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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1054/2006
of 12 July 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 13 July 2006.

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

Done at Brussels, 12 July 2006.

For the Commission

Jean-Luc 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 12 July 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	93,3
	999	93,3
0707 00 05	052	86,8
	999	86,8
0709 90 70	052	79,4
	999	79,4
0805 50 10	388	60,3
	524	54,3
	528	59,0
	999	57,9
0808 10 80	388	87,3
	400	110,9
	404	94,7
	508	87,0
	512	72,5
	524	48,2
	528	78,9
	720	108,2
	800	162,7
	804	92,9
	999	94,3
0808 20 50	388	100,1
	512	97,0
	528	91,7
	720	36,6
	999	81,4
0809 10 00	052	141,3
	999	141,3
0809 20 95	052	298,6
	068	95,0
	400	375,3
	999	256,3
0809 30 10, 0809 30 90	052	124,8
	999	124,8
0809 40 05	624	140,7
	999	140,7

⁽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 1055/2006

of 12 July 2006

amending Annexes I and III to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin, as regards flubendazole and lasalocid

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin ⁽¹⁾, and in particular Article 2 and the third paragraph of Article 4 thereof,

Having regard to the opinions of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

(1) All pharmacologically active substances used in the Community in veterinary medicinal products intended for food-producing animals should be evaluated in accordance with Regulation (EEC) No 2377/90.

(2) The substance flubendazole is currently included in Annex I to Regulation (EEC) No 2377/90 for chicken, turkey, game birds and porcine for muscle, skin and fat, liver and kidney as well as for chicken from which eggs are produced for human consumption. The entry for flubendazole in that Annex should be extended to all poultry species for muscle, skin and fat, liver, kidney and eggs.

(3) The substance lasalocid is currently included in Annex I to Regulation (EEC) No 2377/90 for poultry for muscle,

skin and fat, liver and kidney, excluding animals from which eggs are produced for human consumption. The substance lasalocid should be included in Annex III to that Regulation for poultry from which eggs are produced for human consumption, awaiting validation of analytical methods. Consequently the current provision, excluding animals from which eggs are produced for human consumption, should be deleted from the entry of lasalocid in Annex I to Regulation (EEC) No 2377/90.

(4) Regulation (EEC) No 2377/90 should therefore be amended accordingly.

(5) An adequate period should be allowed before the applicability of this Regulation in order to enable Member States to make any adjustment which may be necessary in the light of this Regulation to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products ⁽²⁾ to take account of the provisions of this Regulation.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and III to Regulation (EEC) No 2377/90 are amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 224, 18.8.1990, p. 1. Regulation as last amended by Commission Regulation (EC) No 205/2006 (OJ L 34, 7.2.2006, p. 21).

⁽²⁾ OJ L 311, 28.11.2001, p. 1. Directive as last amended by Directive 2004/28/EC (OJ L 136, 30.4.2004, p. 58).

Article 2

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

It shall apply from 11 September 2006.

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

Done at Brussels, 12 July 2006.

For the Commission
Günter VERHEUGEN
Vice-President

ANNEX

A. The following substances are inserted in Annex I to Regulation (EEC) No 2377/90 (List of pharmacologically active substances for which maximum residue limits have been fixed):

- 2. Antiparasitic agents
- 2.1. Agents acting against endoparasites
- 2.1.3. Benzimidazoles and pro-benzimidazoles

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
Flubendazole	Sum of flubendazole and (2-amino 1H-benzimidazol-5-yl) (4fluorophenyl) methanone	Poultry, porcine	50 µg/kg 50 µg/kg 400 µg/kg 300 µg/kg	Muscle Skin + fat Liver Kidney
Flubendazole	Flubendazole	Poultry	400 µg/kg	Eggs ⁽¹⁾

- 2.4. Agents acting against protozoa
- 2.4.4. Ionophores

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
Lasalocid	Lasalocid A	Poultry	20 µg/kg 100 µg/kg 100 µg/kg 50 µg/kg	Muscle Skin + fat Liver Kidney ⁽¹⁾

B. The following substance is inserted in Annex III to Regulation (EEC) No 2377/90 (List of pharmacologically active substances used in veterinary medicinal products for which provisional maximum residue limits have been fixed):

- 2. Antiparasitic agents
- 2.4. Agents acting against protozoa
- 2.4.5. Ionophores

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues
Lasalocid	Lasalocid A	Poultry	150 µg/kg	Eggs ⁽¹⁾

(1) Provisional MRLs expire on 1 January 2008.

COMMISSION REGULATION (EC) No 1056/2006
of 12 July 2006
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex to this Regulation should be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3 of that table.
- (4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods

in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽²⁾.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN codes indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the 20th 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, 12 July 2006.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 996/2006 (OJ L 179, 1.7.2006, p. 26).

⁽²⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Regulation (EC) No. 648/2005 of the European Parliament and of the Council (OJ L 117, 4.5.2005, p. 13).

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
1. A portable battery-operated digital sound and video recording and reproducing apparatus containing the following main components in a single housing: — a hard disk with a storage capacity of 30 GB, — a colour display with a diagonal measurement of 6,35 cm (2,5 inches), — a microphone, and — a radio broadcast receiver. The apparatus supports the following formats: MPEG1, MPEG2, MPEG4, DivX, XviD, WMV, MJPEG, MP3 and WMA. It can be connected to an automatic data-processing machine through a USB port in order to download or upload the media files. It is also connectable to various apparatus through an audio/video (A/V) interface. It can record up to 15 000 songs or 120 hours of digital video, or store up to 25 000 photos. It can also record voice	8521 90 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 3 to Section XVI and by the wording of CN codes 8521 and 8521 90 00. Since the apparatus has a specific function, classification as a storage unit under heading 8471 is excluded (Notes 5(B) and 5(E) to Chapter 84). In view of the capability of the apparatus, its principal function is to record or reproduce video as foreseen in heading 8521. Therefore, classification under headings 8520 and 8527 is excluded. The product is neither an apparatus for the reception of television nor a video monitor and therefore classification under heading 8528 is excluded. Since the apparatus has a function specified elsewhere in Chapter 85 (heading 8521), classification under heading 8543 is excluded
2. An article made up of: — a ball-point pen with a replaceable cartridge, and — a flash memory with a capacity of 128 MB and a USB interface that can be plugged into the USB port of an automatic data-processing machine. The components can be used independently	8523 90 90	Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8523, 8523 90 and 8523 90 90. The product is a composite article consisting of a pen with a USB flash memory. In view of the value of the components, the article is intended primarily to be used for storage of data (heading 8523). The function of the USB flash memory is the same as that of a flash memory card, namely the temporary storage of digital data (including MP3 files). The presence of a USB interface does not alter that function. Therefore, a USB flash memory is not an automatic data-processing machine or a unit thereof. Hence, classification under heading 8471 is excluded (Note 5(E) to Chapter 84)

(1)	(2)	(3)
3. An article made up of: — a watch with a mechanical display only, and — a flash memory with a capacity of 128 MB and a USB interface that can be plugged into the USB port of an automatic data-processing machine. The components can be used independently	8523 90 90	Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8523, 8523 90 and 8523 90 90. The product is a composite article consisting of a watch with a USB flash memory. In view of the value of the components, the article is intended primarily to be used for storage of data (heading 8523). The function of the USB flash memory is the same as that of a flash memory card, namely the temporary storage of digital data (including MP3 files). The presence of a USB interface does not alter that function. Therefore, a USB flash memory is not an automatic data-processing machine or a unit thereof. Hence, classification under heading 8471 is excluded (Note 5(E) to Chapter 84)
4. Eight small plastic cubes, with 48 faces, held together on two edges. The position of the cubes can be changed so as to create geometric shapes with correct illustrations	9503 60 90	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 9503, 9503 60 and 9503 60 90. Since the cubes must be manipulated in order to achieve the correct illustrations, the product is considered to be a puzzle

COMMISSION REGULATION (EC) No 1057/2006**of 12 July 2006****opening an invitation to tender for the reduction in the duty on maize imported into Portugal from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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) Pursuant to the Community's international obligations in the context of the Uruguay Round of multilateral trade negotiations ⁽²⁾, it is necessary to create the conditions to import a certain quantity of maize into Portugal.
- (2) Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal ⁽³⁾, lays down the special additional detailed rules necessary for implementing the invitation to tender.
- (3) In view of the current market demand in Portugal, an invitation to tender for the reduction in the duty on maize is appropriate.
- (4) The Management Committee for Cereals has not issued an opinion by the time limit laid down by its Chairman,

Article 1

1. An invitation to tender is hereby opened for the reduction in the import duty referred to in Article 10(2) of Regulation (EC) No 1784/2003 on maize to be imported into Portugal.

2. Regulation (EC) No 1839/95 shall apply save as otherwise provided for in this Regulation.

Article 2

The invitation to tender shall be open until 31.8.2006. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.

Article 3

Import licences issued under these invitations to tender shall be valid 50 days from the date they are issued within the meaning of Article 10(4) of Regulation (EC) No 1839/95.

Article 4

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, 12 July 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 336, 23.12.1994, p. 22.

⁽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 1058/2006**of 12 July 2006****opening an invitation to tender for the reduction in the duty on maize imported into Spain from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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) Pursuant to the Community's international obligations in the context of the Uruguay Round of multilateral trade negotiations ⁽²⁾, it is necessary to create the conditions to import a certain quantity of maize into Spain.
- (2) Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal ⁽³⁾, lays down the special additional detailed rules necessary for implementing the invitation to tender.
- (3) In view of the current market demand in Spain, an invitation to tender for the reduction in the duty on maize is appropriate.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Cereals,

Article 1

1. An invitation to tender is hereby opened for the reduction in the import duty referred to in Article 10(2) of Regulation (EC) No 1784/2003 on maize to be imported into Spain.

2. Regulation (EC) No 1839/95 shall apply save as otherwise provided for in this Regulation.

Article 2

The invitation to tender shall be open until 31 August 2006. During that period, weekly invitations shall be issued with quantities and closing dates as shown in the notice of invitation to tender.

Article 3

Import licences issued under these invitations to tender shall be valid 50 days from the date they are issued within the meaning of Article 10(4) of Regulation (EC) No 1839/95.

Article 4

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, 12 July 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 336, 23.12.1994, p. 22.

⁽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 1059/2006**of 12 July 2006****opening an invitation to tender for the reduction in the duty on sorghum imported into Spain from third countries**

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) Pursuant to the Community's international obligations in the context of the Uruguay Round of multilateral trade negotiations ⁽²⁾, the Community has undertaken to import a certain quantity of sorghum into Spain.
- (2) Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal ⁽³⁾, lays down the special additional detailed rules necessary for implementing the invitations to tender.
- (3) Taking into account the current market demand in Spain, an invitation to tender for the reduction in the duty on sorghum is appropriate.
- (4) Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) ⁽⁴⁾ provides in particular for a 60 % reduction in the duty applicable to imports of 100 000 tonnes of sorghum per calendar year, and a 50 % reduction over this quota. Cumulation of this benefit and the benefit resulting from the invitation to tender for the reduction in the import duty

would disturb the Spanish cereals market. Such cumulation must therefore be ruled out.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender is hereby opened for the reduction in the import duty referred to in Article 10(2) of Regulation (EC) No 1784/2003 on sorghum to be imported into Spain.
2. Regulation (EC) No 1839/95 shall apply.
3. The reduction in the import duty for sorghum laid down in Annex II to Regulation (EC) No 2886/2002 shall not apply in the case of this invitation to tender.

Article 2

The invitation to tender shall be open until 21 December 2006. During that time weekly invitations shall be issued, with quantities and closing dates laid down by a notice of invitation to tender.

Article 3

Import licences issued under this invitation to tender shall be valid for 50 days from the date they are issued, within the meaning of Article 10(4) of Regulation (EC) No 1839/95.

Article 4

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, 12 July 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

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

⁽²⁾ OJ L 336, 23.12.1994, p. 22.

⁽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).

⁽⁴⁾ OJ L 348, 21.12.2002, p. 5.

COMMISSION REGULATION (EC) No 1060/2006
of 12 July 2006
amending the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 13(8) thereof,

Whereas:

- (1) The corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 992/2006 ⁽²⁾.
- (2) On the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered.

- (3) The corrective amount must be fixed according to the same procedure as the refund. It may be altered in the period between fixings,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 13 July 2006.

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

Done at Brussels, 12 July 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 179, 1.7.2006, p. 18.

ANNEX

to the Commission Regulation of 12 July 2006 fixing the corrective amount applicable to the refund on cereals

(EUR/t)

Product code	Destination	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12	6th period 1
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	A00	0	0	0	0	0	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	C01	0	0	0	0	0	—	—
1002 00 00 9000	A00	0	0	0	0	0	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	C02	0	0	0	0	0	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	C03	0	0	0	0	0	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	A00	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	C01	0	0	0	0	0	—	—
1101 00 15 9130	C01	0	0	0	0	0	—	—
1101 00 15 9150	C01	0	0	0	0	0	—	—
1101 00 15 9170	C01	0	0	0	0	0	—	—
1101 00 15 9180	C01	0	0	0	0	0	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	A00	0	0	0	0	0	—	—
1102 10 00 9700	A00	0	0	0	0	0	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	A00	0	0	0	0	0	—	—
1103 11 10 9400	A00	0	0	0	0	0	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	A00	0	0	0	0	0	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1) as amended. The numeric destination codes are set out in Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

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

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

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

COMMISSION REGULATION (EC) No 1061/2006**of 12 July 2006****fixing a single allocation coefficient to be applied to the tariff quota for maize under Regulation (EC)
No 958/2003**

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⁾,

Having regard to Commission Regulation (EC) No 958/2003 of 3 June 2003 laying down detailed rules for the application of Council Decision 2003/286/EC as regards the concessions in the form of Community tariff quotas on certain cereal products originating in the Republic of Bulgaria and amending Regulation (EC) No 2809/2000 ⁽²⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) Regulation (EC) No 958/2003 has opened an annual tariff quota of 104 000 tonnes of maize (serial number 09.4677) for 2006/07.

- (2) The quantities applied for on Monday 10 July 2006 in accordance with Article 2(1) of Regulation (EC) No 958/2003 exceed the quantities available. The extent to which licences may be issued should therefore be determined and a single allocation coefficient laid down to be applied to the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

Each application for an import licence in respect of the 'Republic of Bulgaria' quota for maize lodged and sent to the Commission on Monday 10 July 2006 in accordance with Article 2(1) and (2) of Regulation (EC) No 958/2003 shall be accepted at a rate of 1,612903 % of the quantities applied for.

Article 2

This Regulation shall enter into force on 13 July 2006.

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

Done at Brussels, 12 July 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽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 136, 4.6.2003, p. 3. Regulation as last amended by Regulation (EC) No 1023/2006 (OJ L 184, 6.7.2006, p. 5).

COMMISSION REGULATION (EC) No 1062/2006**of 12 July 2006****fixing a single allocation coefficient to be applied to the tariff quota for wheat under Regulation (EC) No 958/2003**

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⁾,

Having regard to Commission Regulation (EC) No 958/2003 of 3 June 2003 laying down detailed rules for the application of Council Decision 2003/286/EC as regards the concessions in the form of Community tariff quotas on certain cereal products originating in the Republic of Bulgaria and amending Regulation (EC) No 2809/2000 ⁽²⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) Regulation (EC) No 958/2003 has opened an annual tariff quota of 384 000 tonnes of wheat (serial number 09.4676) for 2006/07.

- (2) The quantities applied for on Monday 10 July 2006 in accordance with Article 2(1) of Regulation (EC) No 958/2003 exceed the quantities available. The extent to which licences may be issued should therefore be determined and a single allocation coefficient laid down to be applied to the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

Each application for an import licence in respect of the 'Republic of Bulgaria' quota for wheat lodged and sent to the Commission on Monday 10 July 2006 in accordance with Article 2(1) and (2) of Regulation (EC) No 958/2003 shall be accepted at a rate of 12,610837 % of the quantities applied for.

Article 2

This Regulation shall enter into force on 13 July 2006.

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

Done at Brussels, 12 July 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽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 136, 4.6.2003, p. 3. Regulation as last amended by Regulation (EC) No 1023/2006 (OJ L 184, 6.7.2006, p. 5).

COMMISSION REGULATION (EC) No 1063/2006**of 12 July 2006****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

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 936/97 of 27 May 1997 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽²⁾,

Whereas:

- (1) Regulation (EC) No 936/97 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2(f).
- (2) Article 2(f) of Regulation (EC) No 936/97 fixes the amount of high-quality fresh, chilled or frozen beef and veal meeting the definition laid down therein which may

be imported on special terms for the period 1 July 2006 to 30 June 2007 at 11 500 t.

- (3) It should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 to 5 July 2006 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2(f) of Regulation (EC) No 936/97 shall be granted in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 936/97, during the first five days of August 2006 for 1 701,414 t.

Article 2

This Regulation shall enter into force on 13 July 2006.

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

Done at Brussels, 12 July 2006.

For the Commission

Jean-Luc 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 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 137, 28.5.1997, p. 10. Regulation as last amended by Regulation (EC) No 408/2006 (OJ L 71, 10.3.2006, p. 3).

COMMISSION REGULATION (EC) No 1064/2006**of 12 July 2006****determining to what extent applications for the right to import bulls, cows and heifers of certain Alpine and mountain breeds pursuant to Regulation (EC) No 1081/1999 can be met**

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 1081/1999 of 26 May 1999 opening and providing for the administration of tariff quotas for imports of bulls, cows and heifers other than for slaughter, of certain Alpine and mountain breeds, repealing Regulation (EC) No 1012/98 and amending Regulation (EC) No 1143/98 ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) Article 2(2) of Regulation (EC) No 1081/1999 provides for the quantities reserved for traditional importers under the two tariff quotas to be allocated in proportion to their imports during the period 1 July 2003 to 30 June 2006.
- (2) Allocation of the quantities available to operators covered by Article 2(3) of that Regulation under the two tariff quotas is to be in proportion to the quantities applied for within the meaning of Article 2(1)(b) of Regulation (EC) No 1081/1999, under order No 09.0003. Since the quantities applied for exceed those available, a fixed percentage reduction should be set,

HAS ADOPTED THIS REGULATION:

Article 1

1. Every application for the right to import lodged in accordance with Regulation (EC) No 1081/1999 under serial number 09.0001 shall be granted to the following extent:

- (a) 100 % of the quantities imported within the meaning of Article 2(1)(a) of Regulation (EC) No 1081/1999;
- (b) 12,352941 % of the quantities applied for within the meaning of Article 2(1)(b) of Regulation (EC) No 1081/1999.

2. Every application for the right to import lodged in accordance with Regulation (EC) No 1081/1999 under serial number 09.0003 shall be granted to the following extent:

- (a) 100 % of the quantities imported within the meaning of Article 2(1)(a) of Regulation (EC) No 1081/1999;
- (b) 4,906976 % of the quantities applied for within the meaning of Article 2(1)(b) of Regulation (EC) No 1081/1999.

Article 2

This Regulation shall enter into force on 13 July 2006.

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

Done at Brussels, 12 July 2006.

For the Commission

Jean-Luc 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 131, 27.5.1999, p. 15. Regulation as last amended by Regulation (EC) No 1096/2001 (OJ L 150, 6.6.2001, p. 33).

COMMISSION REGULATION (EC) No 1065/2006**of 12 July 2006****setting the allocation coefficient for issuing licences to import sugar products under tariff quotas and preferential agreements**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector ⁽¹⁾,

Having regard to Commission Regulation (EC) No 950/2006 of 28 June 2006 laying down detailed rules for the 2006/07, 2007/08 and 2008/09 marketing years for importing and refining of sugar products under certain tariff quotas and preferential agreements ⁽²⁾, and in particular Article 5(3) thereof,

Having regard to Council Decision 2005/914/EC of 21 November 2005 on the conclusion of a Protocol amending the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, on a tariff quota for the imports of sugar and sugar products originating in the former Yugoslav Republic of Macedonia into the Community ⁽³⁾,

Having regard to Commission Regulation (EC) No 2151/2005 of 23 December 2005 laying down detailed rules for the opening and administration of the tariff quota for sugar products originating in the former Yugoslav Republic of Macedonia, as provided for in the Stabilisation and Association Agreement between the European Communities and their

Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part ⁽⁴⁾, in particular Article 6(3) thereof,

Whereas:

- (1) Applications for import licences were submitted to the competent authority during the week of 3 to 7 July 2006, in accordance with Regulation (EC) No 950/2006, for a total quantity equal to or exceeding the quantity available for serial numbers 09.4318; 09.4320; 09.4325.
- (2) In these circumstances, the Commission must set an allocation coefficient in order to issue licences in proportion to the quantity available and to inform the Member States, where necessary, when the set limit has been reached,

HAS ADOPTED THIS REGULATION:

Article 1

Licences shall be issued within the quantitative limits set in the Annex to this Regulation in respect of applications for import licences submitted from 3 to 7 July 2006, in accordance with Article 4(2) of Regulation (EC) No 950/2006.

Article 2

This Regulation shall enter into force on 13 July 2006.

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

Done at Brussels, 12 July 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 1.

⁽³⁾ OJ L 333, 20.12.2005, p. 44.

⁽⁴⁾ OJ L 342, 24.12.2005, p. 26.

ANNEX

ACP-INDIA preferential sugar

Title II of Regulation (EC) No 950/2006

2006/07 marketing year

Serial No	Country	Week of 3 to 7 July 2006 % of requested quantity to be granted	Limit
09.4331	Barbados	100	Reached
09.4332	Belize	0	
09.4333	Côte d'Ivoire	100	
09.4334	Republic of the Congo	100	
09.4335	Fiji	0	Reached
09.4336	Guyana	0	Reached
09.4337	India	0	Reached
09.4338	Jamaica	0	Reached
09.4339	Kenya	0	Reached
09.4340	Madagascar	100	Reached
09.4341	Malawi	100	
09.4342	Mauritius	0	
09.4343	Mozambique	0	
09.4344	Saint Kitts and Nevis	0	Reached
09.4345	Suriname	—	Reached
09.4346	Swaziland	0	
09.4347	Tanzania	100	
09.4348	Trinidad and Tobago	100	
09.4349	Uganda	—	Reached
09.4350	Zambia	0	
09.4351	Zimbabwe	0	

Complementary sugar

Title III of Regulation (EC) No 950/2006

2006/07 marketing year

Serial No	Country	Week of 3 to 7 July 2006 % of requested quantity to be granted	Limit
09.4331	Barbados	100	
09.4332	Belize	100	
09.4333	Côte d'Ivoire	100	
09.4334	Republic of the Congo	100	
09.4335	Fiji	100	
09.4336	Guyana	100	
09.4337	India	100	
09.4338	Jamaica	100	
09.4339	Kenya	100	
09.4340	Madagascar	100	
09.4341	Malawi	100	
09.4342	Mauritius	100	
09.4343	Mozambique	100	

Serial No	Country	Week of 3 to 7 July 2006 % of requested quantity to be granted	Limit
09.4344	Saint Kitts and Nevis	100	
09.4345	Suriname	100	
09.4346	Swaziland	100	
09.4347	Tanzania	100	
09.4348	Trinidad and Tobago	100	
09.4349	Uganda	100	
09.4350	Zambia	100	
09.4351	Zimbabwe	100	

CXL concessions sugar**Title IV of Regulation (EC) No 950/2006****2006/07 marketing year**

Serial No	Country	Week of 3 to 7 July 2006 % of requested quantity to be granted	Limit
09.4317	Australia	100	
09.4318	Brazil	50	Reached
09.4319	Cuba	100	
09.4320	Other third countries	100	Reached

Balkans sugar**Title V of Regulation (EC) No 950/2006****2006/07 marketing year**

Serial No	Country	Week of 3 to 7 July 2006 % of requested quantity to be granted	Limit
09.4324	Albania	100	
09.4325	Bosnia and Herzegovina	100	Reached
09.4326	Serbia, Montenegro and Kosovo	100	

Marketing year 2006

Serial No	Country	Week of 3 to 7 July 2006 % of requested quantity to be granted	Limit
09.4327	Former Yugoslav Republic of Macedonia	100	

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 September 2004

relating to a proceeding pursuant to Article 81 of the EC Treaty and Article 53 of the EEA Agreement against Boliden AB, Boliden Fabrication AB and Boliden Cuivre & Zinc SA, Austria Buntmetall AG and Buntmetall Amstetten Ges.m.b.H., Halcor SA, HME Nederland BV, IMI plc, IMI Kynoch Ltd and IMI Yorkshire Copper Tube Ltd, KM Europa Metal AG, Tréfinétaux SA and Europa Metalli SpA, Mueller Industries, Inc., WTC Holding Company, Inc., Mueller Europe Ltd, DENO Holding Company, Inc. and DENO Acquisition EURL, Outokumpu Oyj and Outokumpu Copper Products OY and Wieland Werke AG

(Case C.38.069 — Copper Plumbing tubes)

(notified under document number C(2004) 2826)

(Only the Dutch, English, Finnish, French, German, Greek, Italian and Swedish texts are authentic)

(2006/485/EC)

On 3 September 2004, the Commission adopted a decision relating to a proceeding under Article 81 of the EC Treaty and Article 53 of the EEA Agreement. In accordance with the provisions of Article 30 of Council Regulation (EC) No 1/2003 ⁽¹⁾, the Commission herewith publishes the names of the parties and the main content of the decision, having regard to the legitimate interest of undertakings in the protection of their business interests. A non-confidential version of the full text of the decision can be found in the authentic languages of the case and in the Commission's working languages at DG COMP's website at http://europa.eu.int/comm/competition/index_en.html

I. SUMMARY OF THE INFRINGEMENT

Addressees and nature of the infringement

(1) The Decision is addressed to:

— Boliden AB, Boliden Fabrication AB and Boliden Cuivre & Zinc SA,

— Austria Buntmetall AG and Buntmetall Amstetten Ges.m.b.H. (Buntmetall or BMA),

— Halcor SA (Halcor),

— HME Nederland BV (HME),

— IMI plc, IMI Kynoch Ltd and IMI Yorkshire Copper Tube Ltd (YCT), collectively referred to as 'MI group' or 'IMI',

— KM Europa Metal AG (KME or KM Europa Metal), Tréfinétaux SA (TMX or Tréfinétaux) and Europa Metalli SpA (EM or Europa Metalli), collectively referred to as the KME-group,

— Mueller Industries, Inc., (Mueller), WTC Holding Company, Inc., Mueller Europe Ltd, DENO Holding Company, Inc., and DENO Acquisition EURL,

⁽¹⁾ OJ L 1, 4.1.2003, p. 1. Regulation as amended by Regulation (EC) No 411/2004 (OJ L 68, 6.3.2004, p. 1).

— Outokumpu Oyj and Outokumpu Copper Products OY, collectively referred to as 'Outokumpu',

— Wieland Werke AG (Wieland or Wieland Werke).

- (2) The addressees of the Decision participated in a single, complex and continuous infringement contrary to Article 81 of the Treaty establishing the European Community (hereinafter 'the EC Treaty' or 'the Treaty') and, from 1 January 1994, Article 53 of the Agreement on the European Economic Area (hereinafter EEA Agreement), covering the whole of the EEA territory by fixing prices, allocating markets and exchanging confidential information in the copper plumbing tube market from at least 3 June 1988 to 22 March 2001.

Imputation of liabilities

SMI and KME

- (3) Societa Metallurgica Italiana SpA (SMI) is the Italian holding company of the KME-group, to which Europa Metalli SpA (EM or EM/LMI or Europa Metalli) and Tréfinmétaux SA (Tréfinmétaux or TMX) belong. After having examined the views expressed by SMI and KME with regard to SMI's position in these proceedings, the Commission concluded that this Decision should not be addressed to SMI.
- (4) Based on the evidence adduced by KME, it appeared appropriate to distinguish two separate periods for the purposes of imputation of liability within the SMI-group. During the first period including the years 1988 to 1995, KME must be considered a separate undertaking from EM and TMX, regardless of the fact that SMI acquired 76,9 % of it in 1990. KME's management board was different from that of its sister companies and KME's operational management appears to have been coordinated with those of EM and TMX only after the restructuring of the group in 1995, when KME obtained 100 % of the shares in EM and TMX. It may therefore be concluded that during the period from 1988 to 1995, KME is liable only for its own conduct but not for that of its sister companies.
- (5) On the other hand, EM and its wholly-owned subsidiary until 1995, TMX, must be regarded as one economic unit and thus a single undertaking distinguished from KME until the restructuring of the group. Further to 100 % control of EM over TMX, a number of other elements supported the presumption that the subsidiary did not follow an autonomous commercial policy (e.g. EM's managers were introduced to the TMX board; their commercial strategies were aligned; and a common sales organisation was formed in 1993; participation in the same cartel in the same product market since 1989). Accordingly, in the period from 1989 to 1995, EM bears

liability of its own conduct and is jointly and severally liable with TMX for the illicit behaviour of the latter.

- (6) As to the period from 1995 to 2001, when KME controlled 100 % of the capital of both EM and TMX, the entities of the KME-group must be considered to have acted as a single undertaking on the market. The presumption of control based on KME's 100 % shareholding in EM and TMX, which is further supported by significant management links and economic reality, has not been rebutted by sufficient evidence. Accordingly, KME, EM and TMX bear joint and several liability of their illegal conduct during the period from 1995 to 2001.

Outokumpu

- (7) With regard to Outokumpu (Finland), the Commission held the parent company Outokumpu Oyj jointly and severally liable for the conduct of its wholly-owned subsidiary Outokumpu Copper Products Oy (OCP). Outokumpu Oyj controlled the entire capital of OCP throughout the duration of the infringement. Furthermore, the parent company, according to Outokumpu, was involved in the infringement through its Copper Products Division before May 1988 and was therefore aware of it also after the subsidiary was created and took its functions between May and December 1988. The parent company did not, however, instruct its subsidiary to end the infringement. Accordingly, a full and effective control of Outokumpu Oyj over its subsidiary's commercial policy can be presumed, which Outokumpu has been unable to rebut. The Commission limited its assessment with respect to Outokumpu to the period after September 1989 because of limited evidence for the years 1987 and 1988.

Other Participants

- (8) Mueller, IMI, Wieland and Boliden did not contest the liability of their respective holding and parent companies for the conduct of the subsidiaries involved in the copper plumbing tube business.

Duration of the infringement

- (9) The undertakings participated in the infringement during at least the following periods:
- (a) Boliden AB, together with Outokumpu Copper Fabrication AB (formerly: Boliden Fabrication AB) and Outokumpu Copper BCZ SA (formerly: Boliden Cuivre & Zinc SA), from 3 June 1988 until 22 March 2001;

- (b) Outokumpu Copper Fabrication AB (formerly: Boliden Fabrication AB), together with Boliden AB and Outokumpu Copper BCZ SA (formerly: Boliden Cuivre & Zinc SA), from 3 June 1988 until 22 March 2001;
- (c) Outokumpu Copper BCZ SA (formerly: Boliden Cuivre & Zinc SA), together with Boliden AB and Outokumpu Copper Fabrication AB (formerly: Boliden Fabrication AB), from 3 June 1988 until 22 March 2001;
- (d) Austria Buntmetall AG:
 - (i) together with Buntmetall Amstetten Ges.m.b.H., from 29 August 1998 at the latest until 8 July 1999, and
 - (ii) together with Wieland Werke AG and Buntmetall Amstetten Ges.m.b.H., from 9 July 1999 until 22 March 2001;
- (e) Buntmetall Amstetten Ges.m.b.H.:
 - (i) together with Austria Buntmetall AG, from 29 August 1998 at the latest, until 8 July 1999, and
 - (ii) together with Wieland Werke AG and Austria Buntmetall AG, from 9 July 1999 until 22 March 2001;
- (f) Halcor SA from 29 August 1998 at the latest, until at least beginning of September 1999;
- (g) HME Nederland BV from 29 August 1998 at the latest, until 22 March 2001;
- (h) IMI plc together with IMI Kynoch Ltd and Yorkshire Copper Tube Ltd (formerly: IMI Yorkshire Copper Tube Ltd), from 29 September 1989 until 22 March 2001;
- (i) IMI Kynoch Ltd together with IMI plc and Yorkshire Copper Tube Ltd (formerly: IMI Yorkshire Copper Tube Ltd), from 29 September 1989 until 22 March 2001;
- (j) Yorkshire Copper Tube Ltd (formerly: IMI Yorkshire Copper Tube Ltd) together with IMI plc and IMI Kynoch Ltd, from 29 September 1989 until 22 March 2001;
- (k) KM Europa Metal AG:
 - (i) individually, from 3 June 1988 until 19 June 1995, and
 - (ii) together with Tréfinmétaux SA and Europa Metalli SpA, from 20 June 1995 to 22 March 2001;
- (l) Europa Metalli SpA:
 - (i) together with TMX, from 29 September 1989 to 19 June 1995, and
 - (ii) together with KM Europa Metal AG and Tréfinmétaux SA, from 20 June 1995 to 22 March 2001.
- (m) Tréfinmétaux SA:
 - (i) together with Europa Metalli SpA, from 29 September 1989 to 19 June 1995, and
 - (ii) together with KM Europa Metal AG and Europa Metalli SpA, from 20 June 1995 to 22 March 2001.
- (n) Mueller Industries, Inc., together with WTC Holding Company, Inc., Mueller Europe Ltd, DENO Holding Company, Inc. and DENO Acquisition EURL, from 21 October 1997 until 8 January 2001;
- (o) WTC Holding Company, Inc., together with Mueller Industries, Inc., Mueller Europe Ltd, DENO Holding Company, Inc. and DENO Acquisition EURL, from 21 October 1997 until 8 January 2001;
- (p) Mueller Europe Ltd, together with WTC Holding Company, Inc., Mueller Industries, Inc., DENO Holding Company, Inc. and DENO Acquisition EURL, from 21 October 1997 until 8 January 2001;
- (q) DENO Holding Company, Inc., together with WTC Holding Company, Inc., Mueller Europe Ltd, Mueller Industries, Inc. and DENO Acquisition EURL, from 21 October 1997 until 8 January 2001;
- (r) DENO Acquisition EURL, together with WTC Holding Company, Inc., Mueller Europe Ltd, DENO Holding Company, Inc. and Mueller Industries, Inc., from 21 October 1997 until 8 January 2001;

(s) Outokumpu Oyj together with Outokumpu Copper Products Oy, from 29 September 1989 until 22 March 2001;

(t) Outokumpu Copper Products Oy, together with Outokumpu Oyj, from 29 September 1989 until 22 March 2001;

(u) Wieland Werke AG:

(i) individually from 29 September 1989 until 8 July 1999, and

(ii) together with Austria Buntmetall AG and Buntmetall Amstetten Ges.m.b.H., from 9 July 1999 until 22 March 2001.

The market for Copper Plumbing tubes

(10) Copper tubes are generally divided into two product groups: (i) industrial tubes which are segregated in sub-groups based on the end use (air-conditioning and refrigeration, fittings, gas heater, filter dryer and telecommunications), and (ii) plumbing tubes (also called sanitary tubes, water tubes or installation tubes). Plumbing tubes are used for water, oil, gas and heating installations in the construction industry ⁽¹⁾.

(11) Traditionally, plumbing tubes were mainly made of copper, i.e. recycled copper, newly refined copper (cathode copper) or copper ingots, and to some extent steel. Since the early 1990s, plumbing tubes have increasingly been produced of plastic or compounds (plastic with layers of aluminium). The substitution process was enhanced by public discussion on quality standards for drinking water and the subsequent adoption of the European Drinking Water Directive in 1998.

(12) Main customers for plumbing tubes are distributors, wholesalers and retailers that sell the plumbing tubes to installers and other end consumers, whereas industrial tubes are usually used by and directly sold to industrial

customers, original equipment manufacturers or part manufacturers.

(13) The estimated EEA market value for plain copper plumbing tubes was approximately EUR 1 billion in 2000 and for plastic-insulated copper plumbing tubes approximately EUR 200 million ⁽²⁾. The major producers of copper plumbing tubes in Europe are the addressees of the Decision. Their estimated EEA market shares (plain tubes) in 2000, the last full year of the implementation of the cartel agreement, were roughly as follows: KME [...] (*) %, IMI [...] %, Outokumpu [...] %, Wieland Werke [...] %, Mueller [...] %, Boliden [...] %, Buntmetall [...] % (1998), HME [...] %, Halcor [...] %. The estimated aggregated EEA market share (plain and plastic-insulated plumbing tubes) in 2000, the last full year of the implementation of the cartel agreement, was roughly as follows: KME [...] % and Wieland [...] %. Of the total EEA plain copper plumbing tube market these undertakings together accounted for about 80 to 90 %. However, it has to be noted that not all parties participated for the entire period.

Functioning of the cartel

(14) The addressees of the present decision participated in a single, continuous, complex and, as far as Boliden, the KME-group and Wieland are concerned, multiform infringement of Article 81 of the Treaty and Article 53 of the EEA Agreement, covering most of the EEA territory by which they allocated volumes and market shares, agreed in certain cases on price targets, price increases or other commercial terms for plain copper plumbing tubes (and, as far as KME and Wieland are concerned, plastic-coated copper plumbing tubes), and monitored the implementation of their anti-competitive arrangements by exchanging information on sales, orders, market shares and pricing, and by a market leader arrangement. The infringement started in June 1988 and finished in March 2001. Different companies were involved during different time periods.

(15) The infringement was single because there was a continuous aim and continuous actions and measures to allocate volumes and coordinate prices. It was complex because it was composed of both agreements and concerted practices.

(16) The anti-competitive behavior also constituted a multiform infringement because it was organised on three levels with the object to avoid competition in the copper plumbing tube industry.

⁽¹⁾ See 32123. According to a study of Boliden, 45 % are used for water tubes/plumbing, 52 % for heating systems and 3 % for gas pipes.

⁽²⁾ These figures are currently being verified.

(*) Parts of this text have been edited to ensure that confidential information is not disclosed; those parts are enclosed in square brackets.

- (17) Cooperation on the first level started at least in June 1988 (lasting until March 2001) and involved the so-called 'SANCO®' producers ('SANCO' club): KME, Tréfi-métaux, Europa Metalli, Boliden and Wieland. Boliden reduced its SANCO cooperation in July 1995 and continued in the information exchange system until March 2001. SANCO® producers allocated market shares of SANCO® tubes, exchanged confidential information, fixed and coordinated prices and rebates. It appeared to have been the tightest cooperation and served as a preparation for meetings with non-SANCO producers. KME and Wieland also cooperated with respect to WICU® and Cuprotherm plastic-insulated copper plumbing tubes starting from at least beginning of 1991 until March 2001.
- (18) Cooperation on the second level started at least in September 1989 and involved the largest European producers (the 'group of the five') (including SANCO- and non-SANCO-producers): KME (including Tréfi-métaux and Europa Metalli), Wieland, Outokumpu, IMI and, as of October 1997, Mueller. The main object was to stabilise and allocate market shares, and to coordinate prices and rebates. Meetings were either held on the occasion of industry association meetings (e.g. International Wrought Copper Council (IWCC) meetings), or separately in Zurich. The cooperation included top-level management meetings and meetings at the operational level. These contacts developed in three stages: from September 1989 until June/July 1994 (establishing of the information exchange and coordination); from July 1994 until June 1997 (less intensive contacts); from June 1997 until March 2001 (effective and efficient re-establishment of the coordination).
- (19) Cooperation on the third level started in August 1998 and lasted between August 1999 and March 2001. It involved the above mentioned group of the five and four smaller producers (together 'the group of nine'): Halcor until August 1999, and HME Nederland BV, Boliden (which did not steadily participate) and Buntmetall until March 2001. The group of nine discussed market shares and price or margin targets.
- (20) The present infringement consisted mainly of price-fixing and market allocation practices, which are by their nature very serious violations of Articles 81(1) EC and 53(1) EEA. It has been established that the cartel agreements were also implemented in practice and, at least for certain periods, that they increased prices on the market. The cartel covered the entire common market and, following its creation, most of the EEA.
- (21) Taking into account the very nature of the conduct under scrutiny, the actual impact on the copper plumbing tubes market, and the fact that the cooperation covered a geographic market of a significant size (most of the EEA), the addressees of the present Decision committed a very serious infringement of Article 81(1) EC and 53(1) EEA.
- Differential treatment*
- (22) In the circumstances of this case, which involved several undertakings, when the basic amounts of the fine were set the specific weight of each undertaking on the market was considered, to account for the real impact of the offending conduct of each undertaking on competition.
- (23) For the purposes of calculating the fine, the companies were divided into four categories on the basis of their EEA-wide market share for the product concerned in the last full year of the infringement (2000). The first category included KME; the second category consisted of Outokumpu, IMI, Mueller and Wieland Werke group including BMA (roughly a half of KME's market share); the third category consisted of Boliden (roughly two thirds of the market share of the second group); and the fourth group consisted of HME and Halcor (roughly a half of the market share of the second group).
- (24) As EM and TMX formed a single undertaking in the period from 1988 to 1995, they are jointly and severally responsible for their respective part of the infringement. Similarly, KME, EM and TMX formed a single undertaking (the KME-group) in the period from 1995 to 2001, and they are jointly and severally responsible for that part of the infringement. The basic amount of the fine was therefore divided in two parts, one for the period from 1988 to 1995 and one for the period from 1995 to 2001. The result of this was that KME has been individually fined EUR 17,96 million; EM and TMX are jointly and severally liable for the payment of a fine of EUR 16,37 million; and KME, EM and TMX (or the KME-group) are jointly and severally liable to pay a fine of EUR 32,75 million.

II. FINES

Basic amount

- (20) The present infringement consisted mainly of price-fixing and market allocation practices, which are by their nature very serious violations of Articles 81(1) EC and 53(1) EEA. It has been established that the cartel agreements were also implemented in practice and, at least for certain periods, that they increased prices on the market. The cartel covered the entire common market and, following its creation, most of the EEA.
- (25) In a similar way, two different periods were distinguished for the purposes of the allocation of liability within the Wieland-group. Wieland Werke AG acquired sole control over the Buntmetall group in 1999. Accordingly, Wieland Werke AG and the Buntmetall group were treated as a single undertaking with joint and several liabilities for the infringement only as of 1999.

- (26) In order to ensure that the fines imposed had a sufficient deterrent effect, a multiplying factor of 1,5 was applied to the starting amount of the fine set for Outokumpu. In this assessment, it was appropriate to take into account the overall worldwide turnover of the group (approximately EUR 5 billion), since the parent company (Outokumpu Oy) was involved in the infringement in 1988 through its Copper Products Division and thereafter did not instruct its wholly-owned subsidiary OCP to end it. With regard to the other parties, Outokumpu is more than twice the size of each of them in terms of the total worldwide turnover.

Duration

- (27) Different companies were involved for different periods. The infringement started at the latest on 3 June 1988 and continued at least until 22 March 2001. The following companies committed a continuous infringement for the respective duration indicated:

— Boliden-group: 12 years 9 months,

— Buntmetall-group: 2 years 6 months,

— Halcor: 12 months,

— HME: 2 years 6 months,

— IMI-group: 11 years 5 months,

— KME-group: 12 years 9 months (in total, split according to the participation of each member company)

(KME 12 years 9 months;
EM/TMX: 11 years 5 months),

— Mueller-group: 3 years 2 months,

— Outokumpu-group: 11 years 5 months,

— Wieland Werke: 11 years 5 months.

- (28) There were periods of different intensity in the cartel discipline. The period from mid-1994 until mid-1997 was identified as a 'quiet period' by Outokumpu. KME and Wieland continued their WICU, Cuprotherm and SANCO cooperation. IMI, Wieland, Outokumpu and KME met a number of times in 1996. Although the cartel clearly functioned in a less efficient way, the exchange of confidential information continued at least occasionally. Outokumpu confirmed a period of less intensive contacts. For these reasons, this period was characterised as one of reduced cartel activity rather than of complete interruption. The duration of the infringement (12 years and 9 months) as such was therefore not affected by the periods of reduced cartel activity.

Aggravating circumstances

- (29) In Outokumpu's case, the gravity of the infringement was increased by the fact that it had been addressee of a previous Decision finding an infringement of the same type, i.e. Commission Decision 90/417/ECSC ⁽¹⁾ relating to a cartel in the sector of rolled stainless steel flat products. However, no fine was imposed on Outokumpu in that decision.

- (30) Outokumpu has contested this finding on the grounds that the case involved a very different situation, since (i) Outokumpu was acting under government influence and in the belief that the arrangements were publicly endorsed; (ii) the Commission itself accepted that this was not a straightforward infringement and imposed no fine; (iii) different businesses were concerned, involving different units and employees in different locations, as well as (iv) a different treaty provision (Article 65 of the ECSC Treaty).

- (31) Outokumpu's claim was not acceptable, since one of the functions of Commission decisions addressed to undertakings is to warn and deter them from committing similar infringements in future, even if for some reason no fine is imposed. That Outokumpu continued its infringement in the copper plumbing tubes sector after being ordered to end its infringement in the stainless steel sector by a Commission Decision clearly shows that the previous Decision did not have a sufficiently deterrent effect on Outokumpu's market behaviour. Hence, future deterrence had to be ensured by increasing the amount of the fine in the present case. Furthermore, the same type of infringement in this context meant infringement of the same article in the Treaty. In this regard, Article 65 of the ECSC Treaty is equivalent to Article 81(1) of the EC Treaty. This position has been already taken by the Commission in the Industrial Tubes Decision of 16 December 2003.

⁽¹⁾ OJ L 220, 15.8.1990, p. 28.

- (32) The claim of coercion made by Halcor against KME, Outokumpu, Wieland and Mueller could not be demonstrated. Also Boliden's claim of coercion against KME was not proven.

Attenuating circumstances

- (33) The parties have claimed that a number of factors should be considered attenuating circumstances, including, among others, non-implementation in practice of the arrangements, limited benefit derived from the infringement and economic difficulties in the copper plumbing tube sector.
- (34) The Commission has rebutted each of these arguments in the Decision and found evidence that the arrangements had effects on prices. Hence, no mitigating circumstances apply to any of the undertakings in this case.
- (35) The 1996 Leniency Notice does not provide for any specific reward to a leniency applicant that discloses facts previously unknown to the Commission and affecting the gravity or duration of the cartel. Such cooperation has already been recognised as attenuating factors in the Industrial Tubes case.
- (36) It was therefore considered that Outokumpu's cooperation qualified for an attenuating factor in this regard. Outokumpu was the first to disclose the whole duration of the European cartel in the copper plumbing tubes sector, and, in particular, was first in providing decisive evidence and explanations to prove continuity of the infringement during the period from July 1994 until July 1997 (and the period from 1990 until end of 1992). Based on the evidence obtained from the immunity applicant and from the inspections prior to Outokumpu's leniency application, the Commission could have not established the duration and continuity of the infringement from September 1989. Outokumpu should not be penalised for its cooperation by being imposed a higher fine than the one that it would have had to pay without its cooperation. In the light of the above, the basic amount of the fine to be imposed on Outokumpu was reduced by the lump sum of EUR 40,17 million for effective cooperation outside the scope of the 1996 Leniency Notice.
- (37) The Commission also considered that KME's cooperation qualified for an attenuating factor in this regard.

Although the Commission had certain isolated indications that the illegal behaviour also concerned plastic-coated tubes and more solid evidence with respect to information exchange concerning plastic-coated tubes at the stage of the Statement of Objections, it was only with KME's contribution that it was able to establish the existence of a single, continuous and complex infringement with respect to WICU/Cuprotherm tubes starting from at least beginning of 1991. The Commission considers that the KME group should not be penalised for its cooperation. The appropriate point of reference for the reduction of the basic amount of the fine to be imposed on the KME is the relative importance of the plastic-coated tubes sector compared to the plain copper plumbing tubes. Based on this criterion, the basic amount for the fine was reduced by a lump sum of EUR 7,93 million.

Application of the 1996 Leniency Notice

- (38) All of the addressees of this Decision cooperated with the Commission at different stages of the investigation for the purpose of receiving the favourable treatment set out in the Commission's Leniency Notice. The 1996 Leniency Notice was applied as follows:

Section B of the Leniency Notice: reduction between 75 % and 100 %

- (39) Mueller Industries Inc., (Mueller) was the first undertaking that informed the Commission (in January 2001) about the existence of a cartel in the European Copper Plumbing Tube sector in the 1990s. The evidence Mueller provided, prior to the Commission's investigation, enabled the Commission to establish the existence, content and the participants of a number of cartel meetings held in 1989, 1994, and from 1997 until 2001, as well as to undertake inspections on 22 March 2001 and thereafter. Mueller immediately ended its involvement and cooperated fully throughout the whole investigation by providing the Commission with numerous submissions and documents further describing the arrangements. Mueller therefore benefited from a total exemption from any fine.

Section C: reduction between 50 % and 75 %

- (40) Mueller provided occasional evidence for the time before 1997 and disclosed the existence of the cartel for 1997 until 2001. Together with the documents collected during the inspections, the Commission had sufficient evidence to initiate the procedure leading to a decision against all parties involved. Therefore none of the other parties qualified for a reduction under Section C of the 1996 Leniency Notice.

Section D: reduction between 10 % and 50 %

- (41) Before the Commission adopted its Statement of Objections (SO), Outokumpu (April 2001), KME (October 2002), Wieland (January 2003) and Halcor (April 2003) provided the Commission with information and documents which contributed to establishing the existence of the infringements. None of them contested substantially the facts on which the Commission based its SO, with the exception of those not upheld in the Decision. These companies therefore qualified for a reduction between 10 % and 50 % under Section D of the Leniency Notice.
- (42) Outokumpu was the first to submit decisive evidence for the period from 1989 to mid-1997. The period from mid-1997 until March 2001 had already been covered by Mueller and material collected during the inspections. In particular, Outokumpu's contribution was crucial for establishing the continuity of the infringement. Outokumpu was therefore rewarded with the biggest possible reduction, a 50 % reduction of the fine that would otherwise have been imposed had it not cooperated with the Commission.
- (43) It was considered appropriate to grant a lower reduction compared to Outokumpu, but a similar reduction compared to each other, to KME and Wieland (including Buntmetall). While Wieland was the first to disclose a detailed list of meetings for the period of 1993 until 2001 and provided explanations that allowed the Commission to use as proof a large number of contemporaneous documents, KME was the first to provide complete explanations with respect to all aspects of the infringement (SANCO meetings, European-wide meetings). Accordingly, KME benefited from a 35 % reduction of the fine that would have been imposed if it had not cooperated with the Commission. The Commission granted Wieland (including Buntmetall) a 35 % reduction of the fine that would otherwise have been imposed.
- (44) Halcor provided a number of contemporaneous documents for the period of its participation (August 1998 until August 1999). However, the period for which Halcor provided documents was already well documented. In addition, Halcor did not clarify its co-operation in cartel arrangements before August 1998. It therefore qualifies only for a substantially smaller reduction than Outokumpu, KME or Wieland. At the same time, the Commission has had to take into consideration that Halcor offered its cooperation immediately after having received an information request and that no investigations were carried out at the premises of Halcor. Therefore Halcor qualified for a 15 % reduction of the fine that would otherwise have been imposed.
- (45) After having received the SO, the Boliden group applied for leniency. Boliden admitted the infringement and did not contest the facts. In addition, Boliden clarified certain factual details. However, given the prior cooperation of Mueller, Outokumpu, the KME-group, Wieland and Halcor, as well as the inspections, the infringement had already been established in its entirety. The Commission consequently granted Boliden a 10 % reduction of the fine that would otherwise have been imposed if it had not cooperated with the Commission.
- (46) After having received the SO, the IMI group applied for leniency. IMI admitted the infringement and did not contest the facts. Given the cooperation of Mueller, Outokumpu, the KME-group, Wieland and Halcor, as well as the inspections, the infringement had already been established in its entirety. The Commission as a result granted the IMI group a 10 % reduction of the fine that would otherwise have been imposed.

Decision

1. The following fines were imposed:

- (a) Boliden AB, Outokumpu Copper Fabrication AB (formerly: Boliden Fabrication AB) and Outokumpu Copper BCZ SA (formerly: Boliden Cuivre & Zinc SA) jointly and severally: EUR 32,6 million;
- (b) Austria Buntmetall AG and Buntmetall Amstetten Ges.m.b.H. jointly and severally: EUR 0,6695 million;
- (c) Austria Buntmetall AG, Buntmetall Amstetten Ges.m.b.H. and Wieland Werke AG jointly and severally: EUR 2,43 million;
- (d) Halcor SA individually: EUR 9,16 million;
- (e) HME Nederland BV individually: EUR 4,49 million;

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| (f) IMI plc, IMI Kynoch Ltd and Yorkshire Copper Tube Ltd (formerly: IMI Yorkshire Copper Tube Ltd) jointly and severally: | EUR 44,98 million; |
| (g) KM Europa Metal AG individually: | EUR 17,96 million; |
| (h) KM Europa Metal AG, Tréfinétaux SA and Europa Metalli SpA jointly and severally: | EUR 32,75 million; |
| (i) Europa Metalli SpA and Tréfinétaux SA jointly and severally: | EUR 16,37 million; |
| (j) Outokumpu Oyj and Outokumpu Copper Products Oy jointly and severally: | EUR 36,14 million; |
| (k) Wieland Werke AG individually: | EUR 24,7416 million. |

2. The undertakings listed above shall immediately bring the infringements to an end, in so far as they have not already done so. They shall refrain from repeating any act or conduct as the infringement found in this case and from adopting any measure having equivalent object or effect.

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

COUNCIL DECISION 2006/486/CFSP

of 11 July 2006

concerning the implementation of Joint Action 2005/557/CFSP on the European Union civilian-military supporting action to the African Union mission in the Darfur region of Sudan

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to Council Joint Action 2005/557/CFSP⁽¹⁾ and in particular Article 8(1), second subparagraph thereof, in conjunction with the second indent of Article 23(2) of the Treaty on European Union,

Whereas:

- (1) On 21 November 2005 the Council adopted Decision 2005/806/CFSP implementing Joint Action 2005/557/CFSP on the European Union civilian-military supporting action to the African Union mission in the Darfur region of Sudan⁽²⁾.
- (2) Pending transition of the African Union mission to a UN operation, the EU should continue its support, and the Council has, in accordance with Article 2 of Decision 2005/806/CFSP, decided to continue the European Union civilian-military supporting action to the African Union mission in the Darfur region of Sudan.
- (3) As concerns the civilian component the Council should consequently decide on the financing of the continuation of the supporting action.
- (4) The EU supporting action to the AMIS II will be conducted in the context of a situation which may deteriorate and could undermine the objectives of the CFSP as set out in Article 11 of the Treaty,

Article 1

The financial reference amount set out in Article 1(1) of Decision 2005/806/CFSP shall also cover expenditure for the period from 29 July until 31 October 2006.

Article 2

The Council shall no later than 30 September 2006 evaluate whether the EU supporting action should be continued.

Article 3

This Decision shall take effect on the date of its adoption.

Article 4

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

Done at Brussels, 11 July 2006.

For the Council
The President
E. HEINÄLUOMA

⁽¹⁾ OJ L 188, 20.7.2005, p. 46.

⁽²⁾ OJ L 303, 22.11.2005, p. 60.