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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1650/2006**of 7 November 2006**

extending the definitive anti-dumping duty imposed by Regulation (EC) No 769/2002 on imports of coumarin originating in the People's Republic of China to imports of coumarin consigned from Indonesia or Malaysia, whether declared as originating in Indonesia or Malaysia or not

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the basic Regulation), and in particular Article 13 thereof,

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

Whereas:

A. PROCEDURE**1. Existing measures**

- (1) Following an expiry review, by Regulation (EC) No 769/2002⁽²⁾ (the original Regulation), the Council imposed a definitive anti-dumping duty of EUR 3 479 per tonne on imports of coumarin, falling within CN code ex 2932 21 00 originating in the People's Republic of China (PRC).
- (2) In December 2004, after circumvention practices via India and Thailand were found, the measures were extended by Regulation (EC) No 2272/2004⁽³⁾ to imports of coumarin consigned from India or Thailand, whether declared as originating in India or Thailand or not.

2. Request

- (3) On 13 February 2006, the Commission received a request pursuant to Article 13(3) of the basic Regulation to investigate the alleged circumvention of the anti-dumping measures imposed on imports of coumarin originating in the PRC (the request). The request was submitted by the European Chemical Industry Council (CEFIC) (the applicant) on behalf of the sole producer in the Community.
- (4) The request contained sufficient prima facie evidence that there had been a change in the pattern of trade following the imposition of the existing anti-dumping measures and anti-circumvention measures on imports of coumarin originating in the PRC, as shown by a significant increase in imports of the same product from Indonesia and Malaysia.
- (5) This change in the pattern of trade was alleged to stem from the transshipment of coumarin originating in the PRC via Indonesia and Malaysia. It was further alleged that there was insufficient due cause or economic justification for these practices other than the existence of the anti-dumping measures on imports of coumarin originating in the PRC.
- (6) Finally, the applicant submitted evidence that the remedial effects of the existing anti-dumping measures on coumarin originating in the PRC were being undermined both in terms of quantities and prices. Significant volumes of imports of coumarin from Indonesia and Malaysia appeared to have replaced imports of coumarin from the PRC. In addition, there was sufficient evidence that the increase in imports was made at prices well below the non-injurious price established in the investigation that led to the existing measures, and that dumping was taking place in relation to the normal values previously established for coumarin originating in the PRC.

⁽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 123, 9.5.2002, p. 1. Regulation as last amended by Regulation (EC) No 1854/2003 (OJ L 272, 23.10.2003, p. 1).

⁽³⁾ OJ L 396, 31.12.2004, p. 18.

3. Initiation

- (7) The Commission initiated an investigation by Regulation (EC) No 499/2006 ⁽¹⁾ (the initiating Regulation) into the alleged circumvention of the anti-dumping measures imposed on imports of coumarin originating in the PRC by imports of coumarin consigned from Indonesia or Malaysia, whether declared as originating in Indonesia or Malaysia or not and, pursuant to Articles 13(3) and 14(5) of the basic Regulation, directed the customs authorities to register imports of coumarin consigned from Indonesia or Malaysia, whether declared as originating in Indonesia or Malaysia or not, falling within CN code ex 2932 21 00 (TARIC code 2932 21 00 16).

4. Investigation

- (8) The Commission officially advised the authorities of the PRC, Indonesia and Malaysia, the producers/exporters, the importers in the Community known to be concerned and the applicant of the initiation of the investigation. Questionnaires were sent to the producers/exporters in the PRC as well as to the importers in the Community named in the request. There were no known producers in Indonesia and Malaysia. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation. All parties were informed that non-cooperation might lead to the application of Article 18 of the basic Regulation and findings being made on the basis of the facts available.
- (9) No producer or exporter in the PRC, Indonesia or Malaysia submitted a reply to the questionnaire. Indonesian authorities replied that there was no producer of coumarin known in Indonesia.

5. Investigation period

- (10) The investigation period covered the period from 1 March 2005 to 28 February 2006 (IP). Data from 2002 up to the end of the investigation period were collected to investigate the alleged change in the pattern of trade.

B. RESULTS OF THE INVESTIGATION

1. General considerations/degree of cooperation

(a) Indonesia and Malaysia

- (11) No producers or exporters of coumarin in Indonesia and Malaysia made themselves known or cooperated in the investigation. Accordingly, findings in respect of the exports of coumarin consigned from Indonesia and Malaysia to the Community had to be made on the basis of the facts available in accordance with Article 18 of the basic Regulation. At the outset of the investigation, the authorities of Indonesia and Malaysia had

been informed of the consequences of non-cooperation, as set out in Article 18(6) of the basic Regulation.

(b) PRC

- (12) No Chinese producers or exporters cooperated in the investigation.
- (13) It was made clear to the known companies that non-cooperation may lead to the application of Article 18 of the basic Regulation.

2. Product concerned and like product

- (14) The product concerned by the alleged circumvention is, as defined in the original Regulation, coumarin currently classifiable within CN code ex 2932 21 00. Coumarin is a whitish crystalline powder with the characteristic odour of newly mown hay. Its main uses are as an aroma chemical and as a fixative in the preparation of fragrance compounds, such compounds being used in the production of detergents, cosmetics and fine fragrances.
- (15) Coumarin can be manufactured following two different production processes: the Phenol route which involves Perkin reaction and the o-Cresol route which involves Raschig reaction. However, coumarin produced through these two processes has the same basic physical and chemical characteristics and has the same uses.
- (16) In the absence of cooperation by parties in Indonesia or Malaysia, it must be inferred, on the basis of the information available and in the absence of any contrary evidence, that coumarin exported to the Community from the PRC and coumarin consigned from Indonesia and Malaysia have the same basic physical and chemical characteristics and have the same uses. They are therefore to be considered as like products within the meaning of Article 1(4) of the basic Regulation.

3. Change in the pattern of trade

- (17) As stated above, the change in the pattern of the trade was alleged to stem from transshipment via Indonesia and Malaysia.

Indonesia

- (18) As no Indonesian company cooperated in the investigation, exports from Indonesia to the Community had to be established on the basis of the facts available pursuant to Article 18 of the basic Regulation. Eurostat data, the most appropriate information available, were therefore used to establish the export prices and quantities of imports from Indonesia.

⁽¹⁾ OJ L 91, 29.3.2006, p. 3.

(19) Significant imports from Indonesia into the Community started immediately after the initiation of the previous anti-circumvention investigation against India and Thailand, at the level of 12,5 tonnes in 2004, 15 tonnes in 2005 and 10 tonnes in the investigation period (representing 1,7 % of the EU consumption). In parallel, Chinese exports into Indonesia have developed from 57 tonnes in 2003 to 83,8 tonnes in the investigation period.

(20) In the absence of cooperation and of any contrary evidence, it is concluded that there was a change in the pattern of trade between the PRC, Indonesia and the Community from 2004 to the end of the investigation period, which stemmed from transshipment of coumarin originating in the PRC via Indonesia.

Malaysia

(21) As no Malaysian company cooperated in the investigation, exports from Malaysia to the Community had to be established on the basis of the facts available pursuant to Article 18 of the basic Regulation. Eurostat data, the most appropriate information available, were therefore used to establish the export prices and quantities of imports from Malaysia.

(22) Imports from Malaysia into the Community started in 2005, reaching a level of 13 tonnes in 2005 and 23 tonnes in the investigation period (representing 3,9 % of the EU consumption). At the same time, the Chinese exports into Malaysia have grown from 23,6 tonnes in 2004 to 43,76 tonnes in the investigation period.

(23) In the absence of cooperation and of any contrary evidence, it is concluded that there was a change in the pattern of trade between the PRC, Malaysia and the Community from 2005 to the end of the investigation period, which stemmed from transshipment of coumarin originating in the PRC via Malaysia.

4. Insufficient due cause or economic justification

Indonesia

(24) In the absence of cooperation and of any contrary evidence, it is concluded that, given that significant imports started immediately after the initiation of the previous anti-circumvention investigation against India and Thailand, in parallel with an increase of Chinese exports of coumarin to Indonesia, the change in the pattern of trade stemmed from the existence of the anti-dumping measures rather than from any other sufficient due cause or economic justification within the meaning of Article 13(1) of the basic Regulation. In this respect, it is also noted that there is no evidence of genuine production of coumarin in Indonesia.

Malaysia

(25) In the absence of cooperation and of any contrary evidence, it is concluded that, given that the imports started in 2005, after the extension of the measures on imports of coumarin consigned from India or Thailand and that, in parallel, the Chinese exports into Malaysia have grown from 23,6 tonnes in 2004 to 43,76 tonnes in 2005, the change in the pattern of trade stemmed from the existence of the anti-dumping measures rather than from any other sufficient due cause or economic justification within the meaning of Article 13(1) of the basic Regulation. In this respect, it is also noted that there is no evidence of genuine production of coumarin in Malaysia.

5. Undermining of the remedial effects of the duty in terms of the prices and/or the quantities of the like products

Indonesia

(26) Based on the trade flow analysis made above, it was found that a change in the pattern of the Community imports is linked to the fact that there were anti-dumping and anti-circumvention measures in place. While imports declared as originating in Indonesia were absent on the Community market until 2003, they amounted to 4 tonnes in 2003, to 12,5 tonnes in 2004, to 15 tonnes in 2005 and to 10 tonnes in the investigation period, representing 1,7 % of Community consumption.

(27) The investigation revealed that the imports from Indonesia have taken place at price levels below the export price in the original investigation and well below the original normal value.

(28) On the basis of the above, it is concluded that the change in trade flows, together with the abnormally low prices of exports from Indonesia have undermined the remedial effects of the anti-dumping measures both in terms of quantities and prices of the like products.

Malaysia

(29) Based on the trade flow analysis made above, it was found that a change in the pattern of trade is linked to the fact that there were anti-dumping and anti-circumvention measures in place. While there were no imports of coumarin into the Community before 2005, they amounted to 13 tonnes in 2005 and to 23 tonnes in the investigation period.

(30) The investigation revealed that the imports from Malaysia have taken place at price levels below the export price in the original investigation and well below the original normal value.

- (31) On the basis of the above, it is concluded that the change in trade flows, together with the abnormally low prices of exports from Malaysia have undermined the remedial effects of the anti-dumping measures both in terms of quantities and prices of the like products.

6. Evidence of dumping in relation to the normal values previously established for like or similar products

Indonesia

- (32) In order to determine whether evidence of dumping could be found with respect to the exports of coumarin from Indonesia to the Community during the IP, Eurostat data were used pursuant to Article 18 of the basic Regulation.
- (33) Article 13(1) of the basic Regulation requires evidence of dumping in relation to the normal value previously established for the like or similar products.
- (34) For the purpose of a fair comparison between the normal value and the export price, due allowance, in the form of adjustments, was made for differences which affect prices and price comparability. These adjustments were made in accordance with Article 2(10) of the basic Regulation in respect of transport and insurance, on the basis of the facts available, i.e. as given in the request, in accordance with Article 18 of the basic Regulation.
- (35) In accordance with Articles 2(11) and 2(12) of the basic Regulation, the comparison of the weighted average normal value as established in the previous investigation and the weighted average of export prices during this investigation's IP, expressed as a percentage of the cif price at the Community frontier, duty unpaid, showed dumping for the imports of coumarin to the Community from Indonesia. The dumping margin found, expressed as a percentage of the cif price at the Community frontier, duty unpaid, was above 100 %.

Malaysia

- (36) In order to determine whether evidence of dumping could be found with respect to the exports of coumarin from Malaysia to the Community during the IP, Eurostat data were used pursuant to Article 18 of the basic Regulation.
- (37) For the purpose of a fair comparison between the normal value and the export price, due allowance, in the form of adjustments, was made for differences which affect prices and price comparability. These adjustments were made in accordance with Article 2(10) of the basic Regulation in

respect of transport and insurance, on the basis of the facts available, i.e. as given in the request, in accordance with Article 18 of the basic Regulation.

- (38) In accordance with Articles 2(11) and 2(12) of the basic Regulation, the comparison of the weighted average normal value as established in the previous investigation and the weighted average of export prices during this investigation's IP, expressed as a percentage of the cif price at the Community frontier, duty unpaid, showed dumping for the imports of coumarin to the Community from Malaysia. The dumping margin found, expressed as a percentage of the cif price at the Community frontier, duty unpaid, was above 100 %.

C. MEASURES

- (39) In view of the above findings of circumvention within the meaning of Article 13(1) of the basic Regulation, the existing anti-dumping measures on imports of the product concerned originating in the PRC should be extended to the same product consigned from Indonesia or Malaysia, whether declared as originating in Indonesia or Malaysia or not.
- (40) The duty extended should be the one established in Article 1(2) of the original Regulation.
- (41) Pursuant to Articles 13(3) and 14(5) of the basic Regulation, which provide that any extended measures shall be applied against registered imports from the date of registration, the anti-dumping duty should be collected on imports of coumarin consigned from Indonesia or Malaysia, which entered the Community under registration imposed by the initiating Regulation.

D. REQUESTS FOR EXEMPTION

- (42) Although during this investigation no genuine producer of coumarin was found to exist in Indonesia or Malaysia or made itself known to the Commission, new producers which would consider lodging a request for an exemption from the extended anti-dumping measure pursuant to Article 13(4) of the basic Regulation are informed that they will be required to complete a questionnaire in order to enable the Commission to determine whether an exemption may be warranted. Such exemption may be granted after the assessment of, for instance, the market situation of the product concerned, production capacity and capacity utilisation, procurement and sales and the likelihood of continuation of practices for which there is insufficient due cause or economic justification and the evidence of dumping. The Commission would normally also carry out an on the spot verification visit. The request would have to be addressed to the Commission forthwith, with all relevant information, in particular any modification in the company's activities linked to production and sales.

(43) Importers could still benefit from exemption from the measures to the extent that their imports are from exporting producers, which are granted such an exemption, and in accordance with Article 13(4) of the basic Regulation.

(44) Where an exemption is warranted, the Council will amend this Regulation accordingly. Subsequently, any exemption granted will be monitored by the Commission to ensure compliance with the conditions set therein.

E. PROCEDURE

(45) Interested parties were informed of the essential facts and considerations on the basis of which the Council intended to extend the definitive anti-dumping measures in force and were given the opportunity to comment and to be heard. No comments which were of a nature to change the above mentioned conclusions were received,

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duty imposed by Regulation (EC) No 769/2002 on imports of coumarin, falling within CN code ex 2932 21 00 originating in the People's Republic of China is hereby extended to imports of coumarin, falling within CN code ex 2932 21 00 consigned from Indonesia or Malaysia, whether declared as originating in Indonesia or Malaysia or not (TARIC code 2932 21 00 16).

2. The duty extended by paragraph 1 shall be collected on imports registered in accordance with Article 2 of Regulation (EC) No 499/2006 and Articles 13(3) and 14(5) of Regulation (EC) No 384/96.

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

Article 2

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

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

2. In accordance with Article 13(4) of Regulation (EC) No 384/96, the Council may decide to exempt imports which do not circumvent the anti-dumping measures imposed by Regulation (EC) No 769/2002 from the duty extended by Article 1.

Article 3

Customs authorities are hereby directed to discontinue the registration of imports, established in accordance with Article 2 of Regulation (EC) No 499/2006.

Article 4

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

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

Done at Brussels, 7 November 2006.

For the Council
The President
E. HEINÄLUOMA

COUNCIL REGULATION (EC) No 1651/2006**of 7 November 2006****terminating the partial interim review of the anti-dumping measures applicable to imports of bicycles originating in the People's Republic of China**

THE COUNCIL OF THE EUROPEAN UNION,

the company as demonstrated by the fact that it appeared to fulfil the criteria set out in Article 2(7)(c) of the basic Regulation.

Having regard to the Treaty establishing the European Community,

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

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

- (4) The partial interim review was therefore initiated with a view to determine whether the company operates under market economy conditions as defined in Article 2(7)(c) of the basic Regulation or alternatively whether the company fulfils the requirements to have an individual duty established in accordance with Article 9(5) of the basic Regulation and, if so, to determine the company's individual margin of dumping and, should dumping be found, the level of the duty to which its imports of the product concerned into the Community should be subject.

3. PROCEDURE

Whereas:

1. EXISTING MEASURES

- (1) The measures currently in force are definitive anti-dumping duties imposed on imports of bicycles originating, *inter alia*, in the People's Republic of China (PRC) by Council Regulation (EC) No 1524/2000⁽²⁾ (the original regulation).

- (5) The Commission officially advised Giant China, the Community industry and the authorities of the PRC of the initiation of the investigation. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice of initiation.

2. PRESENT INVESTIGATION

- (2) On 10 January 2006, the Commission initiated by a notice published in the *Official Journal of the European Union*⁽³⁾, on its own initiative, an investigation pursuant to Article 11(3) of the basic Regulation. The interim review is limited in scope to dumping aspects as far as one exporting producer of bicycles, Giant China Co. Ltd. (Giant China or the company) is concerned.

- (6) In order to allow the company to submit a claim for market economy treatment (MET) or individual treatment (IT), the Commission sent claim forms to the company and to the authorities of the PRC. Subsequently, claims for MET were received from Giant China and its related company.

- (3) There was sufficient *prima facie* evidence available to the Commission that the circumstances on the basis of which the existing measures were established have changed and that these changes were of a lasting nature. The information at the Commission's disposal indicated that market economy conditions prevail for

- (7) A verification visit was carried out at the premises of Giant China and its related company Giant Chengdu Co. Ltd.

4. THE PRODUCT CONCERNED

- (8) The product concerned is, as defined in Article 1 of the original regulation, bicycles and other cycles (including delivery tricycles, but excluding unicycles), not motorised originating in the PRC (the product concerned), currently classifiable within CN codes ex 8712 00 10, 8712 00 30 and ex 8712 00 80.

5. INVESTIGATION PERIOD

- (9) The investigation covered the period from 1 January 2005 to 31 December 2005.

⁽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 175, 14.7.2000, p. 39. Regulation as last amended by Regulation (EC) No 1095/2005 (OJ L 183, 14.7.2005, p. 1).

⁽³⁾ OJ C 5, 10.1.2006, p. 2.

6. RESULTS OF THE INVESTIGATION

- (10) It was found during the investigation that the company was related to another manufacturer of the product concerned in the PRC, which did, however, not submit a reply to the MET claim form within the deadline set in the notice of initiation.
- (11) It has to be noted that it is the Commission's consistent practice to examine whether a group of related companies, as a whole, fulfils the conditions for MET. This is deemed to be necessary to avoid that sales of a group of companies are channelled via one of the related companies in the group, should measures be imposed. Therefore, in cases where a subsidiary or any other related company is a producer and/or a seller of the product concerned, all such related companies have to provide a reply to the MET claim form in order that an examination can be made as to whether they also meet the criteria set out in Article 2(7)(c) of the basic Regulation. Consequently, failure in that respect leads to the result that it cannot be established that the group, as a whole, fulfils all the conditions for MET.
- (12) Furthermore, no determination as to whether the company fulfilled the requirements of Article 9(5) of the basic Regulation could be made as the facts available did not allow for such a determination.

- (13) The company was informed by the Commission of the above conclusions. It declared its intention to no longer cooperate in this review proceeding.

7. TERMINATION OF THE PROCEEDING

- (14) In light of the above, it is concluded that the partial interim review concerning imports into the Community of the product concerned produced by Giant China should be terminated and the measures as described in recital 1 should be maintained,

HAS ADOPTED THIS REGULATION:

Article 1

1. The partial interim review, pursuant to Article 11(3) of Regulation (EC) No 384/96, with regard to the anti-dumping measures applicable to imports of bicycles produced by Giant China Co. Ltd. and originating in the People's Republic of China by virtue of Regulation (EC) No 1524/2000, as last amended by Regulation (EC) No 1095/2005, is hereby terminated.

2. The anti-dumping measures currently in force with regard to Giant China Co. Ltd. are maintained.

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, 7 November 2006.

For the Council

The President

E. HEINÄLUOMA

COUNCIL REGULATION (EC) No 1652/2006**of 7 November 2006****terminating the new exporter review of Regulation (EC) No 428/2005 imposing definitive anti-dumping duties on imports of synthetic staple fibres of polyesters originating, *inter alia*, in the People's Republic of China**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ the 'basic Regulation'), and in particular Article 11(4) thereof,

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

Whereas:

1. MEASURES IN FORCE

- (1) The measures currently in force on imports into the Community of polyester staple fibres ('PSF') originating in the People's Republic of China ('PRC') are definitive anti-dumping duties imposed by Council Regulation (EC) No 428/2005⁽²⁾.

2. CURRENT INVESTIGATION**2.1. Request for a review**

- (2) After the imposition of definitive anti-dumping duties on imports of PSF originating in the PRC, the Commission received a request to initiate a 'new exporter' review of Regulation (EC) No 428/2005, pursuant to Article 11(4) of the basic Regulation, from the Chinese company Huvis Sichuan (the applicant).
- (3) The applicant claimed that it had not exported the product concerned to the Community during the period of investigation on which the anti-dumping measures were based, i.e. the period from 1 January to

31 December 2003 (the original investigation period) and that it was not related to any of the exporting producers of PSF in the PRC subject to the anti-dumping measures in force. Furthermore, it claimed that it had started to export PSF to the Community after the end of the original investigation period.

2.2. Initiation of a 'new exporter' review

- (4) The Commission examined the *prima facie* evidence submitted by the applicant and considered it sufficient to justify the initiation of a review in accordance with Article 11(4) of the basic Regulation. After consultation of the Advisory Committee and after the Community industry concerned had been given the opportunity to comment, the Commission initiated, by Regulation (EC) No 342/2006⁽³⁾, a review of Regulation (EC) No 428/2005 with regard to the applicant and commenced its investigation.
- (5) Pursuant to Article 2 of Regulation (EC) No 342/2006, an anti-dumping duty of 49,7 % imposed by Regulation (EC) No 428/2005 on imports of PSF produced, *inter alia*, by the applicant was repealed. Simultaneously, pursuant to Article 14(5) of the basic Regulation, customs authorities were directed to take appropriate steps to register the imports of PSF produced by the applicant.

2.3. Product concerned

- (6) The product concerned by the current review is the same as that in the investigation that led to the imposition of the measures in force on imports of PSF originating in, *inter alia*, the PRC (original investigation), i.e. synthetic staple fibres of polyesters, not carded, combed or otherwise processed for spinning originating in the People's Republic of China, currently classifiable within CN code 5503 20 00.

2.4. Parties concerned

- (7) The Commission officially advised the Community industry, the applicant and the representatives of the exporting country of the initiation of the review. Interested parties were given the opportunity to make their views known in writing and to be heard.

⁽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 71, 17.3.2005, p. 1. Regulation as amended by Regulation (EC) No 1333/2005 (OJ L 211, 13.8.2005, p. 1).

⁽³⁾ OJ L 55, 25.2.2006, p. 14.

- (8) The Commission services also sent a market economy treatment (MET) claim form and a questionnaire to the applicant and received the replies within the deadlines set for that purpose.

2.5. Investigation period

- (9) The investigation of dumping covered the period from 1 October 2004 to 31 December 2005 (the investigation period or IP).

3. RESULTS OF THE INVESTIGATION

3.1. 'New exporter' qualification

- (10) The investigation revealed that the applicant started its production operations in October 2004, i.e. after the original investigation period and did not export the product concerned during that period. It was therefore concluded that the applicant fulfilled the requirement of the first sentence of Article 11(4) of the basic Regulation.
- (11) However, it was also found that the applicant was related to a partly State-owned Chinese producer which was producing the product concerned during the original investigation period, but which did not cooperate at that time. Considering that the related Chinese producer was subject to the definitive anti-dumping duty in force, it was found that the criterion of the second sentence of Article 11(4) of the basic Regulation, which sets out that a new exporter or producer should show that it is not related to any of the exporters or producers in the exporting country which are subject to the anti-dumping measures on the product, is not fulfilled.
- (12) The applicant argued that the related producer did not export the product concerned to the Community during the original investigation period. In support of this argument, the applicant provided the related producer's audited accounts for the period between 2002 and 2004 which, according to the applicant, contained no indication of any export sales having been made during the original IP.
- (13) The evidence submitted by the applicant did, however, not show that the related producer did indeed not export the product concerned during the original investigation period. In fact, the audited accounts merely indicated that there were no exports of commodity products, without defining the exact meaning of commodity products, i.e. in particular whether the product concerned was considered as a 'commodity product'. In this regard, it is noted that the related producer is also manufacturing products other than the product concerned. In addition, it should be noted that, apart from submitting its audited

accounts, the related producer did not cooperate during the current investigation and that therefore, the information submitted by this company could not be verified. Thus, no evidence was available showing that all sales made to domestic customers, for example traders, during the original IP were indeed destined for the domestic market, and not in reality intended for export to the Community. Consequently, it could not be determined whether or not export sales had taken place during the original IP.

- (14) After disclosure, the applicant claimed that clarifications concerning the audited accounts should have been requested earlier and in any case prior to disclosure. In this regard, it is noted that the Chinese related producer was requested to provide the information, made aware of the deficiency and asked to cooperate in the present proceeding, which it refused to do. Therefore, findings with regard to this company were based on facts available in accordance with Article 18 of the basic Regulation. Under these circumstances, any requests for further information after the deadlines applicable was considered inappropriate and discriminatory with regard to the normal practice of the Community institutions in relation to non-cooperating parties. It is noted that findings were in any case disclosed to the applicant who was given ample opportunity to comment on these findings.
- (15) In any event, the argument that the related producer did or did not export to the Community is irrelevant, because as mentioned above in recital (13) and as outlined in recitals (18) to (31) below, the related producer did not cooperate in this review and, therefore, the Commission could not establish whether the economic group composed of the applicant and the related producer did fulfil the requirements to be considered as operating under market economy conditions.

3.2. Market Economy Treatment (MET)

- (16) 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, i.e. where it is shown that market economy conditions prevail in respect of the manufacture and sale of the like product. These criteria are set out in a 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 (IAS) and are applied for all purposes,
 - no 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.
- (17) The applicant requested MET pursuant to Article 2(7)(b) of the basic Regulation and was invited to complete a MET claim form.
- (18) As mentioned above in recital (11), the investigation revealed that the applicant was related to another producer of the product concerned located in China. Although invited to do so, the related producer did not fill in a separate MET claim form.
- (19) It has to be noted that it is the Commission's consistent practice to examine whether a group of related companies, as a whole, fulfils the conditions for MET. This is deemed to be necessary to avoid that sales of a group of companies are channelled via one of the related companies in the group, should measures be imposed. Therefore, in cases where a subsidiary or any other related company is a producer and/or a seller of the product concerned, all such related companies have to provide a MET claim form in order that an examination can be made as to whether they also meet the criteria in Article 2(7)(c) of the basic Regulation. Consequently, failure in that respect leads to the result that it cannot be established that the group, as a whole, fulfils all the conditions for MET.
- (20) The Commission informed the applicant forthwith that in the absence of a reply by the related producer, it could not examine whether that company operates under market economy conditions.
- (21) The applicant argued that both companies are competitors on the domestic market and are not on 'good terms'. In addition, it was argued that the related company refused to submit any confidential information for the purpose of this investigation, which it feared would result in improving the market position of its competitor, i.e. the applicant.
- (22) It is noted that in accordance with Article 19 of the basic Regulation, the related producer could have requested confidential treatment of information required to be submitted to allay any concerns about disclosure of confidential business data to competitors. However, it chose not to submit the required information without having made any request for confidential treatment. Therefore, the applicant's argument had to be rejected.
- (23) The applicant also argued that its business decisions cannot be influenced by the related producer. Besides the fact that this argument has not been substantiated by any evidence, it is also irrelevant since, as explained above, MET treatment should in any event be refused to the applicant if its related company does not complete the MET form and fulfils the MET conditions. Furthermore, even if the substance of the claim were to be examined, it is noted that the facts available in the present case indicated, in contrast to the applicant's claim, that the related producer, having one member on the board of directors of the applicant, had an influence in the decision making of the applicant. Indeed, the related producer can block company decisions concerning amendments to the articles of association, dissolution of the joint venture, changes of registered capital or merger or split of the company with other organizations, which require unanimity. Furthermore, the purpose of the joint venture between the applicant and the related producer was, as laid down by chapter 5 of the joint venture agreement, to achieve 'a competitive position in quality and price for the world market', to 'produce and sell polyester staple fibre' and to 'import and export products and raw materials in connection with polyester staple fibre' which indicates that both companies would indeed cooperate and at least adjust their decisions in order to maximise their world market position. The applicant's argument had therefore to be rejected.
- (24) Subsequent to disclosure, the applicant reiterated that the related Chinese producer had only minor or peripheral influence on its business decisions, as its consent is only required for decisions regarding the company's existence as such, i.e. decisions linked to the related Chinese producer investments, while business decisions are made in line with the global strategy of its main shareholder, where the Chinese producer had no influence. Furthermore, the related Chinese producer would not be involved in the company's management.

- (25) The applicant further argued that the decision to reject the applicant's claim for MET on the mere grounds of the non-cooperation of the related Chinese producer would be unjustified because this relationship only constituted a technical requirement without any practical relevance for the applicant. It was also argued that the company was not related to any of the Chinese exporting producers of PSF subject to the anti-dumping measures in force, since the related company did not export to the Community during the original investigation period, and could therefore not have cooperated in the original investigation and request an individual duty.
- (26) As outlined above under recital (23), the possibility that the related Chinese company could exert significant influence on the business operations of the applicant could not be considered as minor or peripheral. On the contrary, such influence relates to crucial aspects as described under the said recital. Likewise, since the related Chinese company did not cooperate in this investigation, it was not possible for the Commission to determine whether this company did not export to the Community during the original investigation period, as claimed. The comments provided by the applicant contained no basis on which the conclusions made under recital (13) could be revised. In any event, the fact that the related company could not have asked for MET or IT during the original investigation does not invalidate the fact that it is subject to the measures in force, i.e. the residual duty.
- (27) Finally, on a more general basis, it was submitted that the main elements on the basis of which it was decided to reject the applicant's request for MET (i.e. the relationship to the Chinese related producer) were already known to the Commission before the investigation was initiated.
- (28) In this regard, it is noted that the main reason to reject the applicant's claim for MET as set out in recitals (13), (23) above and (31) below, was not the existence of the related Chinese producer as such but its non-cooperation and, as a consequence, the impossibility to determine, amongst others, in how far the State had indeed an influence on the applicant's business decisions and whether the related producer did not export during the original IP as claimed.
- (29) The claims of the applicant were therefore rejected.
- (30) In addition, no determination could be made with regard to possible distortions carried over from the former non-market economy system. Indeed, the partly State-owned related producer contributed the land use rights to the applicant's registered capital. In the absence of co-operation from the related producer, it was not possible to conclude that no such distortions existed.
- (31) In view of the above, and in the absence of a duly substantiated MET claim form from the applicant's related producer, the Commission could not conclude whether the group of companies, i.e. the applicant and its related producer, fulfil the MET criteria.
- ### 3.3. Individual Treatment (IT)
- (32) Further to Article 2(7) of the basic Regulation, a country-wide duty, if any, is established for countries falling under that article, except in those cases where companies are able to demonstrate that they meet all criteria for individual treatment set out in Article 9(5) of the basic Regulation.
- (33) The applicant, as well as requesting MET, also claimed IT in the event of not being granted MET. As described in recital (11), a partly State-owned producer of PSF is related to the applicant. Since the related producer did not cooperate with the present investigation, the Commission services could not conclude whether State interference was such as to permit circumvention. Therefore, it was concluded that IT could not be granted to the applicant.
- (34) The applicant submitted that in the current case, circumvention would not be likely to occur since both companies would be on competitive terms, and therefore the related producer would never intend to channel any of its production through the applicant for export to the Community.
- (35) It should be noted that since both companies are related the behaviour of the related producer is difficult to predict. Furthermore, and as mentioned above in recital (23), the joint venture between the two companies had as an objective to maximise both companies' world market position. The risk of circumvention resulting from one company benefiting from a lower dumping margin than the other company was therefore considered imminent. The applicant did not submit any information which showed that such risk of circumvention could be sufficiently excluded.
- (36) The applicant contested the decision to reject its IT claim, submitting that possible circumvention should be addressed through the initiation of an investigation in accordance with Article 13 of the basic Regulation, and that nothing in Article 2(7)(c) of the basic Regulation places the companies located in China any burden with respect to the demonstration that they would not circumvent any anti-dumping measures.

(37) In this regard, it is noted that the second paragraph of Article 9(5) of the basic Regulation is clear on the conditions applicable for the establishment of an individual duty when Article 2(7)(a) applies, which is applicable in the present case since it could not be concluded that the applicant fulfilled the criteria of Article 2(7)(c). In particular, Article 9(5)(e) of the basic Regulation sets out that the State interference should not be such as to permit circumvention. As outlined already above in recital (35), in the absence of cooperation from one of the related companies, it was impossible to conclude that the conditions for IT were fulfilled.

(38) It was therefore concluded that IT should not be granted to the applicant.

4. CONCLUSION

(39) The purpose of the present review was to determine the individual margin of dumping of the applicant, which was allegedly different from the current residual margin applicable to imports of the product concerned from the PRC. The request was mainly based on the allegation that the applicant fulfilled the criteria for MET.

(40) As the investigation concludes that, in the absence of cooperation from its related producer, the applicant was granted neither MET nor IT, the Commission could not establish that the applicant's individual dumping margin was indeed different from the residual dumping margin established in the original investigation. Therefore, the request made by the applicant should be rejected and the new exporter review terminated. The residual anti-dumping duty found during the original investigation, i.e. 49,7 % should consequently be maintained.

5. RETROACTIVE LEVYING OF THE ANTI-DUMPING DUTY

(41) In the light of the above findings, the anti-dumping duty applicable to the applicant shall be levied retroactively on imports of the product concerned, which have been

made subject to registration pursuant to Article 3 of Regulation (EC) No 342/2006.

6. DISCLOSURE

(42) All parties concerned were informed of the essential facts and considerations leading to the above conclusions and were invited to comment in accordance with Article 20 of the basic Regulation. Comments of the parties were taken into consideration when appropriate.

(43) This review does not affect the date on which the measures imposed by Regulation (EC) No 428/2005, as amended by Regulation (EC) No 1333/2005, will expire pursuant to Article 11(2) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

1. The new exporter review initiated by Regulation (EC) No 342/2006 is hereby terminated.

2. The anti-dumping duty applicable according to Article 1 of Regulation (EC) No 428/2005 to 'all other companies' in the People's Republic of China is hereby levied with effect from 26 February 2006 on imports of synthetic staple fibres of polyesters which have been registered pursuant to Article 3 of Regulation (EC) No 342/2006.

3. The customs authorities are hereby directed to cease the registration of imports of the product concerned originating in the People's Republic of China, produced by Huvis Sichuan and sold for export to the Community.

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

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, 7 November 2006.

For the Council
The President
E. HEINÄLUOMA

COMMISSION REGULATION (EC) No 1653/2006**of 9 November 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 10 November 2006.

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

Done at Brussels, 9 November 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 9 November 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	64,8
	096	30,1
	204	49,5
	999	48,1
0707 00 05	052	124,4
	204	47,3
	220	155,5
	628	196,3
	999	130,9
0709 90 70	052	99,0
	204	110,0
	999	104,5
0805 20 10	204	80,9
	999	80,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	69,6
	400	84,2
	528	75,5
	624	86,7
	999	79,0
0805 50 10	052	56,6
	388	54,8
	524	56,1
	528	38,3
	999	51,5
0806 10 10	052	116,6
	400	211,5
	508	248,6
	999	192,2
0808 10 80	388	74,4
	400	105,0
	720	73,5
	800	157,6
	804	103,2
	999	102,7
0808 20 50	052	99,0
	400	216,1
	720	83,9
	999	133,0

⁽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 1654/2006**of 9 November 2006****fixing the export refunds on white and raw sugar exported without further processing**

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 market in the sugar sector⁽¹⁾, and in particular the second subparagraph of Article 33(2) thereof,

Whereas:

- (1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(b) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.
- (3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.

(4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Regulation (EC) No 318/2006.

(5) The negotiations within the framework of the Europe Agreements between the European Community and Romania and Bulgaria aim in particular to liberalise trade in products covered by the common organisation of the market concerned. For those two countries export refunds should therefore be abolished.

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

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds as provided for in Article 32 of Regulation (EC) No 318/2006 shall be granted on the products and for the amounts set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 10 November 2006.

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

Done at Brussels, 9 November 2006.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 58, 28.2.2006, p. 1.

ANNEX

Export refunds on white and raw sugar exported without further processing applicable from 10 November 2006 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1701 11 90 9100	S00	EUR/100 kg	18,78 ⁽¹⁾
1701 11 90 9910	S00	EUR/100 kg	18,78 ⁽¹⁾
1701 12 90 9100	S00	EUR/100 kg	18,78 ⁽¹⁾
1701 12 90 9910	S00	EUR/100 kg	18,78 ⁽¹⁾
1701 91 00 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2041
1701 99 10 9100	S00	EUR/100 kg	20,41
1701 99 10 9910	S00	EUR/100 kg	20,41
1701 99 10 9950	S00	EUR/100 kg	20,41
1701 99 90 9100	S00	EUR/1 % sucrose × 100 kg of net product	0,2041

NB: The destinations are defined as follows:

S00: all destinations except Albania, Croatia, Bosnia and Herzegovina, Bulgaria, Romania, Serbia, Montenegro, Kosovo, the former Yugoslav Republic of Macedonia.

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

⁽¹⁾ This amount is applicable to raw sugar with a yield of 92 %. Where the yield for exported raw sugar differs from 92 % the refund amount applicable shall be multiplied, for each exporting operation concerned, by a conversion factor obtained by dividing by 92 the yield of the raw sugar exported, calculated in accordance with paragraph 3 of Point III of the Annex I of Regulation (EC) No 318/2006.

COMMISSION REGULATION (EC) No 1655/2006**of 9 November 2006****fixing the maximum export refund for white sugar in the framework of the standing invitation to tender provided for in Regulation (EC) No 958/2006**

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⁾, and in particular the second subparagraph and point (b) of the third subparagraph of Article 33(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 958/2006 of 28 June 2006 on a standing invitation to tender to determine refunds on exports of white sugar for the 2006/2007 marketing year ⁽²⁾ requires the issuing of partial invitations to tender.

(2) Pursuant to Article 8(1) of Regulation (EC) No 958/2006 and following an examination of the tenders submitted

in response to the partial invitation to tender ending on 9 November 2006, it is appropriate to fix a maximum export refund for that partial invitation to tender.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the partial invitation to tender ending on 9 November 2006, the maximum export refund for the product referred to in Article 1(1) of Regulation (EC) No 958/2006 shall be 25,414 EUR/100 kg.

Article 2

This Regulation shall enter into force on 10 November 2006.

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

Done at Brussels, 9 November 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 175, 29.6.2006, p. 49.

COMMISSION REGULATION (EC) No 1656/2006**of 9 November 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.

⁽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).

(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 10 November 2006.

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

Done at Brussels, 9 November 2006.

For the Commission
Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

ANNEX

to Commission Regulation of 9 November 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⁾	C13	EUR/t	0,00	1104 23 10 9300	C13	EUR/t	0,00
1102 20 10 9400 ⁽¹⁾	C13	EUR/t	0,00	1104 29 11 9000	C13	EUR/t	0,00
1102 20 90 9200 ⁽¹⁾	C13	EUR/t	0,00	1104 29 51 9000	C13	EUR/t	0,00
1102 90 10 9100	C13	EUR/t	0,00	1104 29 55 9000	C13	EUR/t	0,00
1102 90 10 9900	C13	EUR/t	0,00	1104 30 10 9000	C13	EUR/t	0,00
1102 90 30 9100	C13	EUR/t	0,00	1104 30 90 9000	C13	EUR/t	0,00
1103 19 40 9100	C13	EUR/t	0,00	1107 10 11 9000	C13	EUR/t	0,00
1103 13 10 9100 ⁽¹⁾	C13	EUR/t	0,00	1107 10 91 9000	C13	EUR/t	0,00
1103 13 10 9300 ⁽¹⁾	C13	EUR/t	0,00	1108 11 00 9200	C13	EUR/t	0,00
1103 13 10 9500 ⁽¹⁾	C13	EUR/t	0,00	1108 11 00 9300	C13	EUR/t	0,00
1103 13 90 9100 ⁽¹⁾	C13	EUR/t	0,00	1108 12 00 9200	C13	EUR/t	0,00
1103 19 10 9000	C13	EUR/t	0,00	1108 12 00 9300	C13	EUR/t	0,00
1103 19 30 9100	C13	EUR/t	0,00	1108 13 00 9200	C13	EUR/t	0,00
1103 20 60 9000	C13	EUR/t	0,00	1108 13 00 9300	C13	EUR/t	0,00
1103 20 20 9000	C13	EUR/t	0,00	1108 19 10 9200	C13	EUR/t	0,00
1104 19 69 9100	C13	EUR/t	0,00	1108 19 10 9300	C13	EUR/t	0,00
1104 12 90 9100	C13	EUR/t	0,00	1109 00 00 9100	C13	EUR/t	0,00
1104 12 90 9300	C13	EUR/t	0,00	1702 30 51 9000 ⁽²⁾	C13	EUR/t	0,00
1104 19 10 9000	C13	EUR/t	0,00	1702 30 59 9000 ⁽²⁾	C13	EUR/t	0,00
1104 19 50 9110	C13	EUR/t	0,00	1702 30 91 9000	C13	EUR/t	0,00
1104 19 50 9130	C13	EUR/t	0,00	1702 30 99 9000	C13	EUR/t	0,00
1104 29 01 9100	C13	EUR/t	0,00	1702 40 90 9000	C13	EUR/t	0,00
1104 29 03 9100	C13	EUR/t	0,00	1702 90 50 9100	C13	EUR/t	0,00
1104 29 05 9100	C13	EUR/t	0,00	1702 90 50 9900	C13	EUR/t	0,00
1104 29 05 9300	C13	EUR/t	0,00	1702 90 75 9000	C13	EUR/t	0,00
1104 22 20 9100	C13	EUR/t	0,00	1702 90 79 9000	C13	EUR/t	0,00
1104 22 30 9100	C13	EUR/t	0,00	2106 90 55 9000	C14	EUR/t	0,00
1104 23 10 9100	C13	EUR/t	0,00				

⁽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, Liechtenstein, Bulgaria and Romania.

COMMISSION REGULATION (EC) No 1657/2006**of 9 November 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 10 November 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 797/2006 (OJ L 144, 31.5.2006, p. 1).

⁽³⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 544/2006 (OJ L 94, 1.4.2006, 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, 9 November 2006.

For the Commission

Günter VERHEUGEN

Vice-President

ANNEX

Rates of the refunds applicable from 10 November 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⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
	– 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⁾	—	—
	– – where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– – in other cases	—	—
	– other (including unprocessed)	—	—
	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⁾	—	—
	– where goods falling within subheading 2208 ⁽³⁾ are exported	—	—
	– in other cases	—	—

(*) 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.

(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
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 1658/2006**of 9 November 2006****amending the rates of refunds applicable to certain products from the sugar sector 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 318/2006 of 20 February 2006 on the common organisation of the market in the sugar sector ⁽¹⁾, and in particular Article 33(2)(a) and (4) thereof,

Whereas:

- (1) The rates of the refunds applicable from 29 September 2006 to the products listed in the Annex, exported in the form of goods not covered by Annex I to the Treaty, were fixed by Commission Regulation (EC) No 1433/2006 ⁽²⁾.

- (2) It follows from applying the rules and criteria contained in Regulation (EC) No 1433/2006 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 1433/2006 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 10 November 2006.

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

Done at Brussels, 9 November 2006.

For the Commission

Günter VERHEUGEN

Vice-President

⁽¹⁾ OJ L 58, 28.2.2006, p. 1.

⁽²⁾ OJ L 270, 29.9.2006, p. 58.

ANNEX

Rates of refunds applicable from 10 November 2006 to certain products from the sugar sector exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

CN code	Description	Rate of refund in EUR/100 kg	
		In case of advance fixing of refunds	Other
1701 99 10	White sugar	20,41	20,41

⁽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 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.

COMMISSION REGULATION (EC) No 1659/2006**of 9 November 2006****fixing the export refunds on syrups and certain other sugar products exported without further processing**

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 market in the sugar sector ⁽¹⁾, and in particular the second subparagraph of Article 33(2) thereof,

Whereas:

- (1) Article 32 of Regulation (EC) No 318/2006 provides that the difference between prices on the world market for the products listed in Article 1(1)(c), (d) and (g) of that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the sugar market, export refunds should therefore be fixed in accordance with the rules and certain criteria provided for in Articles 32 and 33 of Regulation (EC) No 318/2006.
- (3) The first subparagraph of Article 33(2) of Regulation (EC) No 318/2006 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund according to destination.
- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that comply with the requirements of Commission Regulation

(EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾.

- (5) The negotiations within the framework of the Europe Agreements between the European Community and Romania and Bulgaria aim in particular to liberalise trade in products covered by the common organisation of the market concerned. For those two countries export refunds should therefore be abolished.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 32 of Regulation (EC) No 318/2006 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the conditions provided for in paragraph 2 of this Article.

2. To be eligible for a refund under paragraph 1 products must meet the relevant requirements laid down in Articles 3 and 4 of Regulation (EC) No 951/2006.

Article 2

This Regulation shall enter into force on 10 November 2006.

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

Done at Brussels, 9 November 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. 24.

ANNEX

Export refunds on syrups and certain other sugar products exported without further processing applicable from 10 November 2006 ^(a)

Product code	Destination	Unit of measurement	Amount of refund
1702 40 10 9100	S00	EUR/100 kg dry matter	20,41
1702 60 10 9000	S00	EUR/100 kg dry matter	20,41
1702 60 95 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2041
1702 90 30 9000	S00	EUR/100 kg dry matter	20,41
1702 90 60 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2041
1702 90 71 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2041
1702 90 99 9900	S00	EUR/1 % sucrose × 100 kg of net product	0,2041 ⁽¹⁾
2106 90 30 9000	S00	EUR/100 kg dry matter	20,41
2106 90 59 9000	S00	EUR/1 % sucrose × 100 kg of net product	0,2041

NB: The destinations are defined as follows:

S00: all destinations except Albania, Croatia, Bosnia and Herzegovina, Bulgaria, Romania, Serbia, Montenegro, Kosovo and the former Yugoslav Republic of Macedonia.

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

⁽¹⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ L 355, 5.12.1992, p. 12).

COMMISSION REGULATION (EC) No 1660/2006**of 9 November 2006****concerning tenders notified in response to the invitation to tender for the export of barley issued
in Regulation (EC) No 935/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European Community,

(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.

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,

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

Whereas:

HAS ADOPTED THIS REGULATION:

(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 935/2006 ⁽²⁾.*Article 1*

No action shall be taken on the tenders notified from 3 to 9 November 2006 in response to the invitation to tender for the refund for the export of barley issued in Regulation (EC) No 935/2006.

(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

Article 2

This Regulation shall enter into force on 10 November 2006.

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

Done at Brussels, 9 November 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 172, 24.6.2006, p. 3.

⁽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 1661/2006**of 9 November 2006****concerning tenders notified in response to the invitation to tender for the export of common wheat issued in Regulation (EC) No 936/2006**

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 936/2006 ⁽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 3 to 9 November 2006 in response to the invitation to tender for the refund for the export of common wheat issued in Regulation (EC) No 936/2006.

Article 2

This Regulation shall enter into force on 10 November 2006.

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

Done at Brussels, 9 November 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 172, 24.6.2006, p. 6.

⁽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 DIRECTIVE 2006/92/EC**of 9 November 2006****amending Annexes to Council Directives 76/895/EEC, 86/362/EEC and 90/642/EEC as regards maximum residue levels for captan, dichlorvos, ethion and folpet****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/895/EEC of 23 November 1976 relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables ⁽¹⁾, and in particular Article 5 thereof,

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 ⁽²⁾, 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 ⁽³⁾, and in particular Article 7 thereof,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽⁴⁾, and in particular Article 4(1)(f) 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. In the case of foodstuffs of animal origin, residue levels reflect the consumption by animals of cereals and products of plant origin treated with pesticides and, where relevant,

the direct consequences of the use of veterinary medicines. 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) The Commission was informed that for several pesticides current MRLs may need to be revised in the light of the availability of new information on the toxicology and consumer intake. The Commission has asked the relevant rapporteur Member States to make proposals for the review of Community MRLs. Such proposals 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 ⁽⁵⁾. 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.

⁽¹⁾ OJ L 340, 9.12.1976, p. 26. Directive as last amended by Commission Directive 2006/59/EC (OJ L 175, 29.6.2006, p. 61).

⁽²⁾ OJ L 221, 7.8.1986, p. 37. Directive as last amended by Commission Directive 2006/62/EC (OJ L 206, 27.7.2006, p. 27).

⁽³⁾ OJ L 350, 14.12.1990, p. 71. Directive as last amended by Commission Directive 2006/62/EC.

⁽⁴⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2006/85/EC (OJ L 293, 24.10.2006, p. 3).

⁽⁵⁾ 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).

- (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 76/895/EEC, 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

In Annex II to Directive 76/895/EEC the entries relating to captan, dichlorvos, ethion, and folpet are deleted.

Article 2

Directive 86/362/EEC is amended as follows:

- (a) in Part A of Annex II, the lines for captan, ethion and folpet as set out in Annex I to this Directive are added;
- (b) in Part A of Annex II, the line for dichlorvos is replaced by the text in Annex II to this Directive.

Article 3

Directive 90/642/EEC is amended as follows:

- (a) in Annex II, the lines for captan, and folpet as set out in Annex III to this Directive, are added;
- (b) in Annex II, the lines for dichlorvos and ethion, are replaced by the text in Annex IV to this Directive.

Article 4

1. Member States shall adopt and publish, by 10 May 2007 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 11 May 2007.

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.

2. 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 5

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

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 9 November 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

Pesticide residues	Maximum levels in mg/kg
'Captan	0,02 (*) Cereals
Ethion	0,01 (*) Cereals
Folpet	2 Wheat, Barley 0,02 (*) Other cereals

(*) Indicates lower limit of analytical determination.'

ANNEX II

Pesticide residues	Maximum levels in mg/kg
'Dichlorvos	0,01 (*) Cereals

(*) Indicates lower limit of analytical determination.'

ANNEX III

Pesticide residues and maximum residue levels (mg/kg)		
Groups and examples of individual products to which the MRLs apply	Captan	Folpet
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts		
(i) CITRUS FRUIT	0,02 (*)	0,02 (*)
Grapefruit		
Lemons		
Limes		
Mandarins (including clementines and other hybrids)		
Oranges		
Pomelos		
Others		
(ii) TREE NUTS (shelled or unshelled)		0,02 (*)
Almonds	0,3	
Brazil nuts		
Cashew nuts		
Chestnuts		
Coconuts		
Hazelnuts		
Macadamia		
Pecans		
Pine nuts		
Pistachios		
Walnuts		
Others	0,02 (*)	
(iii) POME FRUIT	3 (a)	3 (a)
Apples		
Pears		
Quinces		
Others		
(iv) STONE FRUIT		
Apricots	3	
Cherries	5	2
Peaches (including nectarines and similar hybrids)		
Plums	1	
Others	0,02 (*)	0,02 (*)

Pesticide residues and maximum residue levels (mg/kg)		
Groups and examples of individual products to which the MRLs apply	Captan	Folpet
(v) BERRIES AND SMALL FRUIT		
(a) Table and wine grapes	0,02 (*)	
Table grapes		0,02 (*)
Wine grapes		5
(b) Strawberries (other than wild)	3 (a)	3 (a)
(c) Cane fruit (other than wild)		
Blackberries	3 (a)	3 (a)
Dewberries		
Loganberries		
Raspberries	3 (a)	3 (a)
Others	0,02 (*)	0,02 (*)
(d) Other small fruit and berries (other than wild)		
Bilberries		
Cranberries		
Currants (red, black and white)	3 (a)	3 (a)
Gooseberries	3 (a)	3 (a)
Others	0,02 (*)	0,02 (*)
(e) Wild berries and wild fruit	0,02 (*)	0,02 (*)
(vi) MISCELLANEOUS		0,02 (*)
Avocados		
Bananas		
Dates		
Figs		
Kiwi		
Kumquats		
Litchis		
Mangoes	2	
Olives (table consumption)		
Olives (oil extraction)		
Papaya		
Passion fruit		
Pineapples		
Pomegranate		
Others	0,02 (*)	

Pesticide residues and maximum residue levels (mg/kg)		
Groups and examples of individual products to which the MRLs apply	Captan	Folpet
2. Vegetables, fresh or uncooked, frozen or dry		
(i) ROOT AND TUBER VEGETABLES		0,02 (*)
Beetroot		
Carrots	0,1	
Cassava		
Celeriac	0,1	
Horseradish		
Jerusalem artichokes		
Parsnips		
Parsley root		
Radishes		
Salsify		
Sweet potatoes		
Swedes		
Turnips		
Yam		
Others	0,02 (*)	
(ii) BULB VEGETABLES	0,02 (*)	
Garlic		
Onions		0,1
Shallots		
Spring onions		
Others		0,02 (*)
(iii) FRUITING VEGETABLES		
(a) Solanacea		0,02 (*)
Tomatoes	2 ^(a)	2 ^(a)
Peppers	0,1	
Aubergines		
Okra		
Others	0,02 (*)	
(b) Cucurbits — edible peel	0,02 (*)	0,02 (*)
Cucumbers		
Gherkins		
Courgettes		
Others		

Pesticide residues and maximum residue levels (mg/kg)		
Groups and examples of individual products to which the MRLs apply	Captan	Folpet
(c) Cucurbits — inedible peel		1
Melons	0,1	
Squashes		
Watermelons		
Others	0,02 (*)	
(d) Sweetcorn	0,02 (*)	0,02 (*)
(iv) BRASSICA VEGETABLES	0,02 (*)	
(a) Flowering brassica		0,02 (*)
Broccoli		
Cauliflower		
Others		
(b) Head brassica		0,02 (*)
Brussels sprouts		
Head cabbage		
Others		
(c) Leafy brassica		0,02 (*)
Chinese cabbage		
Kale		
Others		
(d) Kohlrabi		0,05
(v) LEAF VEGETABLES AND FRESH HERBS		
(a) Lettuce and similar		
Cress		
Lamb's lettuce		
Lettuce		2
Scarole	2	
Ruccola		
Leaves and stems of brassica		
Others	0,02 (*)	0,02 (*)
(b) Spinach and similar		0,02 (*)
Spinach	0,1	
Beet leaves (chard)		
Others	0,02 (*)	
(c) Watercress	0,02 (*)	0,02 (*)
(d) Witloof	0,02 (*)	0,02 (*)

Pesticide residues and maximum residue levels (mg/kg)		
Groups and examples of individual products to which the MRLs apply	Captan	Folpet
(e) Herbs		0,02 (*)
Chervil		
Chives		
Parsley	0,1	
Celery leaves		
Others	0,02 (*)	
(vi) LEGUME VEGETABLES (fresh)		
Beans (with pods)	2 ^(a)	2 ^(a)
Beans (without pods)	2 ^(a)	2 ^(a)
Peas (with pods)		
Peas (without pods)		
Others	0,02 (*)	0,02 (*)
(vii) STEM VEGETABLES (fresh)		
Asparagus		
Cardoons		
Celery	0,1	
Fennel		
Globe artichokes		
Leek	2	
Rhubarb		
Others	0,02 (*)	0,02 (*)
(viii) FUNGI	0,02 (*)	0,02 (*)
(a) Cultivated mushrooms		
(b) Wild mushrooms		
3. Pulses	0,02 (*)	0,02 (*)
Beans		
Lentils		
Peas		
Lupines		
Others		
4. Oil seed	0,02 (*)	0,02 (*)
Linseed		
Peanuts		
Poppy seeds		
Sesame seeds		
Sunflower seed		

Pesticide residues and maximum residue levels (mg/kg)		
Groups and examples of individual products to which the MRLs apply	Captan	Folpet
Rapeseed		
Soya bean		
Mustard seed		
Cotton seed		
Hemp seed		
Others		
5. Potatoes	0,05	0,1
Early potatoes		
Ware potatoes		
6. Tea (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	0,05 (*)	0,05 (*)
7. Hops (dried), including hop pellets and unconcentrated powder	0,05 (*)	150

(^a) Sum of captan and folpet.

(*) Indicates lower limit of analytical determination.'

ANNEX IV

Pesticide residues and maximum residue levels (mg/kg)		
Groups and examples of individual products to which the MRLs apply	Dichlorvos	Ethion
1. Fruit, fresh, dried or uncooked, preserved by freezing, not containing added sugar; nuts	0,01 (*)	0,01 (*)
(i) CITRUS FRUIT		
Grapefruit		
Lemons		
Limes		
Mandarins (including clementines and other hybrids)		
Oranges		
Pomelos		
Others		
(ii) TREE NUTS (shelled or unshelled)		
Almonds		
Brazil nuts		
Cashew nuts		
Chestnuts		
Coconuts		
Hazelnuts		
Macadamia		
Pecans		
Pine nuts		
Pistachios		
Walnuts		
Others		
(iii) POME FRUIT		
Apples		
Pears		
Quinces		
Others		
(iv) STONE FRUIT		
Apricots		
Cherries		
Peaches (including nectarines and similar hybrids)		
Plums		
Others		

Pesticide residues and maximum residue levels (mg/kg)		
Groups and examples of individual products to which the MRLs apply	Dichlorvos	Ethion
(v) BERRIES AND SMALL FRUIT		
(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		
Avocados		
Bananas		
Dates		
Figs		
Kiwi		
Kumquats		
Litchis		
Mangoes		
Olives (table consumption)		
Olives (oil extraction)		
Papaya		
Passion fruit		
Pineapples		
Pomegranate		
Others		

Pesticide residues and maximum residue levels (mg/kg)		
Groups and examples of individual products to which the MRLs apply	Dichlorvos	Ethion
2. Vegetables, fresh or uncooked, frozen or dry	0,01 (*)	
(i) ROOT AND TUBER VEGETABLES		0,01 (*)
Beetroot		
Carrots		
Cassava		
Celeriac		
Horseradish		
Jerusalem artichokes		
Parsnips		
Parsley root		
Radishes		
Salsify		
Sweet potatoes		
Swedes		
Turnips		
Yam		
Others		
(ii) BULB VEGETABLES		0,01 (*)
Garlic		
Onions		
Shallots		
Spring onions		
Others		
(iii) FRUITING VEGETABLES		0,01 (*)
(a) Solanacea		
Tomatoes		
Peppers		
Aubergines		
Okra		
Others		
(b) Cucurbits — edible peel		
Cucumbers		
Gherkins		
Courgettes		
Others		

Pesticide residues and maximum residue levels (mg/kg)		
Groups and examples of individual products to which the MRLs apply	Dichlorvos	Ethion
(c) Cucurbits — inedible peel		
Melons		
Squashes		
Watermelons		
Others		
(d) Sweetcorn		
(iv) BRASSICA VEGETABLES		0,01 (*)
(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		0,01 (*)
Cress		
Lamb's lettuce		
Lettuce		
Scarole		
Ruccola		
Leaves and stems of brassica		
Others		
(b) Spinach and similar		0,01 (*)
Spinach		
Beet leaves (chard)		
Others		
(c) Watercress		0,01 (*)
(d) Witloof		0,01 (*)

Pesticide residues and maximum residue levels (mg/kg)		
Groups and examples of individual products to which the MRLs apply	Dichlorvos	Ethion
(e) Herbs		
Chervil		
Chives		
Parsley		2
Celery leaves		
Others		0,01 (*)
(vi) LEGUME VEGETABLES (fresh)		0,01 (*)
Beans (with pods)		
Beans (without pods)		
Peas (with pods)		
Peas (without pods)		
Others		
(vii) STEM VEGETABLES (fresh)		
Asparagus		
Cardoons		
Celery		0,1
Fennel		
Globe artichokes		
Leek		
Rhubarb		
Others		0,01 (*)
(viii) FUNGI		0,01 (*)
(a) Cultivated mushrooms		
(b) Wild mushrooms		
3. Pulses	0,01 (*)	0,01 (*)
Beans		
Lentils		
Peas		
Lupines		
Others		
4. Oil seed	0,01 (*)	0,02 (*)
Linseed		
Peanuts		
Poppy seeds		
Sesame seeds		
Sunflower seed		

Pesticide residues and maximum residue levels (mg/kg)		
Groups and examples of individual products to which the MRLs apply	Dichlorvos	Ethion
Rapeseed		
Soya bean		
Mustard seed		
Cotton seed		
Hemp seed		
Others		
5. Potatoes	0,01 (*)	0,01 (*)
Early potatoes		
Ware potatoes		
6. Tea (leaves and stems, dried, fermented or otherwise, from the leaves of <i>Camellia sinensis</i>)	0,02 (*)	3
7. Hops (dried), including hop pellets and unconcentrated powder	0,02 (*)	0,02 (*)
(*) Indicates lower limit of analytical determination.'		

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 November 2006

approving certain national programmes for the control of salmonella in breeding flocks of *Gallus gallus*

(notified under document number C(2006) 5281)

(Text with EEA relevance)

(2006/759/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

of certain salmonella serotypes in breeding flocks of *Gallus gallus* and amending Regulation (EC) No 2160/2003 ⁽²⁾.

Having regard to the Treaty establishing the European Community,

(3) In order to achieve the Community target Member States are to establish national programmes for the control of salmonella in breeding flocks of *Gallus gallus* and submit them to the Commission in accordance with Regulation (EC) No 2160/2003.

Having regard to Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents ⁽¹⁾ and, in particular Article 6(2) thereof,

(4) Certain Member States have submitted their national programmes for the control of salmonella in breeding flocks of *Gallus gallus*.

Whereas:

(5) Those programmes were found to comply with relevant Community veterinary legislation and in particular with Regulation (EC) No 2160/2003.

(1) The purpose of Regulation (EC) No 2160/2003 is to ensure that proper and effective measures are taken to detect and control salmonella and other zoonotic agents at all relevant stages of production, processing and distribution, particularly at the level of primary production, in order to reduce their prevalence and the risk they pose to public health.

(6) The national control programmes should therefore be approved.

(2) A Community target was established for the reduction of the prevalence of all salmonella serotypes with public health significance in breeding flocks of *Gallus gallus* at the level of primary production by Commission Regulation (EC) No 1003/2005 of 30 June 2005 implementing Regulation (EC) No 2160/2003 as regards a Community target for the reduction of the prevalence

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

HAS ADOPTED THIS DECISION:

Article 1

The national programmes for the control of salmonella in breeding flocks of *Gallus gallus* submitted by the Member States listed in the Annex are approved.

⁽¹⁾ OJ L 325, 12.12.2003, p. 1. Regulation as amended by Regulation (EC) No 1003/2005 (OJ L 170, 1.7.2005, p. 12).

⁽²⁾ OJ L 170, 1.7.2005, p. 12. Regulation as amended by Regulation (EC) No 1168/2006 (OJ L 211, 1.8.2006, p. 4).

Article 2

This Decision shall apply from 1 January 2007.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 8 November 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

Belgium	Lithuania
Czech Republic	Hungary
Denmark	Netherlands
Germany	Austria
Estonia	Poland
Greece	Portugal
Spain	Slovenia
France	Slovakia
Ireland	Finland
Italy	Sweden
Cyprus	United Kingdom
Latvia	

COMMISSION DECISION

of 9 November 2006

fixing for the marketing year 2006/2007 the amounts of the aid for diversification, the additional aid for diversification and the transitional aid, to be granted under the temporary scheme for the restructuring of the sugar industry of the Community

*(notified under document number C(2006) 5306)***(Only the Spanish, German, English, Italian, Portuguese and Swedish texts are authentic)**

(2006/760/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 320/2006 of 20 February 2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community and amending Regulation (EC) No 1290/2005 on the financing of the common agricultural policy ⁽¹⁾,

Having regard to Commission Regulation (EC) No 968/2006 of 27 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 320/2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community ⁽²⁾, and in particular Article 13(1) thereof,

Whereas:

- (1) By 31 October 2006, the Commission has to fix the amounts attributed to each Member State concerned for the aid for diversification provided for in Article 6 of Regulation (EC) No 320/2006, the additional aid for diversification provided for in Article 7 of that Regulation and the transitional aid to certain Member States as provided for in Article 9 of that Regulation.
- (2) The amounts of the aid for diversification and additional aid for diversification are calculated on the basis of the tonnes of sugar quota renounced in the 2006/2007 marketing year in the Member State concerned, as provided for in Article 13(2) of Regulation (EC) No 968/2006.

- (3) The full amounts of transitional aid to Austria and Sweden should be made available to those Member States as from the 2006/2007 marketing year,

HAS ADOPTED THIS DECISION:

Article 1

The amounts per Member State concerned of the aid for diversification and the additional aid for diversification provided for in Articles 6 and 7 of Regulation (EC) No 320/2006 respectively, as fixed in respect of the quotas renounced in the 2006/2007 marketing year, are set out in the Annex to this Decision.

The amount of the transitional aid to Austria and Sweden provided for in Article 9 of Regulation (EC) No 320/2006 are set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Kingdom of Spain, Ireland, the Italian Republic, the Republic of Austria, the Portuguese Republic and the Kingdom of Sweden.

Done at Brussels, 9 November 2006.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 58, 28.2.2006, p. 42.

⁽²⁾ OJ L 176, 30.6.2006, p. 32.

ANNEX

Amounts per Member State of the aid for diversification, the additional aid for diversification and the transitional aid

2006/2007 marketing year

(EUR)

Member State	Aid for diversification	Additional aid for diversification	Transitional aid to certain Member States
España	10 196 475,75	—	—
Ireland	21 818 970,00	21 818 970,00	—
Italia	85 271 723,40	42 635 861,70	—
Österreich	—	—	9 000 000,00
Portugal	3 856 371,00	1 928 185,50	—
Sverige	4 660 539,00	—	5 000 000,00

COMMISSION DECISION**of 9 November 2006****amending Decision 2005/393/EC as regards restricted zones in relation to bluetongue***(notified under document number C(2006) 5311)***(Text with EEA relevance)****(2006/761/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue ⁽¹⁾, and in particular Article 8(3) thereof,

Whereas:

(1) Directive 2000/75/EC lays down control rules and measures to combat bluetongue in the Community, including the establishment of protection and surveillance zones and a ban on animals leaving those zones.

(2) Commission Decision 2005/393/EC of 23 May 2005 on protection and surveillance zones in relation to bluetongue and conditions applying to movements from or through these zones ⁽²⁾ provides for the demarcation of the global geographic areas where protection and surveillance zones ('the restricted zones') are to be established by the Member States in relation to bluetongue.

(3) Following the notification of outbreaks of bluetongue in mid-August and early September 2006 by Belgium, Germany, France and the Netherlands, the Commission has amended several times Decision 2005/393/EC as regards the demarcation of the restricted zone concerned.

(4) On 13 and 16 October 2006 respectively, France and Germany informed the Commission of new confirmed cases of bluetongue. In view of those findings, it is appropriate to amend the demarcation of the restricted zone in those countries.

(5) Decision 2005/393/EC should be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 2005/393/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 9 November 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

⁽¹⁾ OJ L 327, 22.12.2000, p. 74.

⁽²⁾ OJ L 130, 24.5.2005, p. 22. Decision as last amended by Decision 2006/693/EC (OJ L 283, 14.10.2006, p. 52).

ANNEX

Annex I to Decision 2005/393/EC is amended as follows:

1. The list of restricted zones in *Zone F (serotype 8)* which relates to France is replaced by the following:

France:

Protection zone:

- Département des Ardennes
- Département de l'Aisne: arrondissements de Laon, de Saint-Quentin, de Soissons, de Vervins
- Département de la Marne: arrondissements de Reims, de Châlons-en-Champagne, de Sainte-Menehould, de Vitry-le-François
- Département de la Haute-Marne: arrondissement de Saint-Dizier
- Département de la Meurthe-et-Moselle: arrondissements de Briey, de Nancy, de Toul
- Département de la Meuse
- Département de la Moselle: arrondissements de Boulay-Moselle, de Metz-ville, de Metz-campagne, de Thionville-est, de Thionville-ouest
- Département du Nord
- Département du Pas-de-Calais
- Département de la Somme: arrondissements d'Abbeville, d'Amiens, de Péronne

Surveillance zone:

- Département de l'Aube
- Département de l'Aisne: arrondissement de Château-Thierry
- Département du Bas-Rhin: arrondissement de Saverne
- Département de la Marne: arrondissement d'Épernay
- Département de la Haute-Marne: arrondissement de Chaumont
- Département de la Meurthe-et-Moselle: arrondissement de Lunéville
- Département de la Moselle: arrondissements de Château-Salins, de Forbach, de Sarrebourg, de Sarreguemines
- Département de l'Oise
- Département de Seine-Maritime: arrondissement de Dieppe
- Département de Seine-et-Marne: arrondissements de Meaux, de Provins
- Département de la Somme: arrondissement de Montdidier
- Département des Vosges: arrondissements d'Épinal, de Neufchâteau

2. The list of restricted zones in *Zone F (serotype 8)* which relates to Germany is replaced by the following:

Germany:

Baden-Württemberg

Stadtkreis Heidelberg

Im Landkreis Karlsruhe: Bad Schönborn, Graben-Neudorf, Ubstadt-Weiher, Linkenheim-Hochstetten, Eggenstein-Leopoldshafen, Dettenheim, Philippsburg, Oberhausen-Rheinhausen, Waghäusel, Hambrücken, Kronau, Forst, Karlsdorf-Neuthard

Stadtkreis Mannheim

Im Main-Tauber-Kreis: Freudenberg, Külsheim, Wertheim

Im Neckar-Odenwald-Kreis: Walldürn, Buchen, Mudau, Limbach, Waldbrunn, Neckargerach, Zwingenberg, Neunkirchen, Schwarzach, Aglasterhausen, Höpfingen, Hardheim, Fahrenbach, Mosbach

Rhein-Neckar-Kreis

Bayern

Stadt Aschaffenburg

Landkreis Aschaffenburg

Landkreis Main-Spessart-Kreis

Landkreis Miltenberg

Im Landkreis Bad Kissingen die Gemeinden Motten, Zeitlofs, Wildflecken, Bad Brückenau, Riedenberg, Oberleichtersbach, Schondra, Wartmannsroth, Elferhausen, Euerdorf, Bad Bocklet, Burkardroth, Bad Kissingen, Oberthulba, Aura, Gerode, Fuchsstadt, Hammelburg

Bremen

Freie Hansestadt Bremen — Stadtgemeinde — mit Ausnahme des Stadtbremischen Überseehafengebietes in Bremerhaven

Hessen

Gesamtes Landesgebiet

Niedersachsen

Im Landkreis Ammerland die Gemeinden Apen, Bad Zwischenahn, Edewecht und Westerstede

Im Landkreis Aurich die Gemeinden Krummhörn, Hinte und Ihlow

Stadt Braunschweig

Landkreis Celle

Landkreis Cloppenburg

Stadt Delmenhorst

Landkreis Diepholz

Stadt Emden

Landkreis Emsland

Landkreis Gifhorn

Landkreis Goslar

Stadt Göttingen

Landkreis Göttingen

Landkreis Grafschaft Bentheim

Landkreis Hameln-Pyrmont

Landeshauptstadt Hannover

Region Hannover

Landkreis Helmstedt

Landkreis Hildesheim

Landkreis Holzminden

Im Landkreis Leer die Städte Leer und Weener und die Gemeinden Brinkum, Bunde, Detern, Filsum, Hesel, Holtland, Jemgum, Moormerland, Nortmoor, Ostrhauderfehn, Rhaderfehn, Uplengen und Westoverledingen

Landkreis Nienburg (Weser)

Landkreis Northeim

Landkreis Oldenburg

Landkreis Osnabrück

Stadt Osnabrück

Landkreis Osterode am Harz

Landkreis Peine

Im Landkreis Rotenburg (Wümme): Hellwege, Ahausen, Westerwalsede, Kirchwalsede, Visselhövede, Brockel, Bothel, Hemsbünde, Rotenburg (Wümme), Hassendorf, Sottrum

Stadt Salzgitter

Landkreis Schaumburg

Im Landkreis Soltau-Fallingb.: Rethem (Aller), Frankenfeld, Ahlden (Aller), Grethem, Gilt, Schwarmstedt, Buchholz (Aller), Essel, Hademstorf, Eickeloh, Hodenhagen, Walsrode, Böhme, Häuslingen, gemeindefreier Bezirk Osterheide, Fallingb., Bomlitz, Neuenkirchen, Soltau, Wietzen, Munster, Lindwedel

Landkreis Vechta

Landkreis Verden

Landkreis Wolfenbüttel

Stadt Wolfsburg

Nordrhein-Westfalen

Gesamtes Landesgebiet

Rheinland-Pfalz

Gesamtes Landesgebiet

Saarland

Gesamtes Landesgebiet

Sachsen-Anhalt

Im Kreis Mansfelder Land: Wippra

Im Kreis Sangerhausen: Bennungen, Berga, Breitenbach, Breitenstein, Breitung, Dietersdorf, Hainrode, Hayn (Harz), Horla, Kelbra (Kyffhäuser), Kleinleinungen, Morungen, Questenberg, Roßla, Rotha, Rottleberode, Schwenda, Stolberg (Harz), Tilleda (Kyffhäuser), Uftrungen, Wickerode, Wolfsburg

Im Bördekreis: Ausleben, Barneberg, Gröningen, Gunsleben, Hamersleben, Harbke, Hötenleben, Hornhausen, Krottorf, Marienborn, Neuwegersleben, Ohrleben, Oschersleben (Bode), Sommersdorf, Völpke, Wackersleben, Wulferstedt

Im Kreis Halberstadt: Aderstedt, Anderbeck, Aspenstedt, Athenstedt, Badersleben, Berßel, Bühne, Danstedt, Dardesheim, Dedeleben, Deersheim, Dingelstedt am Huy, Eilenstedt, Eilsdorf, Groß Quenstedt, Halberstadt, Harsleben, Hessen, Huy-Neinstedt, Langenstein, Lüttgenrode, Nienhagen, Osterode am Fallstein, Osterwieck, Pabstorf, Rhoden, Rohrsheim, Sargstedt, Schauen, Schlanstedt, Schwanebeck, Ströbeck, Schachdorf, Veltheim, Vogelsdorf, Wegeleben, Wülperode, Zilly

Im Ohre-Kreis: Beendorf, Döhren, Walbeck, Flecken Weferlingen

Im Kreis Quedlinburg: Bad Suderode, Ballenstedt, Dankerode, Dittfurt, Friedrichsbrunn, Gernrode, Güntersberge, Harzgerode, Königerode, Neinstedt, Neudorf, Quedlinburg, Rieder, Schielo, Siptenfelde, Stecklenberg, Straßberg, Thale, Warnstedt, Weddersleben, Westerhausen

Kreis Wernigerode

Thüringen

Stadt Eisenach

Kreis Eichsfeld

Im Kreis Gotha: Aspach, Ballstädt, Bienstädt, Brüheim, Bufleben, Dachwig, Döllstädt, Ebenheim, Emleben, Emsetal, Ernstroda, Eschenbergen, Finsterbergen, Friedrichroda, Friedrichswerth, Friemar, Fröttstädt, Georgenthal/Thür. Wald, Gierstädt, Goldbach, Gotha, Großfahner, Haina, Hochheim, Hörselgau, Laucha, Leinatal, Mechterstädt, Metebach, Molschleben, Remstädt, Sonneborn, Tabarz/Thür. Wald, Teutleben, Tonna, Tröchtelborn, Trügleben, Waltershausen, Wangenheim, Warza, Weingarten, Westhausen

Im Kyffhäuserkreis: Bad Frankenhausen/Kyffhäuser, Badra, Bellstedt, Bendeleben, Clingen, Ebeleben, Freienbessingen, Göltingen, Greußen, Großenehrich, Günserode, Hachelbich, Helbedündorf, Holzsußra, Niederbösa, Oberbösa, Rockstedt, Rottleben, Schernberg, Seega, Sondershausen, Steinhaleben, Thüringenhausen, Topfstedt, Trebra, Wasserthaleben, Westgreußen, Wolferschwenda

Kreis Nordhausen

Im Kreis Schmalkalden-Meiningen: Aschenhausen, Birx, Breitung/Werra, Brotterode, Erbenhausen, Fambach, Floh-Seligenthal, Frankenheim/Rhön, Friedelshausen, Heßles, Hümpfershausen, Kaltensundheim, Kaltenwestheim, Kleinschmalkalden, Mehmels, Melpers, Oberkatz, Oberweid, Oepfershausen, Rhönblick, Rosa, Roßdorf, Schmalkalden, Schwallungen, Stepfershausen, Trusetal, Unterkatz, Unterweid, Wahns, Wasungen, Wernshausen

Im Kreis Sömmerda: Andisleben, Bilzingsleben, Frömmstedt, Gangloffsömmern, Gebesee, Herrnschwende, Schwerstedt, Straußfurt, Walschleben, Weißensee

Unstrut-Hainich-Kreis

Wartburgkreis'

COMMISSION DECISION**of 9 November 2006****concerning certain protective measures against bluetongue in Bulgaria***(notified under document number C(2006) 5315)***(Text with EEA relevance)****(2006/762/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Community of animals of species susceptible to bluetongue originating in or transiting through the affected area, and their semen, ova and embryos.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾ and in particular Article 18(1) and (6) thereof,

Whereas:

(1) On 10 October 2006, Bulgaria informed the Commission of the detection of bluetongue antibodies in sentinel goats in Slivarovo in the administrative district of Burgas, in the south-eastern part of that country, at the border with Turkey (the affected area).

(2) As Bulgaria is due to accede to the Community on 1 January 2007, it has informed the Commission that it immediately banned the movements of animals of species susceptible to bluetongue and their semen, ova and embryos out of the affected area, in accordance with Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue ⁽²⁾ and Commission Decision 2005/393/EC of 23 May 2005 on protection and surveillance zones in relation to bluetongue and conditions applying to movements from or through these zones ⁽³⁾.

(3) The spread of bluetongue from the affected area could constitute a serious hazard to animal health in the Community.

(4) Pending further epidemiological and laboratory investigations, it is necessary to suspend imports into the

(5) Given that semen, ova and embryos produced before 1 July 2006 may not present a risk, the suspension of imports shall only concern semen, ova and embryos produced from this date.

(6) In the light of the evolution of the situation and the results of further investigations carried out by Bulgaria, the measures provided for in this Decision should be reviewed at a meeting of the Standing Committee on the Food Chain and Animal Health at the earliest opportunity.

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

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States shall suspend imports of animals of species susceptible to bluetongue originating in or transiting through the territories or parts thereof listed in the Annex.

2. The Member States shall suspend imports of semen, ova and embryos collected or produced from 1 July 2006 and originating in the territories or parts thereof listed in the Annex.

Article 2

Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity to the measures adopted. They shall immediately inform the Commission thereof.

⁽¹⁾ OJ L 268, 24.9.1991, p. 56. Directive as last amended by the 2003 Act of Accession.

⁽²⁾ OJ L 327, 22.12.2000, p. 74.

⁽³⁾ OJ L 130, 24.5.2005, p. 22. Decision as last amended by Decision 2006/693/EC (OJ L 283, 14.10.2006, p. 52).

Article 3

This Decision shall apply until 31 December 2006.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 9 November 2006.

For the Commission

Markos KYPRIANOU

Member of the Commission

ANNEX

Parts of the territory of Bulgaria referred to in Article 1(1) and (2):

ISO country code	Name of the country	Description of part of territory
BG	Bulgaria	The administrative district of: — Burgas

CORRIGENDA**Corrigendum to Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directives 91/157/EEC***(Official Journal of the European Union L 266 of 26 September 2006)*

On page 7, in Article 12(4):

for: '... no later than 26 September 2010, ...',

read: '... no later than 26 September 2011, ...'.
