	142	137	132
Index	100	93	90	87

- (77) The investigation revealed that the Community industry could somewhat benefit from the increase of consumption by raising its sales by 12 % during the period considered, or by around 19 million units.
- (78) Nevertheless, the Community industry's market share declined from 55,1 % in 2001 to 46,4 % at the end of the IP. This represents a loss of 8,7 percentage points of market share. The main decrease in market share was observed between 2003 and the IP when the Community industry lost 4,4 percentage points.

(79) It is therefore clear that the Community industry did not fully benefit from the market growth.

(80) The above table indicates that Community industry suffered from significantly dropping average sales prices (by 13 %), as more low-priced dumped imports were penetrating the Community market.

5.4. Profitability

(81) The profitability margins shown below are established by expressing the financial result achieved by the Community industry as a percentage of the turnover achieved on the Community market.

Table 7

Profitability on Community sales (RoT)	2001	2002	2003	IP
Profitability on EC sales	– 13 %	– 17 %	– 19 %	– 26 %
— trend		– 4 %	– 6 %	– 13 %

(82) Profitability was negative throughout the period considered. However, the extent of losses worsened considerably mainly due to the reduced level of prices. Even though the Community Industry optimised its production in order to compete with the Chinese imports and adjusted all the technical parameters possible of the product concerned, the loss continuously increased during the period considered. The result achieved during the IP cannot be sustained even in the short term.

5.5. Return on investments, cash flow, investments and ability to raise capital

(83) The trends for the return on investments, cash flow and investments are shown in the following table.

Table 8

Indices 2001 = 100	2001	2002	2003	IP
Return on Investments (total company)	– 18 %	– 22 %	– 17 %	– 55 %
Cash flow (total company in EUR)	1 737 465	720 972	– 259 997	– 2 757 046
Index	100	176	45	73
Investments (product concerned in EUR)	1 839 277	2 453 440	2 353 561	2 601 880
Index	100	133	128	141

(84) As suggested in recitals 78 and 82, the decreasing trend followed by the Community industry's sales prices significantly affected its profitability. Accordingly this also had a negative impact on the injury indicators linked to the profitability. It can be noted that the above negative trend observed for return on investments and cash flow reflect to a large extent those on profitability shown in table 6 above.

- (85) As already explained in recital 73, the Community industry increased its investments on the product concerned because the market conditions were very good during the period considered. The Community industry's investments mainly consisted in replacements in plant and machinery rather than investments in new production facilities.
- (86) The Community industry pointed out that it had increased difficulties in raising capital. The above findings, and in particular the 26 % negative profitability, indeed clearly suggest that the Community industry's ability to raise capital, either from external providers of finance or parent companies, is heavily hampered by its catastrophic financial situation.

5.6. *Employment, productivity and wages*

Table 9

Indices 2001 = 100	2001	2002	2003	IP
Number of employees	792	773	746	713
Index	100	98	94	90
Productivity (1 000 units/employee)	284	287	297	309
Index	100	101	104	109
Wages (average per employee, per annum in euro)	15 619,65	15 747,02	15 338,60	15 545,16
Index	100	101	98	100

- (87) The Community industry decreased its number of employees from 2001 to the IP. Productivity could be improved over the period considered due to an increased level of investment coupled with the decrease in the number of employees.
- (88) Total wages and related costs paid by the Community industry remained stable during the period considered. Whilst in that period the number of employees decreased by 10 % it even decreased in relative terms due to inflation.

5.7. *Magnitude of the actual margin of dumping*

- (89) The dumping margins are specified above in the dumping section. These margins established are clearly above *de minimis*. Furthermore, given the volume and the price of the dumped imports, the impact of the actual margin of dumping cannot be considered to be negligible.

5.8. *Effects of past dumping or subsidisation*

- (90) The Community industry is not recovering from the effects of past dumping or subsidisation since no such previous investigations have been made.

5.9. Conclusion on injury

- (91) Already at the beginning of the period considered, the PRC had half of the LAM Community market. The PRC strengthened this already strong position considerably. It is recalled that import volumes from the PRC have increased considerably, both in volume terms (+ 79 million units) and market share (+ 8,8 percentage points) during the period considered. Furthermore, the average unit price of those imports decreased by 11 %, which is reflected in the price undercutting found in the investigation.
- (92) While the sales volumes of the Community industry increased, that industry did hardly benefit from the significant growth of the Community market (+ 32 % or + 98 million units) during the IP. They lost significant market share and suffered from an average price decrease by 13 %. This led to a doubling of losses, reduced cash flow and return on investment, decreasing production and utilisation of the production capacity, stagnating wages and the obligation to decrease the employment during the period considered. Notwithstanding the effort deployed to become more competitive the financial situation of the Community industry significantly worsened during the IP.
- (93) It has also to be noted that some Community producers stopped production or went out of business in recent years.
- (94) Bearing in mind all indicators it is concluded that the Community industry suffered material injury during the IP within the meaning of Article 3 of the basic Regulation.

D. CAUSATION

1. Preliminary remark

- (95) In accordance with Articles 3(6) and 3(7) of the basic Regulation, it was also examined whether there is a causal link between the dumped imports from the PRC and the material injury suffered by the Community industry. Known factors other than the dumped imports, which could at the same time have injured the Community industry, were also examined according to Article 3(7) of the basic Regulation to ensure that the possible injury caused by these other factors was not attributed to the dumped imports.

2. Effect of the imports from the PRC

- (96) It is recalled that import volumes from the PRC increased by around 43 % as did its market share by 8,8 percentage points during the period considered. In addition, as explained in recital 67, the import prices from the PRC fell by 11 % and Chinese import prices undercut those of the Community industry by 24 %. Moreover, the Community industry's prices were depressed.
- (97) During the period considered, there was also a coincidence in time between the further surge of low-priced dumped imports and the significant worsening of an already bad situation of the Community industry. This is best illustrated by comparing the economic results achieved by both Chinese exporters and the Community industry between 2003 and the IP. In that period the volume of LAM imported from China increased by 48 million units while significant price undercutting was found to exist. As a result the Chinese exporting producers were able to gain 4,4 percentage points of market share. During the same period the sales volume of the Community industry only increased by 14 million units thus resulting in a loss of market share of 4,3 percentage points in a rapidly increasing market. Simultaneously, the Community industry had to decrease average sales price by around 4 %. The dramatic worsening in its financial situation during this period is for instance evidenced by an increase of its losses by 7 percentage points. It should be noted that the imports from China was already at a high level at the beginning of the period considered and that the community industry was therefore in a vulnerable situation from the beginning of this period.

- (98) As shown by the increasing market share in Table 2, Chinese exporters practicing dumping became the major players on the Community market supplanting the Community industry during the IP.

3. Effects of imports from third countries

- (99) As explained in recital 36, there are not many companies in the world producing and exporting LAM. In the context of the choice of an analogue country, some producers were identified in India and in Iran but the information available suggest that only limited quantities of LAM, if any, were exported by the known producers in these countries. The core market of these producers was clearly their domestic market.
- (100) It is therefore very unlikely that imports originating in other third countries, such as India could have contributed to the injury suffered by the Community industry. The information available is extremely limited so that it is not even possible to make a reliable estimate of this limited quantity, if any, of imports from other third countries.
- (101) It is therefore considered that the imports of LAM originating in other third countries could not have affected the economic situation of the Community industry.

4. Effects of Chinese imports made by the Community industry

- (102) As explained in recital 55, it was found that one of the cooperating producers included in the definition of the Community industry imported the product concerned from the PRC during the period considered. The vast majority of the EC sales of that producer during the IP were produced in the Community — about 25 % of the sales volume was purchased from the PRC.
- (103) The investigation showed that the said producer imported LAM from China which were produced by a Chinese exporter with whom he had a commercial agreement. It was also found that the resale price at which he was selling the imported LAM was comparable to the price he was selling LAM of its own production.
- (104) On this basis, it is not considered that such imports have contributed to the material injury suffered by the Community industry. While it is true that these imports represent clearly more than a negligible volume (namely around 6 %, of total Community industry's sales during the IP), the following should be noted. Firstly, the resale prices corresponded to the selling prices of its own produced merchandise. Moreover, the sales of this trade product completed its own product range. Secondly, as already explained in recitals 55 and 56, these imports have partly allowed the said producer to reduce some of the high losses incurred from selling its own produced products on the Community market. Importing Chinese LAM has certainly allowed the company to survive until now. Thus, completion of its product range by importing Chinese merchandise was a sort of self-defence in order to cope with Chinese dumped imports. This producer also clearly supports the current proceeding.
- (105) It is therefore very unlikely that the imports made by the said producer contributed to the injury found.

5. Effects of the export performance by the Community industry

- (106) It was also examined whether or not the export of LAM made by the Community industry may have been a cause of the injury it suffered during the period considered.

- (107) As suggested by Table 10, the core market of the Community industry has always been the Community market. Exports outside the EU represented between 7,4 % and 16,2 % of total sales of the Community industry during the period considered.

Table 10

	2001	2002	2003	IP
Exports (1 000 units)	32 419	23 114	18 303	14 551
Index 2001 = 100	100	71	56	45

- (108) Exports of the Community industry decreased by around 18 million units throughout the period considered. This decrease has to be seen in the light of the significant growth of the Community market which took place in that period. It should be borne in mind that during that period Chinese exports were also gaining market share in other worldwide markets, as evidenced by the analysis of the information gathered for the choice of the analogue country.
- (109) In addition, the investigation showed that Community industry production was rather stable and only decreased by 2 % during the period considered. The Community industry was able to control and even reduce its costs.
- (110) Based on the information currently available, it is therefore considered that even if the decrease in exports sales volume may have contributed to the injury suffered by the Community industry it cannot justify the significant price decrease on the Community market and the financial losses incurred by the Community industry during the IP.

6. Conclusion on causation

- (111) It must be underlined that the injury in this case primarily materialised in the form of price depression causing a further increase in losses. This coincided with the rapidly increasing imports at dumped prices from the PRC which undercut substantially the Community industry prices. There is no indication that the abovementioned other factors could have been a significant cause of the material injury suffered by the Community industry. No further other factors have been found in the course of the investigation that could have caused material injury.

Based on the above analysis of the effects of all known factors on the situation of the Community industry, it is provisionally concluded that there is a clear coincidence in time and thus a causal link between the dumped imports from the PRC and the material injury suffered by the Community industry pursuant to Article 3(6) of the basic Regulation.

E. COMMUNITY INTEREST

1.1. General considerations

- (112) In accordance with Article 21 of the basic Regulation, it has been examined whether compelling reasons exist that could lead to the conclusion that it would be against the Community interest to impose anti-dumping duties against imports from the country concerned. The Commission services sent questionnaires to importers, traders and industrial users. Partial replies to the questionnaire were received from two users. Other users did not submit a reply to the questionnaire but made their views known in writing.

- (113) On the basis of the information received from the cooperating parties, the following conclusions were reached.

1.2. Interest of the Community industry

- (114) It is recalled that the Community industry consisted of five producers employing over 700 people in the production and sale of the product concerned. It is also recalled that the economic indicators of the Community industry showed deteriorating financial results during the period considered, leading to some producers in the Community to give up production in the Community in recent years. However, the Community industry is viable and not ready to give up this segment of sales as the actions taken to cope with the surge in dumped imports have shown. As an example, the investigation showed that the Community industry managed to improve its production process and shorten delivery time during the period considered.
- (115) If measures are not imposed it is likely that the price pressure from the dumped imports will increase, the financial situation of the Community industry will continue to deteriorate further and more Community producers will be forced to cease production, with adverse consequences for the broader sector already suffering from imports made at dumped prices.
- (116) If measures are imposed, it can be expected that the Community industry's production and sales volume will rise within a very short period, thus allowing the Community industry to spread its fixed costs over a higher output. In this context, it is noted that the Community industry's capacity utilisation is very low and that the Community industry could indeed significantly increase its output. This would also allow the Community industry to regain the market share it lost during the period considered and make economies of scale. It is likely that the financial situation of the Community industry will reach a more sustainable level once the determination of prices is no longer distorted by dumped imports.
- (117) It is therefore clear that anti-dumping measures would be in the interest of the Community industry.

1.3. Interest of suppliers

- (118) 12 suppliers of raw materials to Community producers wrote to the Commission concerning the present proceeding. These parties support the imposition of AD measures. It is considered that these suppliers are representative of the steel suppliers industry in this proceeding.
- (119) It is clear that the supplier industry risks seeing one sales segment disappearing in the short term in case no measures are taken against low-priced dumped imports. The high losses incurred by the Community industry cannot be sustained any longer.
- (120) The suppliers were also advocating the imposition of measures as it should lead to more security in the market starting with the supply of raw material to the delivery of LAM to the user's industry. They stressed the economic importance of the Community LAM industry from the point of view of the community users. However it is noted that these arguments are made on behalf of users, see below.
- (121) On the basis of the foregoing, it is therefore concluded that the imposition of anti-dumping measures would not be against the interest of Community suppliers.

1.4. *Interest of users and importers*

- (122) Replies from eight users and two importers located in the Community market were received. Users are usually importers as well, in the sense that they import LAM and produce Lever Arch Files (LAF), the downstream product. The total business of these parties is significant but LAM only represents 10 % of the overall activity.
- (123) Users and importers generally oppose the imposition of AD measures, as the product concerned represents a high share of the cost of the downstream product, namely around 20 % of total costs of the downstream product. These users and importers can be considered representative for the industry since they represent more than 50 % of this. They allege that if anti-dumping measures would be imposed, they would be in a disadvantaged position with their customers (mainly chain stores and big distributors). They allege that there is an over-production capacity in the LAF sector. Hence, they are not in a strong position to negotiate with those customers and they fear that LAF will be imported from China once measures on LAM are imposed. However their claims were not substantiated with evidence.
- (124) User companies usually have purchase agreements with Chinese producers to import LAM in the Community market. Users claim that the Chinese products have reached a very good quality compared to those produced in the Community following a long period of development with their Chinese partners. Therefore, they allege that they improved the availability of the material and competition on the market. They also claim that there would be a risk of shortage of supply if measures were imposed.
- (125) The cooperating importers raise similar concerns. Only one user supports the imposition of the measures but claims that measures on LAF should also be imposed.
- (126) In view of the large production capacity available in the Community (see Table 4) and since additional investments in production capacity could easily be made by Community producers to meet the demand in a market not distorted by dumping practices, the claim concerning possible shortages due to lack of capacity of the Community industry does not seem to be realistic and is certainly not substantiated. It is considered that this would not reduce effective competition on the Community market.
- (127) It is also considered that the imposition of measures should not affect the overall competitiveness of the user industries materially. The investigation has shown that some producers of LAM are also producing the downstream products and that there are still a large proportion of users which are mainly purchasing their LAM from non-dumped sources. All users would have the possibility to revert to non-dumped sources of supply.
- (128) As regards possible cost increases, it cannot be excluded that this would take place immediately after the imposition of AD measures. Such cost increase would in particular affect companies which are mainly purchasing low-priced dumped products from China. In the worst case scenario, considering the current market share of the Community industry, the proposed measures may lead to an average cost increase of 2,5 % of the cost of the downstream product on average. It should be noted though that the product concerned is only a minor part of the activities of the downstream industry and that in addition profitability of the product concerned is indeed very good. However, the Commission does not consider that this scenario will take place and a more realistic scenario, as explained in recitals 116 and 120, is that the imposition of AD measures should lead to an increase of effective competition on the Community market and to the recovery of the market share and economic situation of the Community industry. This should in the short term avoid any undue price increase on the Community market.

- (129) In any event any potential cost increase should also be seen in the light of the interest of the user companies which are mainly purchasing their LAM from the Community industry.
- (130) On balance, it is therefore provisionally considered that any negative impact on the cost of certain users is not such as to prevent the imposition of measures.

1.5. Conclusion on Community interest

- (131) The imposition of measures on imports of LAM originating in the PRC would clearly be in the interests of the Community industry. As regards both the importers/traders and the user industries, any impact on prices of LAM is not expected to unduly affect their competitiveness and competition on the Community market. In contrast, the losses suffered by the Community industry and the supplier industries, and the risks of further production closings are clearly of great magnitude.
- (132) In view of the above, it is provisionally concluded that there are no compelling reasons not to impose anti-dumping measures on imports of LAM originating in the PRC.

F. PROVISIONAL ANTI-DUMPING MEASURES

1. Injury elimination level

- (133) In view of the conclusions reached with regard to dumping, resulting injury and Community interest, provisional measures should be imposed in order to prevent further injury being caused to the Community industry by the dumped imports.
- (134) The measures should be imposed at a level sufficient to eliminate the injury caused by these imports without exceeding the dumping margin found. When calculating the amount of duty necessary to remove the effects of the injurious dumping, it was considered that any measure should allow the Community industry to cover its costs of production and to obtain overall a profit before tax that could be reasonably achieved by an industry of this type in the sector under normal conditions of competition, namely in the absence of dumped imports, on the sales of the like product in the Community. The pre-tax profit margin used for this calculation was 5 % of turnover. This margin is in line with what was achieved in the general category in the absence of dumped imports and is therefore provisionally considered to be a reasonable margin. On this basis, a non-injurious price was calculated for the Community industry of the like product. The non-injurious price was obtained by adding the abovementioned profit margin of 5 % to the cost of production.
- (135) The necessary price increase was then determined on the basis of a comparison of the weighted average import price with the weighted average non-injurious price of the like product sold by the Community industry on the Community market.
- (136) Any difference resulting from this comparison was then expressed as a percentage of the average import cif value. In all cases it was found that the injury margins were higher than the dumping margins found.

2. Provisional measures

- (137) In light of the foregoing, it is considered that a provisional anti-dumping duty should be imposed at the level of the dumping margin found, but should not, in accordance with Article 7(2) of the basic Regulation, be higher than the injury margin calculated above.

- (138) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of the present investigation. Therefore, they reflect the situation found during that investigation with respect to these companies. These duty rates (as opposed to the countrywide duty applicable to all other companies) are thus exclusively applicable to imports of products originating in the country concerned and produced by the companies and thus by the specific legal entities mentioned. Imported products produced by any other company not specifically mentioned in the operative part of this document with its name and address, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.
- (139) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission ⁽¹⁾ forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for example, that name change or that change in the production and sales entities. The Commission, if appropriate, will, after consultation of the Advisory Committee, amend the Regulation accordingly by updating the list of companies benefiting from individual duty rates.
- (140) On the basis of the above, the provisional duty rates are:

Dongguan Nanzha Leco Stationery	33,3 %
All other companies	48,1 %.

G. FINAL PROVISION

- (141) In the interest of sound administration, a period should be fixed within which the interested parties which made themselves known within the time limit specified in the notice of initiation may make their views known in writing and request a hearing. Furthermore, it should be stated that the findings concerning the imposition of duties made for the purposes of this document are provisional and may have to be reconsidered for the purpose of any definitive measures,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of lever arch mechanisms for archiving sheets and other documents in binders and files and falling within CN code ex 8305 10 00, (TARIC code 8305 10 00 50) originating in the People's Republic of China. These lever arch mechanisms consist of arched sturdy metal elements (normally two) on a back plate and having at least one opening trigger that permits inserting and filing of sheets and other documents.

2. The rate of the provisional anti-dumping duty applicable, before duty, to the net free-at-Community-frontier price shall be:

Company	Anti-dumping duty	TARIC additional code
Dongguan Nanzha Leco Stationery	33,3 %	A729
All other companies	48,1 %	A999

⁽¹⁾ European Commission, Directorate-General for Trade, Direction B, B-1049 Brussels, Belgium.

3. The release for free circulation in the Community of the product referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.
4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

Without prejudice to Article 20 of Regulation (EC) No 384/96, interested parties may request disclosure of the essential facts and considerations on the basis of which this Regulation was adopted, make their views known in writing and apply to be heard orally by the Commission within one month of the date of entry into force of this Regulation.

Pursuant to Article 21(4) of Regulation (EC) No 384/96, the parties concerned may comment on the application of this Regulation within one month of the date of its entry into force.

Article 3

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

Article 1 of this Regulation shall apply for a period of six months.

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

Done at Brussels, 26 January 2006.

For the Commission
Peter MANDELSON
Member of the Commission

COMMISSION REGULATION (EC) No 135/2006
of 26 January 2006
on the issue of rice import licences for applications lodged in the first 10 working days of January
2006 under Regulation (EC) No 327/98

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1785/2003 of 29 September 2003 on the common organisation of the markets in rice ⁽¹⁾,

Having regard to Commission Regulation (EC) No 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice ⁽²⁾, and in particular Article 5(2) thereof,

Whereas:

An examination of the quantities for which rice import licence applications have been lodged for the January 2006 tranche shows that licences should be issued for the quantities applied for, multiplied, where appropriate, by a percentage reduction

and the quantities available for carry-over to the following tranche should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import licence applications for the tariff quotas for rice opened by Regulation (EC) No 327/98, submitted in the first 10 working days of January 2006 and notified to the Commission shall be subject to percentage reduction coefficients as set out in the Annex to this Regulation.

2. The quantities available under the January 2006 tranche, to be carried over to the following tranche, shall be as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 27 January 2006.

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

Done at Brussels, 26 January 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 96.

⁽²⁾ OJ L 37, 11.2.1998, p. 5. Regulation as last amended by Regulation (EC) No 2152/2005 (OJ L 342, 24.12.2005, p. 30).

ANNEX

Reduction percentages to be applied to quantities applied for under the tranche for January 2006 and quantities available for the following tranche:

(a) Quota of wholly milled or semi-milled rice falling within CN code 1006 30 provided for in Article 1(1)(a):

Origin	Serial No	Reduction percentage for the January 2006 tranche	Quantity carried over to the tranche for April 2006 (tonnes)
United States of America	09.4127	0 ⁽¹⁾	1 729
Thailand	09.4128	0 ⁽¹⁾	4 262,005
Australia	09.4129	—	—
Other origins	09.4130	—	—

(b) Quota of husked rice falling within CN code 1006 20 provided for in Article 1(1)(b):

Origin	Serial No	Reduction percentage for the January 2006 tranche	Quantity carried over to the tranche for April 2006 (tonnes)
Australia	09.4139	0 ⁽¹⁾	2 608
United States of America	09.4140	0 ⁽¹⁾	1 911
Thailand	09.4144	—	—
Other origins	09.4145	—	—

(c) Quota of broken rice falling within CN code 1006 40 00 provided for in Article 1(1)(c):

Origin	Serial No	Reduction percentage for the January 2006 tranche	Quantity carried over to the tranche for July 2006 (tonnes)
Thailand	09.4149	0 ⁽¹⁾	17 318,2
Australia	09.4150	0 ⁽¹⁾	8 395,7
Guyana	09.4152	0 ⁽¹⁾	5 866
United States of America	09.4153	0 ⁽¹⁾	4 277,46
Other origins	09.4154	98,3454	—

(d) Quota of wholly milled or semi-milled rice falling within CN code 1006 30 provided for in Article 1(1)(d):

Origin	Serial No	Reduction percentage for the January 2006 tranche	Quantity carried over to the tranche for July 2006 (tonnes)
Thailand	09.4112	98,1478	—
United States of America	09.4116	98,0399	—
India	09.4117	98,5571	—
Pakistan	09.4118	98,6080	—
Other origins	09.4119	98,2978	—

⁽¹⁾ To be issued for the quantity in the application.

COMMISSION REGULATION (EC) No 136/2006**of 26 January 2006****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 15 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 31(3) thereof,

Whereas:

(1) Article 31(1) of Regulation (EC) No 1255/1999 provides that the difference between prices in international trade for the products listed in Article 1(a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund.

(2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999.

(3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.

(4) However, in the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate

precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.

(5) Article 15(2) of Regulation (EC) No 1043/2005 provides that, when the rate of the refund is being fixed, account is to be taken, where appropriate, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the market in the product in question to the basic products listed in Annex I to Regulation (EC) No 1043/2005 or to assimilated products.

(6) Article 12(1) of Regulation (EC) No 1255/1999 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(7) Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/1999 as regards measures for the disposal of cream, butter and concentrated butter ⁽³⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1255/1999, and exported in the form of goods listed in Annex II to Regulation (EC) No 1255/1999, shall be fixed as set out in the Annex to this Regulation.

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

⁽²⁾ OJ L 172, 5.7.2005, p. 24.

⁽³⁾ OJ L 308, 25.11.2005, p. 1. Regulation amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

Article 2

This Regulation shall enter into force on 27 January 2006.

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

Done at Brussels, 26 January 2006.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

Rates of the refunds applicable from 27 January 2006 to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	9,44	10,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 1898/2005 are exported	22,72	24,52
	(b) on exportation of other goods	46,72	50,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 1898/2005 are exported	49,62	54,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	92,71	100,25
	(c) on exportation of other goods	85,46	93,00

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

COMMISSION REGULATION (EC) No 137/2006**of 26 January 2006****fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 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 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EC) No 1784/2003 and Article 14(1) of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 as appropriate.
- (3) In accordance with the first paragraph of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed each month.
- (4) The commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex I to the Treaty may be jeopardised by the fixing in advance of high refund rates. It is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-

term contracts. The fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met.

- (5) Taking into account the settlement between the European Community and the United States of America on Community exports of pasta products to the United States, approved by Council Decision 87/482/EEC ⁽⁴⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination.
- (6) Pursuant to Article 15(2) and (3) of Regulation (EC) No 1043/2005, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93 ⁽⁵⁾, for the basic product in question, used during the assumed period of manufacture of the goods.
- (7) Spirituous beverages are considered less sensitive to the price of the cereals used in their manufacture. However, Protocol 19 of the Act of Accession of the United Kingdom, Ireland and Denmark provides that the necessary measures must be decided to facilitate the use of Community cereals in the manufacture of spirituous beverages obtained from cereals. Accordingly, it is necessary to adapt the refund rate applying to cereals exported in the form of spirituous beverages.
- (8) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Article 1 of Regulation (EC) No 1784/2003 or in Article 1 of Regulation (EC) No 1785/2003, and exported in the form of goods listed in Annex III to Regulation (EC) No 1784/2003 or in Annex IV to Regulation (EC) No 1785/2003 respectively, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 27 January 2006.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 270, 21.10.2003, p. 96.

⁽³⁾ OJ L 172, 5.7.2005, p. 24.

⁽⁴⁾ OJ L 275, 29.9.1987, p. 36.

⁽⁵⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1584/2004 (OJ L 280, 31.8.2004, p. 11).

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

Done at Brussels, 26 January 2006.

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX

Rates of the refunds applicable from 27 January 2006 to certain cereals and rice products exported in the form of goods not covered by Annex I to the Treaty (*)

		(EUR/100 kg)	
CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
1001 10 00	Durum wheat:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases	—	—
1001 90 99	Common wheat and meslin:		
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—	—
	– in other cases:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
1002 00 00	Rye	—	—
1003 00 90	Barley		
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	—	—
1004 00 00	Oats	—	—
1005 90 00	Maize (corn) used in the form of:		
	– starch:		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	2,978	3,269
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	2,325	2,325
	– – in other cases	3,899	3,899
	– glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽⁴⁾ :		
	– – where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	2,003	2,294
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	1,744	1,744
	– – in other cases	2,924	2,924
	– where goods falling within subheading 2208 ⁽³⁾ are exported	2,325	2,325
	– other (including unprocessed)	3,899	3,899
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:		
	– where Article 15(3) of Regulation (EC) No 1043/2005 applies ⁽²⁾	2,380	2,685
	– where goods falling within subheading 2208 ⁽³⁾ are exported	2,325	2,325
	– in other cases	3,899	3,899

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

CN code	Description of products ⁽¹⁾	(EUR/100 kg) Rate of refund per 100 kg of basic product	
		In case of advance fixing of refunds	Other
ex 1006 30	Wholly milled rice:		
	– round grain	—	—
	– medium grain	—	—
	– long grain	—	—
1006 40 00	Broken rice	—	—
1007 00 90	Grain sorghum, other than hybrid for sowing	—	—

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients set out in Annex V to Commission Regulation (EC) No 1043/2005 is applicable.

⁽²⁾ The goods concerned fall under CN code 3505 10 50.

⁽³⁾ Goods listed in Annex III to Regulation (EC) No 1784/2003 or referred to in Article 2 of Regulation (EEC) No 2825/93 (OJ L 258, 16.10.1993, p. 6).

⁽⁴⁾ For syrups of CN codes NC 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund relates only to the glucose syrup.

COMMISSION REGULATION (EC) No 138/2006
of 26 January 2006
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

(3) Article 31(5) of Regulation (EC) No 1255/1999 provides that when prices within the Community are being

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

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

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

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

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

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 20, 27.1.1999, p. 8. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

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

- (7) Commission Regulation (EEC) No 896/84 ⁽¹⁾ laid down additional provisions concerning the granting of refunds on the change from one milk year to another; those provisions provide for the possibility of varying refunds according to the date of manufacture of the products.
- (8) For the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account.
- (9) In determining the products and destinations eligible for refunds, it is appropriate to take into account that the competitive position of certain Community products does not justify encouragement of exports and that the geographical proximity of certain territories risks facilitating diversion of trade and abuses.
- (10) It follows from applying the rules set out above to the present situation on the market in milk and in particular

to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 27 January 2006.

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

Done at Brussels, 26 January 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

ANNEX

to the Commission Regulation of 26 January 2006 fixing the export refunds on milk and milk products

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0401 30 31 9100	L01	EUR/100 kg	—	0402 21 11 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	13,20		068	EUR/100 kg	—
	A01	EUR/100 kg	18,86		L02	EUR/100 kg	36,55
0401 30 31 9400	L01	EUR/100 kg	—	0402 21 11 9900	A01	EUR/100 kg	46,92
	L02	EUR/100 kg	20,62		L01	EUR/100 kg	—
	A01	EUR/100 kg	29,47		068	EUR/100 kg	—
0401 30 31 9700	L01	EUR/100 kg	—	0402 21 17 9000	L02	EUR/100 kg	38,94
	L02	EUR/100 kg	22,75		A01	EUR/100 kg	50,00
	A01	EUR/100 kg	32,49	0402 21 19 9300	L01	EUR/100 kg	—
0401 30 39 9100	L01	EUR/100 kg	—		068	EUR/100 kg	—
	L02	EUR/100 kg	13,20		L02	EUR/100 kg	8,28
0401 30 39 9400	A01	EUR/100 kg	18,86	0402 21 19 9500	A01	EUR/100 kg	10,00
	L01	EUR/100 kg	—		L01	EUR/100 kg	—
	L02	EUR/100 kg	20,62		068	EUR/100 kg	—
0401 30 39 9700	A01	EUR/100 kg	29,47	0402 21 19 9900	L02	EUR/100 kg	35,03
	L01	EUR/100 kg	—		A01	EUR/100 kg	44,94
	L02	EUR/100 kg	22,75	0402 21 91 9100	L01	EUR/100 kg	—
0401 30 91 9100	A01	EUR/100 kg	32,49		068	EUR/100 kg	—
	L01	EUR/100 kg	—		L02	EUR/100 kg	36,55
	L02	EUR/100 kg	25,92	0402 21 91 9200	A01	EUR/100 kg	46,92
0401 30 99 9100	A01	EUR/100 kg	37,04		L01	EUR/100 kg	—
	L01	EUR/100 kg	—		068	EUR/100 kg	—
	L02	EUR/100 kg	25,92	0402 21 91 9350	L02	EUR/100 kg	38,94
0401 30 99 9500	A01	EUR/100 kg	37,04		A01	EUR/100 kg	50,00
	L01	EUR/100 kg	—		L01	EUR/100 kg	—
	L02	EUR/100 kg	38,10	0402 21 91 9500	068	EUR/100 kg	—
0402 10 11 9000	A01	EUR/100 kg	54,43		L02	EUR/100 kg	39,19
	L01	EUR/100 kg	—		A01	EUR/100 kg	50,30
	068	EUR/100 kg	—	0402 21 99 9100	L01	EUR/100 kg	—
0402 10 19 9000	L02	EUR/100 kg	8,28		068	EUR/100 kg	—
	A01	EUR/100 kg	10,00		L02	EUR/100 kg	39,42
0402 10 91 9000	L01	EUR/kg	—	0402 21 99 9200	A01	EUR/100 kg	50,61
	068	EUR/kg	—		L01	EUR/100 kg	—
	L02	EUR/kg	0,0828	0402 21 99 9300	068	EUR/100 kg	—
0402 10 99 9000	A01	EUR/kg	0,1000		L02	EUR/100 kg	39,84
	L01	EUR/kg	—		A01	EUR/100 kg	51,12
	068	EUR/kg	—	0402 21 99 9200	L01	EUR/100 kg	—
0402 21 11 9200	L02	EUR/kg	0,0828		068	EUR/100 kg	—
	A01	EUR/kg	0,1000		L02	EUR/100 kg	39,42
0402 21 11 9300	L01	EUR/100 kg	—	0402 21 99 9300	A01	EUR/100 kg	50,61
	068	EUR/100 kg	—		L01	EUR/100 kg	—
	L02	EUR/100 kg	35,03		068	EUR/100 kg	—
	A01	EUR/100 kg	44,94		L02	EUR/100 kg	39,84
					A01	EUR/100 kg	51,12

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0402 21 99 9400	L01	EUR/100 kg	—	0402 91 31 9300	L01	EUR/100 kg	—
	068	EUR/100 kg	—		L02	EUR/100 kg	4,877
	L02	EUR/100 kg	42,03		A01	EUR/100 kg	6,967
	A01	EUR/100 kg	53,96	0402 91 39 9300	L01	EUR/100 kg	—
0402 21 99 9500	L01	EUR/100 kg	—		L02	EUR/100 kg	4,877
	068	EUR/100 kg	—		A01	EUR/100 kg	6,967
	L02	EUR/100 kg	42,80	0402 91 99 9000	L01	EUR/100 kg	—
	A01	EUR/100 kg	54,94		L02	EUR/100 kg	15,93
0402 21 99 9600	L01	EUR/100 kg	—		A01	EUR/100 kg	22,76
	068	EUR/100 kg	—	0402 99 11 9350	L01	EUR/kg	—
	L02	EUR/100 kg	45,83		L02	EUR/kg	0,1055
	A01	EUR/100 kg	58,82		A01	EUR/kg	0,1508
0402 21 99 9700	L01	EUR/100 kg	—	0402 99 19 9350	L01	EUR/kg	—
	068	EUR/100 kg	—		L02	EUR/kg	0,1055
	L02	EUR/100 kg	47,52		A01	EUR/kg	0,1508
	A01	EUR/100 kg	61,03	0402 99 31 9150	L01	EUR/kg	—
0402 21 99 9900	L01	EUR/100 kg	—		L02	EUR/kg	0,1095
	068	EUR/100 kg	—		A01	EUR/kg	0,1565
	L02	EUR/100 kg	49,51	0402 99 31 9300	L01	EUR/kg	—
	A01	EUR/100 kg	63,55		L02	EUR/kg	0,0953
0402 29 15 9200	L01	EUR/kg	—		A01	EUR/kg	0,1362
	L02	EUR/kg	0,0828	0402 99 39 9150	L01	EUR/kg	—
	A01	EUR/kg	0,1000		L02	EUR/kg	0,1095
0402 29 15 9300	L01	EUR/kg	—		A01	EUR/kg	0,1565
	L02	EUR/kg	0,3503	0403 90 11 9000	L01	EUR/100 kg	—
	A01	EUR/kg	0,4494		L02	EUR/100 kg	8,18
0402 29 15 9500	L01	EUR/kg	—		A01	EUR/100 kg	9,86
	L02	EUR/kg	0,3655	0403 90 13 9200	L01	EUR/100 kg	—
	A01	EUR/kg	0,4692		L02	EUR/100 kg	8,18
0402 29 15 9900	L01	EUR/kg	—		A01	EUR/100 kg	9,86
	L02	EUR/kg	0,3894	0403 90 13 9300	L01	EUR/100 kg	—
	A01	EUR/kg	0,5000		L02	EUR/100 kg	34,70
0402 29 19 9300	L01	EUR/kg	—		A01	EUR/100 kg	44,55
	L02	EUR/kg	0,3503	0403 90 13 9500	L01	EUR/100 kg	—
	A01	EUR/kg	0,4494		L02	EUR/100 kg	36,23
0402 29 19 9500	L01	EUR/kg	—		A01	EUR/100 kg	46,50
	L02	EUR/kg	0,3655	0403 90 13 9900	L01	EUR/100 kg	—
	A01	EUR/kg	0,4692		L02	EUR/100 kg	38,61
0402 29 19 9900	L01	EUR/kg	—		A01	EUR/100 kg	49,55
	L02	EUR/kg	0,3894	0403 90 19 9000	L01	EUR/100 kg	—
	A01	EUR/kg	0,5000		L02	EUR/100 kg	38,84
0402 29 91 9000	L01	EUR/kg	—		A01	EUR/100 kg	49,86
	L02	EUR/kg	0,3919	0403 90 33 9400	L01	EUR/kg	—
	A01	EUR/kg	0,5030		L02	EUR/kg	0,3470
0402 29 99 9100	L01	EUR/kg	—		A01	EUR/kg	0,4455
	L02	EUR/kg	0,3919	0403 90 33 9900	L01	EUR/kg	—
	A01	EUR/kg	0,5030		L02	EUR/kg	0,3861
0402 29 99 9500	L01	EUR/kg	—		A01	EUR/kg	0,4955
	L02	EUR/kg	0,4203	0403 90 59 9310	L01	EUR/100 kg	—
	A01	EUR/kg	0,5396		L02	EUR/100 kg	13,20
0402 91 11 9370	L01	EUR/100 kg	—		A01	EUR/100 kg	18,86
	L02	EUR/100 kg	4,127	0403 90 59 9340	L01	EUR/100 kg	—
	A01	EUR/100 kg	5,895		L02	EUR/100 kg	19,32
0402 91 19 9370	L01	EUR/100 kg	—		A01	EUR/100 kg	27,59
	L02	EUR/100 kg	4,127	0403 90 59 9370	L01	EUR/100 kg	—
	A01	EUR/100 kg	5,895		L02	EUR/100 kg	19,32
					A01	EUR/100 kg	27,59

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0403 90 59 9510	L01	EUR/100 kg	—	0405 10 19 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	19,32		L02	EUR/100 kg	67,29
	A01	EUR/100 kg	27,59		A01	EUR/100 kg	90,74
0404 90 21 9120	L01	EUR/100 kg	—	0405 10 19 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	7,07		L02	EUR/100 kg	68,98
	A01	EUR/100 kg	8,53		A01	EUR/100 kg	93,00
0404 90 21 9160	L01	EUR/100 kg	—	0405 10 30 9100	L01	EUR/100 kg	—
	L02	EUR/100 kg	8,28		L02	EUR/100 kg	67,29
	A01	EUR/100 kg	10,00		A01	EUR/100 kg	90,74
0404 90 23 9120	L01	EUR/100 kg	—	0405 10 30 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	8,28		L02	EUR/100 kg	68,98
	A01	EUR/100 kg	10,00		A01	EUR/100 kg	93,00
0404 90 23 9130	L01	EUR/100 kg	—	0405 10 30 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	35,03		L02	EUR/100 kg	68,98
	A01	EUR/100 kg	44,94		A01	EUR/100 kg	93,00
0404 90 23 9140	L01	EUR/100 kg	—	0405 10 50 9300	L01	EUR/100 kg	—
	L02	EUR/100 kg	36,55		L02	EUR/100 kg	68,98
	A01	EUR/100 kg	46,92		A01	EUR/100 kg	93,00
0404 90 23 9150	L01	EUR/100 kg	—	0405 10 50 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	38,94		L02	EUR/100 kg	67,29
	A01	EUR/100 kg	50,00		A01	EUR/100 kg	90,74
0404 90 29 9110	L01	EUR/100 kg	—	0405 10 50 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	39,19		L02	EUR/100 kg	68,98
	A01	EUR/100 kg	50,30		A01	EUR/100 kg	93,00
0404 90 29 9115	L01	EUR/100 kg	—	0405 10 90 9000	L01	EUR/100 kg	—
	L02	EUR/100 kg	39,42		L02	EUR/100 kg	71,50
	A01	EUR/100 kg	50,61		A01	EUR/100 kg	96,41
0404 90 29 9125	L01	EUR/100 kg	—	0405 20 90 9500	L01	EUR/100 kg	—
	L02	EUR/100 kg	39,84		L02	EUR/100 kg	63,09
	A01	EUR/100 kg	51,12		A01	EUR/100 kg	85,07
0404 90 29 9140	L01	EUR/100 kg	—	0405 20 90 9700	L01	EUR/100 kg	—
	L02	EUR/100 kg	42,80		L02	EUR/100 kg	65,61
	A01	EUR/100 kg	54,94		A01	EUR/100 kg	88,46
0404 90 81 9100	L01	EUR/kg	—	0405 90 10 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,0828		L02	EUR/100 kg	86,09
	A01	EUR/kg	0,1000		A01	EUR/100 kg	116,07
0404 90 83 9110	L01	EUR/kg	—	0405 90 90 9000	L01	EUR/100 kg	—
	L02	EUR/kg	0,0828		L02	EUR/100 kg	68,85
	A01	EUR/kg	0,1000		A01	EUR/100 kg	92,83
0404 90 83 9130	L01	EUR/kg	—	0406 10 20 9100	L01	EUR/100 kg	—
	L02	EUR/kg	0,3503		L02	EUR/100 kg	—
	A01	EUR/kg	0,4494		A01	EUR/100 kg	16,24
0404 90 83 9150	L01	EUR/kg	—	0406 10 20 9230	L03	EUR/100 kg	—
	L02	EUR/kg	0,3655		L04	EUR/100 kg	12,99
	A01	EUR/kg	0,4692		400	EUR/100 kg	—
0404 90 83 9170	L01	EUR/kg	—	0406 10 20 9290	A01	EUR/100 kg	—
	L02	EUR/kg	0,3894		A00	EUR/100 kg	—
	A01	EUR/kg	0,5000		A00	EUR/100 kg	—
0404 90 83 9936	L01	EUR/kg	—	0406 10 20 9300	A00	EUR/100 kg	—
	L02	EUR/kg	0,1055		A00	EUR/100 kg	—
	A01	EUR/kg	0,1508		A00	EUR/100 kg	—
0405 10 11 9500	L01	EUR/100 kg	—	0406 10 20 9610	A00	EUR/100 kg	—
	L02	EUR/100 kg	67,29		A00	EUR/100 kg	—
	A01	EUR/100 kg	90,74		A00	EUR/100 kg	—
0405 10 11 9700	L01	EUR/100 kg	—	0406 10 20 9620	L03	EUR/100 kg	—
	L02	EUR/100 kg	68,98		L04	EUR/100 kg	19,96
	A01	EUR/100 kg	93,00		400	EUR/100 kg	—
					A01	EUR/100 kg	24,94

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 10 20 9640	L03	EUR/100 kg	—	0406 30 39 9930	L03	EUR/100 kg	—
	L04	EUR/100 kg	29,32		L04	EUR/100 kg	5,69
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	36,65		A01	EUR/100 kg	13,34
0406 10 20 9650	L03	EUR/100 kg	—	0406 30 39 9950	L03	EUR/100 kg	—
	L04	EUR/100 kg	24,44		L04	EUR/100 kg	6,44
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	30,55		A01	EUR/100 kg	15,09
0406 10 20 9830	L03	EUR/100 kg	—	0406 30 90 9000	A00	EUR/100 kg	—
	L04	EUR/100 kg	9,08	0406 40 50 9000	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	34,48
	A01	EUR/100 kg	11,33		400	EUR/100 kg	—
0406 10 20 9850	L03	EUR/100 kg	—	0406 40 90 9000	A01	EUR/100 kg	43,09
	L04	EUR/100 kg	10,99		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	35,41
	A01	EUR/100 kg	13,74		400	EUR/100 kg	—
0406 20 90 9100	A00	EUR/100 kg	—	0406 90 13 9000	A01	EUR/100 kg	44,26
0406 20 90 9913	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	21,76		L04	EUR/100 kg	39,25
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 20 90 9915	A01	EUR/100 kg	27,20	0406 90 15 9100	A01	EUR/100 kg	56,18
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	29,54		L04	EUR/100 kg	40,57
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 20 90 9917	A01	EUR/100 kg	36,93	0406 90 17 9100	A01	EUR/100 kg	58,06
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	31,41		L04	EUR/100 kg	40,57
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 20 90 9919	A01	EUR/100 kg	39,24	0406 90 21 9900	A01	EUR/100 kg	58,06
	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	35,08		L04	EUR/100 kg	39,43
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 30 31 9710	A00	EUR/100 kg	—	0406 90 23 9900	A01	EUR/100 kg	56,30
0406 30 31 9730	L03	EUR/100 kg	—		L03	EUR/100 kg	—
	L04	EUR/100 kg	3,91		L04	EUR/100 kg	35,35
	400	EUR/100 kg	—		400	EUR/100 kg	—
0406 30 31 9910	A01	EUR/100 kg	9,17	0406 90 25 9900	A01	EUR/100 kg	50,82
	A00	EUR/100 kg	—		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	34,67
	L04	EUR/100 kg	3,91		400	EUR/100 kg	—
0406 30 31 9930	400	EUR/100 kg	—	0406 90 27 9900	A01	EUR/100 kg	49,63
	A01	EUR/100 kg	9,17		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	31,39
	L04	EUR/100 kg	5,69		400	EUR/100 kg	—
0406 30 31 9950	400	EUR/100 kg	—	0406 90 31 9119	A01	EUR/100 kg	44,95
	A01	EUR/100 kg	13,34		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	29,03
	L04	EUR/100 kg	3,91		400	EUR/100 kg	—
0406 30 39 9500	400	EUR/100 kg	—	0406 90 33 9119	A01	EUR/100 kg	41,60
	A01	EUR/100 kg	9,17		L03	EUR/100 kg	—
	L03	EUR/100 kg	—		L04	EUR/100 kg	29,03
	L04	EUR/100 kg	3,91		400	EUR/100 kg	—
0406 30 39 9700	400	EUR/100 kg	—		A01	EUR/100 kg	41,60
	A01	EUR/100 kg	9,17				
	L03	EUR/100 kg	—				
	L04	EUR/100 kg	5,69				
	400	EUR/100 kg	—				
	A01	EUR/100 kg	13,34				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 33 9919	A00	EUR/100 kg	—	0406 90 78 9300	L03	EUR/100 kg	—
0406 90 33 9951	A00	EUR/100 kg	—		L04	EUR/100 kg	35,54
0406 90 35 9190	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	41,33		A01	EUR/100 kg	50,76
	400	EUR/100 kg	—	0406 90 78 9500	L03	EUR/100 kg	—
	A01	EUR/100 kg	59,45		L04	EUR/100 kg	34,55
0406 90 35 9990	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	41,33		A01	EUR/100 kg	49,04
	400	EUR/100 kg	—	0406 90 79 9900	L03	EUR/100 kg	—
	A01	EUR/100 kg	59,45		L04	EUR/100 kg	29,35
0406 90 37 9000	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	39,25		A01	EUR/100 kg	42,19
	400	EUR/100 kg	—	0406 90 81 9900	L03	EUR/100 kg	—
	A01	EUR/100 kg	56,18		L04	EUR/100 kg	36,63
0406 90 61 9000	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	44,68		A01	EUR/100 kg	52,44
	400	EUR/100 kg	—	0406 90 85 9930	L03	EUR/100 kg	—
	A01	EUR/100 kg	64,65		L04	EUR/100 kg	40,16
0406 90 63 9100	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	44,02		A01	EUR/100 kg	57,80
	400	EUR/100 kg	—	0406 90 85 9970	L03	EUR/100 kg	—
	A01	EUR/100 kg	63,49		L04	EUR/100 kg	36,84
0406 90 63 9900	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	42,31		A01	EUR/100 kg	52,98
	400	EUR/100 kg	—	0406 90 86 9100	A00	EUR/100 kg	—
	A01	EUR/100 kg	61,32	0406 90 86 9200	L03	EUR/100 kg	—
0406 90 69 9100	A00	EUR/100 kg	—		L04	EUR/100 kg	35,61
0406 90 69 9910	L03	EUR/100 kg	—		400	EUR/100 kg	—
	L04	EUR/100 kg	42,93		A01	EUR/100 kg	52,80
	400	EUR/100 kg	—	0406 90 86 9300	A00	EUR/100 kg	—
	A01	EUR/100 kg	62,22	0406 90 86 9400	L03	EUR/100 kg	—
0406 90 73 9900	L03	EUR/100 kg	—		L04	EUR/100 kg	38,16
	L04	EUR/100 kg	36,12		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	55,80
	A01	EUR/100 kg	51,75	0406 90 86 9900	L03	EUR/100 kg	—
0406 90 75 9900	L03	EUR/100 kg	—		L04	EUR/100 kg	40,16
	L04	EUR/100 kg	36,84		400	EUR/100 kg	—
	400	EUR/100 kg	—		A01	EUR/100 kg	57,80
	A01	EUR/100 kg	52,98	0406 90 87 9100	A00	EUR/100 kg	—
0406 90 76 9300	L03	EUR/100 kg	—	0406 90 87 9200	A00	EUR/100 kg	—
	L04	EUR/100 kg	32,71	0406 90 87 9300	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	33,16
	A01	EUR/100 kg	46,82		400	EUR/100 kg	—
0406 90 76 9400	L03	EUR/100 kg	—		A01	EUR/100 kg	49,00
	L04	EUR/100 kg	36,63	0406 90 87 9400	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	33,86
	A01	EUR/100 kg	52,44		400	EUR/100 kg	—
0406 90 76 9500	L03	EUR/100 kg	—		A01	EUR/100 kg	49,49
	L04	EUR/100 kg	33,92	0406 90 87 9951	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	35,97
	A01	EUR/100 kg	48,15		400	EUR/100 kg	—
0406 90 78 9100	L03	EUR/100 kg	—		A01	EUR/100 kg	51,50
	L04	EUR/100 kg	35,88				
	400	EUR/100 kg	—				
	A01	EUR/100 kg	52,42				

Product code	Destination	Unit of measurement	Amount of refund	Product code	Destination	Unit of measurement	Amount of refund
0406 90 87 9971	L03	EUR/100 kg	—	0406 90 87 9975	L03	EUR/100 kg	—
	L04	EUR/100 kg	35,97		L04	EUR/100 kg	37,52
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	51,50		A01	EUR/100 kg	53,02
0406 90 87 9972	L03	EUR/100 kg	—	0406 90 87 9979	L03	EUR/100 kg	—
	L04	EUR/100 kg	15,21		L04	EUR/100 kg	35,35
	400	EUR/100 kg	—		400	EUR/100 kg	—
	A01	EUR/100 kg	21,86		A01	EUR/100 kg	50,82
0406 90 87 9973	L03	EUR/100 kg	—	0406 90 88 9100	A00	EUR/100 kg	—
	L04	EUR/100 kg	35,33	0406 90 88 9300	L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	29,29
	A01	EUR/100 kg	50,57		400	EUR/100 kg	—
0406 90 87 9974	L03	EUR/100 kg	—	0406 90 88 9500	A01	EUR/100 kg	43,13
	L04	EUR/100 kg	37,84		L03	EUR/100 kg	—
	400	EUR/100 kg	—		L04	EUR/100 kg	30,20
	A01	EUR/100 kg	53,93		400	EUR/100 kg	—
					A01	EUR/100 kg	43,15

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 750/2005 (OJ L 126, 19.5.2005, p. 12).

The other destinations are defined as follows:

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

L02 Andorra and Gibraltar.

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

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

COMMISSION REGULATION (EC) No 139/2006**of 26 January 2006****fixing the maximum export refund for butter in the framework of the standing invitation to tender
provided for in Regulation (EC) No 581/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 24 January 2006.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 581/2004, for the tendering period ending on 24 January 2006, the maximum amount of refund for the products referred to in Article 1(1) of that Regulation shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 27 January 2006.

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

Done at Brussels, 26 January 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 90, 27.3.2004, p. 64. Regulation as last amended by Regulation (EC) No 1239/2005 (OJ L 200, 30.7.2005, p. 32).

⁽³⁾ OJ L 90, 27.3.2004, p. 58. Regulation as amended by Regulation (EC) No 1814/2005 (OJ L 292, 8.11.2005, p. 3).

ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund for export to the destinations referred to in the second subparagraph of Article 1(1) of Regulation (EC) No 581/2004
Butter	ex 0405 10 19 9500	—
Butter	ex 0405 10 19 9700	99,00
Butteroil	ex 0405 90 10 9000	120,10

COMMISSION REGULATION (EC) No 140/2006**of 26 January 2006****fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 582/2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

tender, it is appropriate to fix a maximum export refund for the tendering period ending on 24 January 2006.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the permanent tender opened by Regulation (EC) No 582/2004, for the tendering period ending on 24 January 2006, the maximum amount of refund for the product and destinations referred to in Article 1(1) of that Regulation shall be 12,20 EUR/100 kg.

Article 2

This Regulation shall enter into force on 27 January 2006.

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

Done at Brussels, 26 January 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 90, 27.3.2004, p. 67. Regulation as last amended by Regulation (EC) No 1239/2005 (OJ L 200, 30.7.2005, p. 32).

⁽³⁾ OJ L 90, 27.3.2004, p. 58. Regulation as amended by Regulation (EC) No 1814/2005 (OJ L 292, 8.11.2005, p. 3).

**COMMISSION REGULATION (EC) No 141/2006
of 26 January 2006**

**specifying the extent to which applications lodged in January 2006 for import certificates in respect
of young male bovine animals for fattening as part of a tariff quota provided for in Regulation (EC)
No 992/2005 may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 992/2005 of 29 June 2005 opening and providing for the administration of an import tariff quota for young male bovine animals for fattening (1 July 2005 to 30 June 2006) ⁽²⁾, and in particular Articles 1(4) and 4 thereof,

Whereas:

- (1) Article 1(3)(c) of Regulation (EC) No 992/2005 lays down the number of young male bovine animals which may be imported on special terms during the period from 1 January to 31 March 2006. The quantities

covered by import licence applications submitted are such that applications may be accepted in full.

- (2) The quantities in respect of which licences may be applied for from 1 April 2006 should be fixed within the scope of the total quantity of 169 000 animals, conforming to Article 1(4) of Regulation (EC) No 992/2005,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import certificates made in the month of January 2006 pursuant to Article 3(3), second subparagraph, third indent, of Regulation (EC) No 992/2005 are hereby met in full.

2. The number of animals referred to in Article 1(3)(d) of Regulation (EC) No 992/2005 is 167 730.

Article 2

This Regulation shall enter into force on 27 January 2006.

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

Done at Brussels, 26 January 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 168, 30.6.2005, p. 16.

COMMISSION REGULATION (EC) No 142/2006**of 26 January 2006****amending for the 62nd time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan ⁽¹⁾, and in particular Article 7(1), first indent, thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 18 January 2006, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 26 January 2006.

For the Commission

Eneko LANDÁBURU

Director-General for External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9. Regulation as last amended by Commission Regulation (EC) No 76/2006 (OJ L 12, 18.1.2006, p. 7).

ANNEX

The following two entries under the heading 'Natural persons' shall be removed from Annex I to Regulation (EC) No 881/2002:

1. Mohamed **Mansour** (*alias* Al-Mansour, Dr. Mohamed). Address: Obere Heslibachstrasse 20, 8700 Kuesnacht, ZH (Zurich), Switzerland; Date of birth: 30.8.1928. Place of birth: (a) Egypt (b) United Arab Emirates. Nationality: Swiss. Other information: (a) Zurich, Switzerland, (b) No Swiss passport issued to that name.
 2. Zeinab Mansour **Fattouh**. Address: Obere Heslibachstrasse 20, 8700 Kuesnacht, ZH, Switzerland. Date of birth: 7.5.1933.
-

COMMISSION REGULATION (EC) No 143/2006
of 26 January 2006
fixing the export refunds on products processed from cereals and rice

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 1785/2003 of 29 September 2003 on the common organisation of the market in rice ⁽²⁾, and in particular Article 14(3) thereof,

Whereas:

(1) Article 13 of Regulation (EC) No 1784/2003 and Article 14 of Regulation (EC) No 1785/2003 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund.

(2) Article 14 of Regulation (EC) No 1785/2003 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other. The same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market.

(3) Article 4 of Commission Regulation (EC) No 1518/95 ⁽³⁾ on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated.

(4) The refund to be granted in respect of certain processed products should be graduated on the basis of the ash,

crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product.

(5) There is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products. For certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time.

(6) 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.

(7) The refund must be fixed once a month. It may be altered in the intervening period.

(8) Certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinised starch, no export refund is to be granted.

(9) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 of Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 27 January 2006.

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 270, 21.10.2003, p. 96. Regulation as last amended by Commission Regulation (EC) No 1549/2004 (OJ L 280, 31.8.2004, p. 13).

⁽³⁾ OJ L 147, 30.6.1995, p. 55. Regulation as last amended by Regulation (EC) No 2993/95 (OJ L 312, 23.12.1995, p. 25).

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

Done at Brussels, 26 January 2006.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

to Commission Regulation of 26 January 2006 fixing the export refunds on products processed from cereals and rice

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
1102 20 10 9200 ⁽¹⁾	C10	EUR/t	54,59	1104 23 10 9300	C10	EUR/t	44,84
1102 20 10 9400 ⁽¹⁾	C10	EUR/t	46,79	1104 29 11 9000	C10	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C10	EUR/t	46,79	1104 29 51 9000	C10	EUR/t	0,00
1102 90 10 9100	C11	EUR/t	0,00	1104 29 55 9000	C10	EUR/t	0,00
1102 90 10 9900	C11	EUR/t	0,00	1104 30 10 9000	C10	EUR/t	0,00
1102 90 30 9100	C11	EUR/t	0,00	1104 30 90 9000	C10	EUR/t	9,75
1103 19 40 9100	C10	EUR/t	0,00	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C10	EUR/t	70,18	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C10	EUR/t	54,59	1108 11 00 9200	C10	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C10	EUR/t	46,79	1108 11 00 9300	C10	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C10	EUR/t	46,79	1108 12 00 9200	C10	EUR/t	62,38
1103 19 10 9000	C10	EUR/t	0,00	1108 12 00 9300	C10	EUR/t	62,38
1103 19 30 9100	C10	EUR/t	0,00	1108 13 00 9200	C10	EUR/t	62,38
1103 20 60 9000	C12	EUR/t	0,00	1108 13 00 9300	C10	EUR/t	62,38
1103 20 20 9000	C11	EUR/t	0,00	1108 19 10 9200	C10	EUR/t	0,00
1104 19 69 9100	C10	EUR/t	0,00	1108 19 10 9300	C10	EUR/t	0,00
1104 12 90 9100	C10	EUR/t	0,00	1109 00 00 9100	C10	EUR/t	0,00
1104 12 90 9300	C10	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C10	EUR/t	61,12
1104 19 10 9000	C10	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C10	EUR/t	46,79
1104 19 50 9110	C10	EUR/t	62,38	1702 30 91 9000	C10	EUR/t	61,12
1104 19 50 9130	C10	EUR/t	50,69	1702 30 99 9000	C10	EUR/t	46,79
1104 29 01 9100	C10	EUR/t	0,00	1702 40 90 9000	C10	EUR/t	46,79
1104 29 03 9100	C10	EUR/t	0,00	1702 90 50 9100	C10	EUR/t	61,12
1104 29 05 9100	C10	EUR/t	0,00	1702 90 50 9900	C10	EUR/t	46,79
1104 29 05 9300	C10	EUR/t	0,00	1702 90 75 9000	C10	EUR/t	64,04
1104 22 20 9100	C10	EUR/t	0,00	1702 90 79 9000	C10	EUR/t	44,45
1104 22 30 9100	C10	EUR/t	0,00	2106 90 55 9000	C10	EUR/t	46,79
1104 23 10 9100	C10	EUR/t	58,49				

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinisation of the starch.

⁽²⁾ Refunds are granted in accordance with Council Regulation (EEC) No 2730/75 (OJ L 281, 1.11.1975, p. 20), as amended.

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).

The other destinations are as follows:

C10: All destinations

C11: All destinations except for Bulgaria

C12: All destinations except for Romania

C13: All destinations except for Bulgaria and Romania

C14: All destinations except for Switzerland and Liechtenstein.

COMMISSION REGULATION (EC) No 144/2006**of 26 January 2006****fixing the export refunds on cereal-based compound feedingstuffs**

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) Commission Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EC) No 1784/2003 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽²⁾ in Article 2 lays down general rules for fixing the amount of such refunds.
- (3) That calculation must also take account of the cereal products content. In the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds

and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products. A refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff.

- (4) Furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export.
- (5) The current situation on the cereals market and, in particular, the supply prospects mean that the export refunds should be abolished.
- (6) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EC) No 1784/2003 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 27 January 2006.

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

Done at Brussels, 26 January 2006.

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. 51.

ANNEX

to the Commission Regulation of 26 January 2006 fixing the export refunds on cereal-based compound feedingstuffs

Product codes benefiting from export refund:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

Cereal products	Destination	Unit of measurement	Amount of refunds
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	C10	EUR/t	0,00
Cereal products excluding maize and maize products	C10	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.

C10: All destinations.

COMMISSION REGULATION (EC) No 145/2006
of 26 January 2006
fixing production refunds 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 8(2) thereof,

Whereas:

- (1) Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the application of Council Regulations (EEC) No 1766/92 and (EEC) No 1418/76 concerning production refunds in the cereals and rice sectors respectively ⁽²⁾ lays down the conditions for granting production refunds. The basis for calculating the refund is laid down in Article 3 of that Regulation. The refund thus calculated, differentiated where necessary for potato starch, must be fixed once a month and may be amended if the price of maize and/or wheat changes significantly.

- (2) The production refunds fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount to be paid.

- (3) The Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The refund per tonne of starch referred to in Article 3(2) of Regulation (EEC) No 1722/93, is hereby fixed at:

- (a) EUR/tonne 19,39 for starch from maize, wheat, barley and oats;
- (b) EUR/tonne 29,20 for potato starch.

Article 2

This Regulation shall enter into force on 27 January 2006.

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

Done at Brussels, 26 January 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 159, 1.7.1993, p. 112. Regulation as last amended by Regulation (EC) No 1548/2004 (OJ L 280, 31.8.2004, p. 11).

COMMISSION REGULATION (EC) No 146/2006**of 26 January 2006****concerning tenders notified in response to the invitation to tender for the import of sorghum
issued in Regulation (EC) No 2094/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the maximum reduction from third countries in the duty on sorghum imported into Spain was opened pursuant to Commission Regulation (EC) No 2094/2005 ⁽²⁾.
- (2) Article 7 of Commission Regulation (EC) No 1839/95 ⁽³⁾, allows the Commission to decide, in accordance with the procedure laid down in Article 25 of Regulation (EC) No 1784/2003 and on the basis of the tenders notified to make no award.

- (3) On the basis of the criteria laid down in Articles 6 and 7 of Regulation (EC) No 1839/95 a maximum reduction in the duty should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 20 to 26 January 2006 in response to the invitation to tender for the reduction in the duty on imported sorghum issued in Regulation (EC) No 2094/2005.

Article 2

This Regulation shall enter into force on 27 January 2006.

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

Done at Brussels, 26 January 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005 p. 11).

⁽²⁾ OJ L 335, 21.12.2005, p. 4.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 1558/2005 (OJ L 249, 24.9.2005, p. 6).

COMMISSION REGULATION (EC) No 147/2006**of 26 January 2006****fixing the maximum reduction in the duty on maize imported in connection with the invitation to tender issued in Regulation (EC) No 2093/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) An invitation to tender for the maximum reduction in the duty on maize imported into Spain from third countries was opened pursuant to Commission Regulation (EC) No 2093/2005 ⁽²⁾.

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 20 to 26 January 2006, pursuant to the invitation to tender issued in Regulation (EC) No 2093/2005, the maximum reduction in the duty on maize imported shall be 25,47 EUR/t and be valid for a total maximum quantity of 62 000 t.

Article 2

This Regulation shall enter into force on 27 January 2006.

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

Done at Brussels, 26 January 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 335, 20.12.2005, p. 3.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 1558/2005 (OJ L 249, 24.9.2005, p. 6).

COMMISSION REGULATION (EC) No 148/2006**of 26 January 2006****fixing the export refunds on cereals and on wheat or rye flour, groats and meal**

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 in 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) As far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture. These quantities were fixed 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 the detailed rules set out above to the present situation on the market 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 the products listed in Article 1(a), (b) and (c) of Regulation (EC) No 1784/2003, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 January 2006.

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

Done at Brussels, 26 January 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 147, 30.6.1995, p. 7. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

ANNEX

to the Commission Regulation of 26 January 2006 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

Product code	Destination	Unit of measurement	Amount of refunds	Product code	Destination	Unit of measurement	Amount of refunds
1001 10 00 9200	—	EUR/t	—	1101 00 15 9130	C01	EUR/t	8,63
1001 10 00 9400	A00	EUR/t	0	1101 00 15 9150	C01	EUR/t	7,95
1001 90 91 9000	—	EUR/t	—	1101 00 15 9170	C01	EUR/t	7,35
1001 90 99 9000	A00	EUR/t	0	1101 00 15 9180	C01	EUR/t	6,87
1002 00 00 9000	A00	EUR/t	0	1101 00 15 9190	—	EUR/t	—
1003 00 10 9000	—	EUR/t	—	1101 00 90 9000	—	EUR/t	—
1003 00 90 9000	A00	EUR/t	0	1102 10 00 9500	A00	EUR/t	0
1004 00 00 9200	—	EUR/t	—	1102 10 00 9700	A00	EUR/t	0
1004 00 00 9400	A00	EUR/t	0	1102 10 00 9900	—	EUR/t	—
1005 10 90 9000	—	EUR/t	—	1103 11 10 9200	A00	EUR/t	0
1005 90 00 9000	A00	EUR/t	0	1103 11 10 9400	A00	EUR/t	0
1007 00 90 9000	—	EUR/t	—	1103 11 10 9900	—	EUR/t	—
1008 20 00 9000	—	EUR/t	—	1103 11 90 9200	A00	EUR/t	0
1101 00 11 9000	—	EUR/t	—	1103 11 90 9800	—	EUR/t	—
1101 00 15 9100	C01	EUR/t	9,23				

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

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.

COMMISSION REGULATION (EC) No 149/2006**of 26 January 2006****concerning tenders notified in response to the invitation to tender for the export of barley issued in Regulation (EC) No 1058/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) An invitation to tender for the refund for the export of barley to certain third countries was opened pursuant to Commission Regulation (EC) No 1058/2005 ⁽²⁾.
- (2) Article 7 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on

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

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders notified from 20 to 26 January 2006 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 1058/2005.

Article 2

This Regulation shall enter into force on 27 January 2006.

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

Done at Brussels, 26 January 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 174, 7.7.2005, p. 12.

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

COMMISSION REGULATION (EC) No 150/2006**of 26 January 2006****fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1059/2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) An invitation to tender for the refund for the export of common wheat to certain third countries was opened pursuant to Commission Regulation (EC) No 1059/2005 ⁽²⁾.

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 20 to 26 January 2006, pursuant to the invitation to tender issued in Regulation (EC) No 1059/2005, the maximum refund on exportation of common wheat shall be 6,74 EUR/t.

Article 2

This Regulation shall enter into force on 27 January 2006.

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

Done at Brussels, 26 January 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78. Regulation as amended by Commission Regulation (EC) No 1154/2005 (OJ L 187, 19.7.2005, p. 11).

⁽²⁾ OJ L 174, 7.7.2005, p. 15.

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

COMMISSION DIRECTIVE 2006/4/EC**of 26 January 2006****amending the Annexes to Council Directives 86/362/EEC and 90/642/EEC as regards maximum residue levels for carbofuran****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals ⁽¹⁾, and in particular Article 10 thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables ⁽²⁾, and in particular Article 7 thereof,

Whereas:

(1) In the case of cereals and products of plant origin including fruit and vegetables, residue levels reflect the use of minimum quantities of pesticides necessary to achieve effective protection of plants, applied in such a manner that the amount of residue is as low as is practicable and toxicologically acceptable, having regard, in particular to the protection of the environment and the estimated dietary intake of consumers. Community maximum residue levels (MRLs) represent the upper limit of the amount of such residues that might be expected to be found in commodities when good agricultural practices have been respected.

(2) MRLs for pesticides are kept under review and changed to take account of new information and data. MRLs are fixed at the lower limit of analytical determination where authorised uses of plant protection products do not result in detectable levels of pesticide residue in or on the food product, or where there are no authorised uses, or where uses which have been authorised by Member States have not been supported by the necessary data, or where uses in third countries resulting in residues in or on food products which may enter into circulation in the Community market have not been supported by the necessary data.

(3) Several Member States informed the Commission of their desire to revise national MRLs in accordance with Article 8 of Directive 90/642/EEC in the light of concerns about consumer intake. Proposals for the review of Community MRLs were submitted to the Commission.

(4) The lifetime and short-term exposure of consumers to the pesticides referred to in this Directive via food products has been reassessed and evaluated in accordance with Community procedures and practices, taking account of guidelines published by the World Health Organisation ⁽³⁾. On that basis, it is appropriate to fix new MRLs, which will ensure that there is no unacceptable consumer exposure.

(5) Where relevant, the acute exposure of consumers to those pesticides via each of the food products that may contain residues has been assessed and evaluated in accordance with Community procedures and practices, taking account of guidelines published by the World Health Organisation. It is concluded that the presence of pesticide residues at or below the new MRLs will not cause acute toxic effects.

(6) Through the World Trade Organisation, the Community's trading partners have been consulted about the new MRLs and their comments on these levels have been taken into account.

(7) The Annexes to Directives 86/362/EEC and 90/642/EEC should therefore be amended accordingly.

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

Part A of Annex II to Directive 86/362/EEC is amended in accordance with Annex I to this Directive.

⁽¹⁾ OJ L 221, 7.8.1986, p. 37. Directive as last amended by Commission Directive 2005/76/EC (OJ L 293, 9.11.2005, p. 14).

⁽²⁾ OJ L 350, 14.12.1990, p. 71. Directive as last amended by Directive 2005/76/EC.

⁽³⁾ Guidelines for predicting dietary intake of pesticide residues (revised), prepared by the GEMS/Food Programme in collaboration with the Codex Committee on Pesticide Residues, published by the World Health Organisation 1997 (WHO/FSF/FOS/97.7)

Article 2

Part A of Annex II to Directive 90/642/EEC is amended in accordance with Annex II to this Directive.

Article 3

Member States shall adopt and publish, by 27 July 2006 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 27 July 2006 at the latest.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 26 January 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX I

In part A of Annex II to Directive 86/362/EEC the line for carbofuran is replaced by the following:

Pesticide residue	Maximum level in mg/kg
Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran)	0,02 (*) cereals
(*) Indicates lower limit of analytical determination.	

ANNEX II

In part A of Annex II to Directive 90/642/EEC, the lines for carbofuran are replaced by the following:

Pesticide residues and maximum residue levels (mg/kg)	
Groups and examples of individual products to which the MRLs apply	Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran)
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts	
(i) CITRUS FRUIT	0,3
Grapefruit	
Lemons	
Limes	
Mandarins (including clementines and other hybrids)	
Oranges	
Pomelos	
Others	
(ii) TREE NUTS (shelled or unshelled)	0,02 (*)
Almonds	
Brazil nuts	
Cashew nuts	
Chestnuts	
Coconuts	
Hazelnuts	
Macadamia	
Pecans	
Pine nuts	
Pistachios	
Walnuts	
Others	
(iii) POME FRUIT	0,02 (*)
Apples	
Pears	
Quinces	
Others	
(iv) STONE FRUIT	0,02 (*)
Apricots	
Cherries	

Pesticide residues and maximum residue levels (mg/kg)	
Groups and examples of individual products to which the MRLs apply	Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran)
Peaches (including nectarines and similar hybrids)	
Plums	
Others	
(v) BERRIES AND SMALL FRUIT	0,02 (*)
(a) Table and wine grapes	
Table grapes	
Wine grapes	
(b) Strawberries (other than wild)	
(c) Cane fruit (other than wild)	
Blackberries	
Dewberries	
Loganberries	
Raspberries	
Others	
(d) Other small fruit and berries (other than wild)	
Bilberries	
Cranberries	
Currants (red, black and white)	
Gooseberries	
Others	
(e) Wild berries and wild fruit	
(vi) MISCELLANEOUS	0,02 (*)
Avocados	
Bananas	
Dates	
Figs	
Kiwi	
Kumquats	
Litchis	
Mangoes	
(a) Olives	
Olives (table consumption)	
Olives (oil extraction)	

Pesticide residues and maximum residue levels (mg/kg)	
Groups and examples of individual products to which the MRLs apply	Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran)
Passion fruit	
Pineapples	
Papaya	
Others	
2. Vegetables, fresh or uncooked, frozen or dry	0,02 (*)
(i) ROOT AND TUBER VEGETABLES	
Beetroot	
Carrots	
Celeriac	
Horseradish	
Jerusalem artichokes	
Parsnips	
Parsley root	
Radishes	
Salsify	
Sweet potatoes	
Swedes	
Turnips	
Yam	
Others	
(ii) BULB VEGETABLES	
Garlic	
Onions	
Shallots	
Spring onions	
Others	
(iii) FRUITING VEGETABLES	
(a) Solanacea	
Tomatoes	
Peppers	
Aubergines	
Others	

Pesticide residues and maximum residue levels (mg/kg)	
Groups and examples of individual products to which the MRLs apply	Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran)
(b) Cucurbits — edible peel	
Cucumbers	
Gherkins	
Courgettes	
Others	
(c) Cucurbits — inedible peel	
Melons	
Squashes	
Watermelons	
Others	
(d) Sweet corn	
(iv) BRASSICA VEGETABLES	
(a) Flowering brassica	
Broccoli	
Cauliflower	
Others	
(b) Head brassica	
Brussels sprouts	
Head cabbage	
Others	
(c) Leafy brassica	
Chinese cabbage	
Kale	
Others	
(d) Kohlrabi	
(v) LEAF VEGETABLES AND FRESH HERBS	
(a) Lettuce and similar	
Cress	
Lamb's lettuce	
Lettuce	
Scarole	
Others	

Pesticide residues and maximum residue levels (mg/kg)	
Groups and examples of individual products to which the MRLs apply	Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran)
(b) Spinach and similar	
Spinach	
Beet leaves (chard)	
Others	
(c) Water cress	
(d) Witloof	
(e) Herbs	
Chervil	
Chives	
Parsley	
Celery leaves	
Others	
(vi) LEGUME VEGETABLES (fresh)	
Beans (with pods)	
Beans (without pods)	
Peas (with pods)	
Peas (without pods)	
Others	
(vii) STEM VEGETABLES (fresh)	
Asparagus	
Cardoons	
Celery	
Fennel	
Globe artichokes	
Leek	
Rhubarb	
Others	
(viii) FUNGI	
(a) Cultivated mushrooms	
(b) Wild mushrooms	
3. Pulses	0,02 (*)
Beans	
Lentils	

Pesticide residues and maximum residue levels (mg/kg)	
Groups and examples of individual products to which the MRLs apply	Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran)
Peas	
Others	
4. Oil seed	0,1
Linseed	
Peanuts	
Poppy seeds	
Sesame seeds	
Sunflower seed	
Rape seed	
Soya bean	
Mustard seed	
Cotton seed	
Others	
5. Potatoes	0,02 (*)
Early potatoes	
Ware potatoes	
6. Tea (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	0,05 (*)
7. Hops (dried), including hop pellets and unconcentrated powder	0,05 (*)

(*) Indicates the lower limit of analytical determination.'

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 23 January 2006

on the approval of exceptional national aid by the Republic of Cyprus to Cypriot farmers for the purpose of repaying part of agricultural debts created long before accession of Cyprus to the European Union

(2006/39/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 88(2), third subparagraph, thereof,

Having regard to the request made by the Republic of Cyprus on 21 November 2005,

Whereas:

- (1) On 21 November 2005, Cyprus presented to the Council a request for a decision in accordance with the third subparagraph of Article 88(2) of the Treaty declaring that the plan of Cyprus to grant national aid to Cypriot farmers for the purpose of repaying part of agricultural debts created long before the accession of Cyprus to the European Union as a result of exceptional circumstances is compatible with the common market.
- (2) Intensive efforts have been made by the Cypriot Government to put back to work the many tens of thousands of farmers and rural people who were forced to abandon their farms and households after the Turkish invasion in 1974.
- (3) In order to enable these farmers and rural people to pursue their activities in Cyprus, Government-guaranteed loans were issued for the acquisition of machinery and livestock and/or the realisation of other investments in agriculture.
- (4) In the 1990's, Cyprus was hit by an unprecedented and severe drought which lasted for seven years, with devas-

tating consequences for agricultural production and farm incomes. In the hope of a better harvest in the following year, many Cypriot farmers hit by the drought resorted to borrowing in order to buy farm inputs, thus falling into a trap of accumulated debt year after year. The extent of the losses suffered by the Cypriot farmers and the accumulation of their debts affected their ability to repay existing loans.

- (5) A political commitment to deal with the accumulated farm debt problem was given by the Government early in 1999, but through failure to reach an agreement with the unions of farmers the proposed debt repayment scheme was not implemented before accession to the Union. It was only after long discussion and the pressure of the serious challenges facing the agricultural sector of Cyprus after accession that farmers unions came to revise their positions.
- (6) After the accession of Cyprus to the Union, the agricultural sector of Cyprus entered into a period of extended crisis and farm incomes registered a decline unlike in all the other new Member States. Farm gate prices of cereals and of fruit other than citrus went down substantially. A considerable share of the grape harvest could not find normal market outlets and Cyprus requested and was granted Community aid to implement an immediate grubbing-up scheme. Anticipating the needs for adjustment, conversion and diversification, the national Rural Development Plan for the period 2004 to 2006 incorporated a number of schemes and programmes requiring considerable investment by farmers and other rural people. However, the accumulated farm debt from the period before accession proved to be a major stumbling block to the implementation of that Plan, with Banks and other financial institutions requiring repayment of previous loans before issuing new ones.

- (7) The refusal of the credit agencies to provide further borrowing constitutes a major obstacle to the efforts of modernisation and upgrading of agricultural and livestock production units. This lack of modernisation and the consequent lower productivity and reduced profitability, together with the resulting hard living and working conditions of the Cypriot farmers, entails the risk of abandonment of growing, with the consequent risk of serious economic and social repercussions for the Cypriot farmers concerned.
- (8) The aid is intended as relief to the following categories of farmers which are affected by the accumulation of debts and unable to repay the loans given:
- those who were registered as farmers with the Social Security Fund and paid social security contributions up to 31 December 1998,
 - displaced farmers who held a professional license, and whose annual income from non-agricultural employment did not exceed CYP (Cyprus pounds) 6 000 on 31 December 1998,
 - those who are today receiving a pension and were registered as farmers on 31 December 1998,
 - those who lived in the countryside and were employed in farming, but also exercised another non-agricultural profession, provided that their non-agricultural income did not exceed CYP 6 000 on 31 December 1998.
- (9) The aid to be granted from Cyprus amounts to CYP 23 000 000 (equivalent to EUR 39 330 000), corre-

sponding to loans contracted between 1974 and the 31 December 1998.

- (10) The number of beneficiaries by the proposed national aid scheme is estimated to be over 15 000 farmers.
- (11) Exceptional circumstances therefore exist, making it possible to consider as compatible with the common market the aid planned by Cyprus for Cypriot farmers for the purpose of repaying part of agricultural debts created long before accession of Cyprus to the Union,

HAS ADOPTED THIS DECISION:

Article 1

National aid granted by the Republic of Cyprus for CYP 23 000 000 (equivalent to EUR 39 330 000) to enable Cypriot farmers to repay to Banks and other financial institutions part of their agricultural debts, which were created before 31 December 1998 due to the exceptional circumstances that prevailed before and up to that date, shall be considered compatible with the common market.

Article 2

This Decision is addressed to the Republic of Cyprus.

Done at Brussels, 23 January 2006.

For the Council
The President
J. PRÖLL