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I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COUNCIL REGULATION (EC) No 681/2007

of 13 June 2007

amending the lists of insolvency proceedings, winding-up proceedings and liquidators in Annexes A, B and C to Regulation (EC) No 1346/2000 on insolvency proceedings

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings ⁽¹⁾, and in particular Article 45 thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Annexes A, B and C to Regulation (EC) No 1346/2000 list the designations given in the national legislation of the Member States to the proceedings and liquidators to which that Regulation applies. Annex A lists the insolvency proceedings referred to in Article 2(a) of that Regulation. Annex B lists the winding-up proceedings referred to in Article 2(c) of that Regulation and Annex C lists the liquidators referred to in Article 2(b) of that Regulation.

(2) Annexes A, B and C to Regulation (EC) No 1346/2000 were amended by the 2003 Act of Accession so as to include the insolvency proceedings, the winding-up proceedings and the liquidators of the 10 Member States which acceded to the European Union in 2004, by Regulation (EC) No 603/2005 ⁽²⁾ and Regulation (EC) No 694/2006 ⁽³⁾ in order to amend the said Annexes as regards several Member States and by Regulation (EC) No 1791/2006 so as to include the insolvency proceedings, the winding-up proceedings and the liquidators of Bulgaria and Romania.

(3) On 29 August 2006 the Czech Republic notified the Commission, pursuant to Article 45 of Regulation (EC) No 1346/2000, of amendments to the lists set out in Annexes A, B and C to that Regulation.

(4) On 26 January 2007 Romania notified the Commission, pursuant to Article 45 of Regulation (EC) No 1346/2000, of amendments to the lists set out in Annexes A, B and C to that Regulation.

(5) On 27 February 2007 Italy notified the Commission, pursuant to Article 45 of Regulation (EC) No 1346/2000, of amendments to the lists set out in Annexes B and C to that Regulation.

(6) On 23 March 2007 Sweden notified the Commission, pursuant to Article 45 of Regulation (EC) No 1346/2000, of an amendment to the list set out in Annex C to that Regulation.

(7) The United Kingdom and Ireland are bound by Regulation (EC) No 1346/2000, and, by virtue of Article 45 of that Regulation, are therefore taking part in the adoption and application of this Regulation.

(8) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not take part in the adoption of this Regulation and is not bound by it or subject to its application.

(9) Regulation (EC) No 1346/2000 should therefore be amended accordingly,

⁽¹⁾ OJ L 160, 30.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽²⁾ OJ L 100, 20.4.2005, p. 1.

⁽³⁾ OJ L 121, 6.5.2006, p. 1.

HAS ADOPTED THIS REGULATION:

3. Annex C shall be replaced by the text set out in Annex III to this Regulation.

Article 1

Regulation (EC) No 1346/2000 is hereby amended as follows:

Article 2

1. Annex A shall be replaced by the text set out in Annex I to this Regulation;

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

2. Annex B shall be replaced by the text set out in Annex II to this Regulation;

However, the designations in Annexes A, B and C for the Czech Republic shall apply from 1 January 2008.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

Done at Luxembourg, 13 June 2007.

For the Council

The President

W. SCHÄUBLE

ANNEX I

‘ANNEX A

Insolvency proceedings referred to in Article 2(a)

BELGIË/BELGIQUE

- Het faillissement/La faillite
- Het gerechtelijk akkoord/Le concordat judiciaire
- De collectieve schuldenregeling/Le règlement collectif de dettes
- De vrijwillige vereffening/La liquidation volontaire
- De gerechtelijke vereffening/La liquidation judiciaire
- De voorlopige ontneming van beheer, bepaald in artikel 8 van de faillissementswet/Le dessaisissement provisoire, visé à l'article 8 de la loi sur les faillites

БЪЛГАРИЯ

- Производство по несъстоятелност

ČESKÁ REPUBLIKA

- Konkurs
- Reorganizace
- Oddlužení

DEUTSCHLAND

- Das Konkursverfahren
- Das gerichtliche Vergleichsverfahren
- Das Gesamtvollstreckungsverfahren
- Das Insolvenzverfahren

EESTI

- Pankrotimenetlus

ΕΛΛΑΣ

- Η πτώχευση
- Η ειδική εκκαθάριση
- Η προσωρινή διαχείριση εταιρείας. Η διοίκηση και διαχείριση των πιστωτών
- Η υπαγωγή επιχείρησης υπό επίτροπο με σκοπό τη σύναψη συμβιβασμού με τους πιστωτές

ESPAÑA

- Concurso

FRANCE

- Sauvegarde
- Redressement judiciaire
- Liquidation judiciaire

IRELAND

- Compulsory winding-up by the court
- Bankruptcy
- The administration in bankruptcy of the estate of persons dying insolvent
- Winding-up in bankruptcy of partnerships
- Creditors' voluntary winding-up (with confirmation of a court)
- Arrangements under the control of the court which involve the vesting of all or part of the property of the debtor in the Official Assignee for realisation and distribution
- Company examinership

ITALIA

- Fallimento
- Concordato preventivo
- Liquidazione coatta amministrativa
- Amministrazione straordinaria

ΚΥΠΡΟΣ

- Υποχρεωτική εκκαθάριση από το Δικαστήριο
- Εκούσια εκκαθάριση από πιστωτές κατόπιν Δικαστικού Διατάγματος
- Εκούσια εκκαθάριση από μέλη
- Εκκαθάριση με την εποπτεία του Δικαστηρίου
- Πτώχευση κατόπιν Δικαστικού Διατάγματος
- Διαχείριση της περιουσίας προσώπων που απεβίωσαν αφερέγγυα

LATVIJA

- Bankrots
- Izlīgums
- Sanācija

LIETUVA

- įmonės restruktūrizavimo byla
- įmonės bankroto byla
- įmonės bankroto procesas ne teismo tvarka

LUXEMBOURG

- Faillite
- Gestion contrôlée
- Concordat préventif de faillite (par abandon d'actif)
- Régime spécial de liquidation du notariat

MAGYARORSZÁG

- Csődeljárás
- Felszámolási eljárás

MALTA

- Xoljiment
- Amministrazzjoni
- Stralċ volontarju mill-membri jew mill-kredituri
- Stralċ mill-Qorti
- Falliment f'każ ta' negozjant

NEDERLAND

- Het faillissement
- De surséance van betaling
- De schuldsaneringsregeling natuurlijke personen

ÖSTERREICH

- Das Konkursverfahren
- Das Ausgleichsverfahren

POLSKA

- Postępowanie upadłościowe
- Postępowanie układowe
- Upadłość obejmująca likwidację
- Upadłość z możliwością zawarcia układu

PORTUGAL

- O processo de insolvência
- O processo de falência
- Os processos especiais de recuperação de empresa, ou seja:
 - A concordata
 - A reconstituição empresarial
 - A reestruturação financeira
 - A gestão controlada

ROMÂNIA

- procedura insolvenței
- reorganizarea judiciară
- procedura falimentului

SLOVENIJA

- Stečajni postopek
- Skrajšani stečajni postopek
- Postopek prisilne poravnave
- Prisilna poravnava v stečaju

SLOVENSKO

- Konkurzné konanie
- Reštrukturalizačné konanie

SUOMI/FINLAND

- Konkursi/konkurs
- Yrityssaneeraus/företagssanering

SVERIGE

- Konkurs
- Företagsrekonstruktion

UNITED KINGDOM

- Winding-up by or subject to the supervision of the court
 - Creditors' voluntary winding-up (with confirmation by the court)
 - Administration, including appointments made by filing prescribed documents with the court
 - Voluntary arrangements under insolvency legislation
 - Bankruptcy or sequestration'.
-

ANNEX II

ANNEX B

Winding-up proceedings referred to in Article 2(c)

BELGIË/BELGIQUE

- Het faillissement/La faillite
- De vrijwillige vereffening/La liquidation volontaire
- De gerechtelijke vereffening/La liquidation judiciaire

БЪЛГАРИЯ

- Производство по несъстоятелност

ČESKÁ REPUBLIKA

- Konkurs

DEUTSCHLAND

- Das Konkursverfahren
- Das Gesamtvollstreckungsverfahren
- Das Insolvenzverfahren

EESTI

- Pankrotimenetlus

ΕΛΛΑΣ

- Η πτώχευση
- Η ειδική εκκαθάριση

ESPAÑA

- Concurso

FRANCE

- Liquidation judiciaire

IRELAND

- Compulsory winding-up
- Bankruptcy
- The administration in bankruptcy of the estate of persons dying insolvent
- Winding-up in bankruptcy of partnerships
- Creditors' voluntary winding-up (with confirmation of a court)
- Arrangements under the control of the court which involve the vesting of all or part of the property of the debtor in the Official Assignee for realisation and distribution

ITALIA

- Fallimento
- Concordato preventivo con cessione dei beni
- Liquidazione coatta amministrativa
- Amministrazione straordinaria con programma di cessione dei complessi aziendali
- Amministrazione straordinaria con programma di ristrutturazione di cui sia parte integrante un concordato con cessione dei beni

ΚΥΠΡΟΣ

- Υποχρεωτική εκκαθάριση από το Δικαστήριο
- Εκκαθάριση με την εποπτεία του Δικαστηρίου
- Εκούσια εκκαθάριση από πιστωτές (με την επικύρωση του Δικαστηρίου)
- Πτώχευση
- Διαχείριση της περιουσίας προσώπων που απεβίωσαν αφερέγγυα

LATVIJA

- Bankrots

LIETUVA

- įmonės bankroto byla
- įmonės bankroto procesas ne teismo tvarka

LUXEMBOURG

- Faillite
- Régime spécial de liquidation du notariat

MAGYARORSZÁG

- Felszámolási eljárás

MALTA

- Stralc' volontarju
- Stralc' mill-Qorti
- Falliment inkluż il-hruġ ta' mandat ta' qbid mill-Kuratur f'każ ta' negozjant fallut

NEDERLAND

- Het faillissement
- De schuldsaneringsregeling natuurlijke personen

ÖSTERREICH

- Das Konkursverfahren

POLSKA

- Postępowanie upadłościowe
- Upadłość obejmująca likwidację

PORTUGAL

- O processo de insolvência
- O processo de falência

ROMÂNIA

- procedura falimentului

SLOVENIJA

- Stečajni postopek
- Skrajšani stečajni postopek

SLOVENSKO

- Konkurzné konanie

SUOMI/FINLAND

- Konkurssi/konkurs

SVERIGE

- Konkurs

UNITED KINGDOM

- Winding-up by or subject to the supervision of the court
 - Winding-up through administration, including appointments made by filing prescribed documents with the court
 - Creditors' voluntary winding-up (with confirmation by the court)
 - Bankruptcy or sequestration'.
-

ANNEX III

‘ANNEX C

Liquidators referred to in Article 2(b)

BELGIË/BELGIQUE

- De curator/Le curateur
- De commissaris inzake opschorting/Le commissaire au sursis
- De schuldbemiddelaar/Le médiateur de dettes
- De vereffenaar/Le liquidateur
- De voorlopige bewindvoerder/L’administrateur provisoire

БЪЛГАРИЯ

- Назначен предварително временен синдик
- Временен синдик
- (Постоянен) синдик
- Служебен синдик

ČESKÁ REPUBLIKA

- Insolvenční správce
- Předběžný insolvenční správce
- Oddělený insolvenční správce
- Zvláštní insolvenční správce
- Zástupce insolvenčního správce

DEUTSCHLAND

- Konkursverwalter
- Vergleichsverwalter
- Sachwalter (nach der Vergleichsordnung)
- Verwalter
- Insolvenzverwalter
- Sachwalter (nach der Insolvenzordnung)
- Treuhänder
- Vorläufiger Insolvenzverwalter

EESTI

- Pankrotihaldur
- Ajutine pankrotihaldur
- Usaldusisik

ΕΛΛΑΣ

- Ο σύνδικος
- Ο προσωρινός διαχειριστής. Η διοικούσα επιτροπή των πιστωτών
- Ο ειδικός εκκαθαριστής
- Ο επίτροπος

ESPAÑA

- Administradores concursales

FRANCE

- Mandataire judiciaire
- Liquidateur
- Administrateur judiciaire
- Commissaire à l'exécution du plan

IRELAND

- Liquidator
- Official Assignee
- Trustee in bankruptcy
- Provisional Liquidator
- Examiner

ITALIA

- Curatore
- Commissario giudiziale
- Commissario straordinario
- Commissario liquidatore
- Liquidatore giudiziale

ΚΥΠΡΟΣ

- Εκκαθαριστής και Προσωρινός Εκκαθαριστής
- Επίσημος Παραλήπτης
- Διαχειριστής της Πτώχευσης
- Εξεταστής

LATVIJA

- Maksātnespējas procesa administrators

LIETUVA

- Bankrutuojančių įmonių administratorius
- Restruktūrizuojamų įmonių administratorius

LUXEMBOURG

- Le curateur
- Le commissaire
- Le liquidateur
- Le conseil de gérance de la section d'assainissement du notariat

MAGYARORSZÁG

- Vagyongfelügyelő
- Felszámoló

MALTA

- Amministratur Provizorju
- Riċevitur Uffiċjali
- Stralċjarju
- Maniġer Speċjali
- Kuraturi f'każ ta' proċeduri ta' falliment

NEDERLAND

- De curator in het faillissement
- De bewindvoerder in de surséance van betaling
- De bewindvoerder in de schuldsaneringsregeling natuurlijke personen

ÖSTERREICH

- Masseverwalter
- Ausgleichsverwalter
- Sachwalter
- Treuhänder
- Besondere Verwalter
- Konkursgericht

POLSKA

- Syndyk
- Nadzorca sądowy
- Zarządca

PORTUGAL

- Administrador da insolvência
- Gestor judicial
- Liquidatário judicial
- Comissão de credores

ROMÂNIA

- practician în insolvență
- administrator judiciar
- lichidator

SLOVENIJA

- Upravitelj prisilne poravnave
- Stečajni upravitelj
- Sodišče, pristojno za postopek prisilne poravnave
- Sodišče, pristojno za stečajni postopek

SLOVENSKO

- Predbežný správca
- Správca

SUOMI/FINLAND

- Pesähoitaja//boförvaltare
- Selvittäjä//utredare

SVERIGE

- Förvaltare
- Rekonstruktör

UNITED KINGDOM

- Liquidator
 - Supervisor of a voluntary arrangement
 - Administrator
 - Official Receiver
 - Trustee
 - Provisional Liquidator
 - Judicial factor.
-

COUNCIL REGULATION (EC) No 682/2007**of 18 June 2007****imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain prepared or preserved sweetcorn in kernels originating in Thailand**

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 9 thereof,

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

Whereas:

A. PROVISIONAL MEASURES

- (1) On 28 March 2006, the Commission published a notice ⁽²⁾ initiating an anti-dumping proceeding on imports into the Community of certain prepared or preserved sweetcorn in kernels originating in Thailand. On 20 December 2006, the Commission, by Regulation (EC) No 1888/2006 ⁽³⁾ (the provisional Regulation) imposed a provisional anti-dumping duty on imports of the same product.

B. SUBSEQUENT PROCEDURE

- (2) Subsequent to the disclosure of the essential facts and considerations on the basis of which it was decided to impose provisional anti-dumping measures, several interested parties made written submissions making their views known on the provisional findings. The parties who so requested were granted an opportunity to be heard. A meeting pursuant to Article 6(6) of the basic Regulation among one exporting producer, an Association of Thai producers, the Thai Government and the Community producers took place on 9 February 2007 at the Commission premises. The meeting was devoted to the issue of competition on the Community market for sweetcorn.

- (3) The Commission continued to seek and verify all information it deemed necessary for the definitive findings.

- (4) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive anti-dumping duty on imports of certain prepared or preserved sweetcorn in kernels originating in Thailand and the definitive collection of the amounts secured by way of the provisional duty. Parties were also granted a period within which to make representations subsequent to the disclosure of the essential facts and considerations on the basis of which definitive measures are imposed.

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

- (6) It is recalled that the investigation of dumping and injury covered the period from 1 January 2005 to 31 December 2005 ('investigation period' or 'IP'). With respect to the trends relevant for the injury assessment, the Commission analysed data covering the period from 1 January 2002 to 31 December 2005 (period considered). The period used for the findings on undercutting, under-selling and injury elimination is the aforementioned IP.

C. PRODUCT CONCERNED AND LIKE PRODUCT

- (7) In the absence of any comments concerning the product concerned and like product, recitals 13 to 15 of the provisional Regulation are hereby confirmed.

D. DUMPING**1. Sampling and individual examination**

- (8) A number of exporters and an association of Thai producers raised objections to the sampling and individual examination assessment described in recitals 16 to 20 of the provisional Regulation. In particular, it was claimed that the sample was not representative since the Commission disregarded other factors such as the size of the companies and their geographical location. Furthermore, it was claimed that it would not have been unduly burdensome to investigate more companies than the four sampled.

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

⁽²⁾ OJ C 75, 28.3.2006, p. 6.

⁽³⁾ OJ L 364, 20.12.2006, p. 68.

(9) As explained in recitals 16 to 18 of the provisional Regulation, the Commission considered that in order to reach the highest possible representativeness of the sample taking into account the time limits of the investigation, it was appropriate to include only four companies in the sample since (i) this allowed coverage of a large volume of exports and (ii) it was feasible to investigate these four companies within the time available. Article 17 of the basic Regulation does not specify any threshold beyond which the number of exporters would be considered so large as to warrant sampling, neither does it provide a precise indication on the appropriate number of parties to be included in the sample. As for the latter, the Commission itself has to judge what is feasible to investigate within the given time limit while ensuring that the sample should cover as large a part as possible of the exports in question. In this respect, the sample selected covered 52 % of the total Thai exports during the investigation period, which indeed is considered as highly representative on a volume basis.

(10) In accordance with Article 17(1) of the basic Regulation, the criteria applied for the selection of the sample was the largest representative volume of exports from Thailand into the Community that could reasonably be investigated within the time available. In view of the high representativity of the selected sample in terms of volume, it was not considered necessary to examine other factors such as the size of the companies or their geographical location.

(11) As already mentioned in recital 20 of the provisional Regulation, to investigate more companies would have rendered the investigation unduly burdensome and would have prevented completion of the investigation in good time.

(12) The claims raised by some parties concerning recitals 16 to 20 of the provisional Regulation are therefore rejected and those recitals are hereby confirmed.

2. Normal value

(13) One exporting producer claimed that a number of mathematical errors had been made in its normal value calculation. These claims were cross-checked and it was found that no errors had been made.

(14) In the absence of any other comments in this respect, recitals 21 to 32 of the provisional Regulation are hereby confirmed.

3. Export Price

(15) Following the provisional disclosure, one exporting producer contested the findings in recital 34 of the provisional Regulation. This party claimed that all export sales of the company, including its sales of purchased product manufactured by other independent producers, should have been taken into account. This party claimed that purchased finished products should be regarded as originating from its own production as it was alleged that they were manufactured in the framework of a tolling system.

(16) In this context, it is to be noted that only products produced by the exporting producer in question can be considered when determining individual dumping margins. If an exporting producer is partly purchasing product for further resale to the Community it is, in fact, in a position similar to that of an agent or trader in respect of those purchases and such resales cannot be considered when establishing its individual dumping margin.

(17) In the investigation it was established that the exporting producer in question was actually buying from other producers part of the goods sold to the Community. It was further found that this exporter always paid for finished products and that such transactions were recorded in its accounting system as purchases of finished goods. No contractual or other evidence (e.g. so called 'tolling' agreement) was shown to prove that the goods were from the outset owned by the exporting producer and that the activity of the other companies was limited to a simple transformation of the products in question.

(18) Following definitive disclosure, the exporting producer in question reiterated its claims, underlining that it should be considered as a co-producer of the product purchased from other producers. However, given that the ownership of the goods produced by other parties was transferred to the exporting producer concerned only after completion of the manufacturing process, as evidenced by the purchase invoices, it is confirmed that this exporting producer cannot be considered as the producer, or co-producer, of the product purchased for resale.

(19) In view of the above, the claim of the exporting producer is rejected and recitals 33 and 34 of the provisional Regulation are hereby confirmed.

(20) An association of importers claimed that an adjustment pursuant to Article 2(10)(k) of the basic Regulation should have been made in order to reflect the fact that heavy flooding in Thailand had caused export prices of the product concerned to be comparatively low relative to increased cost of raw material sweetcorn after the flooding. In this respect, it should be noted that the claim was not made by any of the exporting producers themselves, nor quantified. Moreover, flooding is a relatively common occurrence in Thailand and cannot be considered as an unforeseeable event when negotiating contracts and in particular export prices. Finally, the analysis showed that the possible effect, if any, of the flooding on the price of raw material sweetcorn would have been limited only to the last quarter of the IP when, in fact, the vast majority of raw material purchases by exporting producers took place before that period. Therefore, the claim for adjustment is rejected.

4. Comparison

(21) Further to provisional disclosure, a number of exporting producers claimed that certain allowances on domestic sales (mainly relating to handling, loading and ancillary expenses and credit costs) should be granted in the dumping calculations. These claims were examined and for one company it was indeed found that an additional allowance should be granted. After this adjustment, the dumping margin for this company decreased from 4,3 % to 3,1 %.

(22) Since data from the company mentioned in recital 21 above was used in constructing the normal value of another company, as explained in recitals 29 and 31 of the provisional Regulation, the dumping margin of the latter company also decreased from 11,2 % to 11,1 % as a result of the allowance granted.

(23) In the absence of any other comments in this respect, and apart from the above changes, recitals 35 and 36 of the provisional Regulation are hereby confirmed.

5. Dumping margin

(24) In the light of the above adjustment, the amount of dumping finally determined, expressed as a percentage of the cif net free-at-Community-frontier price, before duty, is as follows:

Company	Dumping margin
Karn Corn	3,1 %
Malee Sampran	17,5 %
River Kwai	15,0 %
Sun Sweet	11,1 %

(25) For the cooperating companies not selected in the sample, the dumping margin was established on the basis of the weighted average dumping margin of the companies selected in the sample, pursuant to Article 9(6) of the basic Regulation. This weighted average dumping margin, expressed as a percentage of the cif Community frontier price, duty unpaid, is 12,9 %.

(26) In the absence of any comments, recital 40 of the provisional Regulation is hereby confirmed.

E. INJURY

(27) One interested party submitted that the approach followed by the Commission and described under recitals 50 and 51 of the provisional Regulation with respect to different sales channels is inconsistent with the basic Regulation and the WTO Anti-Dumping Agreement ⁽¹⁾, as it would, allegedly, 'be intended to artificially reflect a higher injury and cannot be considered as properly based nor as objective and unbiased'. In support of its plea, the claimant made reference to the Report of the WTO Appellate Body of 24.7.2001 ⁽²⁾ (AB) where it is held that 'the investigating authorities are not entitled to conduct their investigation in such a way that it becomes more likely that, as a result of the fact-finding or evaluation process, they will determine that the domestic industry is injured' (paragraph 196 of the AB).

(28) Firstly, the existence of the two different sales channels described by the Commission under recitals 50 and 51 of the provisional Regulation, together with its ensuing implications in terms of selling costs and sales prices, is not questioned by any party to this proceeding, and not even by the claimant. Secondly, the fact, also established under recital 51 of the provisional Regulation, that all imports from the cooperating Thai exporters pertain to the retailer's brand channel is not contested either. Rather, it is acknowledged by the claimant: 'It should be reminded that Thai sales to retailers in Europe are made under the retailers' private label'.

⁽¹⁾ Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

⁽²⁾ WT/DS184/AB/R, 23.8.2001, United States — Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan.

- (29) Furthermore, it is also to be noted that the AB stated in paragraph 204 that '[...] it may be highly pertinent for investigating authorities to examine a domestic industry by part, sector or segment.' It was therefore adequate to distinguish the two separate sales channels, for certain injury indicators as appropriate, for the purpose of ensuring a fair evaluation of the injury felt by the Community industry, and of establishing whether the dumped imports from Thailand had had a direct bearing on the injury suffered by the Community industry. The injury determination has systematically covered both sales channels taken together, and in addition, has analysed separately, when appropriate, the sales under the retailer's brand.
- (30) However, the AB in paragraph 204 went on to say that '[...] where investigating authorities undertake an examination of one part of a domestic industry, they should, in principle, examine, in like manner, all of the other parts that make up the industry, as well as examine the industry as a whole.' The Commission services therefore complemented below their injury analysis with regard to the three injury indicators which had been analysed separately under the retailer's brand channel in the provisional Regulation. These three indicators are the sales volume (recital 56 of the provisional Regulation), the sales price (recital 63 of the provisional Regulation) and the profitability (recital 66 of the provisional Regulation). A specific injury analysis concerning the producer's own brand channel separately was therefore carried out for these three injury indicators.
- (31) As set out under recital 51 of the provisional Regulation, the Community industry's sales under the retailer's brand accounted for around 63 % of the total Community industry's sales (own and retailer's brand) during the IP. Consequently, sales under the own brand channel accounted for around 37 % of the total.
- (32) The sales volume by the Community industry of own brand products on the Community market first declined by 1 % in 2003, increased by six percentage points in 2004, and declined by six percentage points in the IP. During the IP, the volume of own brand sales stood practically at the same level as in 2002, i.e. slightly above 68 000 tonnes.
- (33) Unit prices for the Community industry's sales of own brand products to unrelated customers remained practically flat throughout the period considered. From a level of EUR 1 380/tonne in 2002, they increased by 2 % in 2003, declined by two percentage points in 2004, before declining marginally by one percentage point in the IP, when they reached a level of EUR 1 361/tonne.
- (34) During the period considered, the profitability of the Community industry's sales of own brand products, expressed as a percentage of net sales, declined gradually from almost 30 % in 2002 to 29 % in 2003, to around 27 % in 2004 and finally to around 24 % in the IP.

	2002	2003	2004	IP
EC Sales volume (own brand) to unrelated customers (tonne)	68 778	68 002	72 387	68 193
<i>Index (2002 = 100)</i>	100	99	105	99
Unit price EC market (own brand) (EUR/tonne)	1 380	1 405	1 386	1 361
<i>Index (2002 = 100)</i>	100	102	100	99
Profitability of EC sales to unrelated (own brand) (% of net sales)	29,7 %	29,0 %	27,4 %	23,6 %
<i>Index (2002 = 100)</i>	100	98	92	79

Source: Investigation

- (35) It is therefore noted that sales of own brand products remained relatively flat both in terms of quantities sold and of prices during the period considered. Conversely, profitability of these sales eroded gradually over the same period. This picture contrasts with the clear injury picture established with respect to all sales taken together, and with that established with respect to retailer's brand sales in the provisional Regulation. It is clear, however, that the impact of imports from Thailand is felt most where their imports are concentrated, i.e. retailer's branded products.

- (36) Complemented as above, the examination carried out by the Commission services is consistent with the basic Regulation and satisfies the requirement of objectivity laid down in Article 3.1 of the WTO Anti-Dumping Agreement as all the injury indicators listed under Article 3.4 of the WTO Anti-Dumping Agreement have been examined with and without distinction of any sales channels, where it was deemed appropriate in respect of the specificities of the case at hand. The above claim is therefore rejected.
- (37) In the absence of other comments in this respect, recitals 41 to 76 of the provisional Regulation are hereby confirmed.

F. CAUSATION

1. Restrictive trade practices

- (38) Several interested parties claimed that the Community industry had engaged in restrictive trade practices, allegedly characterised, notably, by the fixing of prices in the Community market for sweetcorn. As supportive elements, one of these interested parties indicated that: (i) it had expressly drawn the attention of the Commission to this issue in its submission dated 21 June 2006; (ii) one European retailer had raised a similar concern in a submission dated 17 May 2006; and finally, (iii) this party submitted on 1 December 2006 two e-mails from the Chairman of the complainant Association mentioned under recital 1 of the provisional Regulation. In one of these e-mails, dated 13 April 2005, the Chairman of the complainant Association allegedly informs the CEO of a Thai exporting company that the western European processors had agreed on prices for three presentations of the like product.
- (39) The above interested parties therefore requested the Commission to terminate immediately the present proceeding, on the grounds of an absence of causation between dumped imports and the injurious situation of the Community industry, as the level of prices practised by the Community industry would be unreliable and artificially inflated by the alleged anti-competitive behaviour of the Community industry. One party made explicit reference to both Article 3(7) of the basic Regulation and to the *Mukand* case⁽¹⁾, to request the Commission to assess the potential impact on the injurious situation of the Community industry stemming from the above alleged anti-competitive behaviour, prior to any conclusion on causation.
- (40) As regards items (i) and (ii) in recital (38), it is noted that the two submissions consisted merely in a few unsubstantiated allegations. In the submission referred to under (i), the claimant had itself indicated that 'further information and evidence, regarding these abuses, which constitute flagrant violations of EC Competition rules, will be provided in due course.' The party concerned subsequently sent the e-mails referred to in recital 38 above.
- (41) Upon receipt of those e-mails, the Commission services in charge of anti-dumping matters immediately invited the claimant to forward the same material to the Commission services in charge of competition matters. Further, the Commission services in charge of anti-dumping matters examined closely the prices practiced by the various Community producers given the existence of these e-mails, and, in particular, as the Chairman of the complainant Association acknowledged that he was the author of the messages.
- (42) The Chairman strongly denied that the Community industry had, in fact, ever reached an agreement nor applied any 'reference' prices as suggested in the e-mail. Since, in the framework of the present anti-dumping proceeding, the Commission services dispose of detailed information on prices by model on a transaction-by-transaction basis, from all the cooperating Community producers, it was verified whether any price alignment could, in fact, be detected.
- (43) No evidence of an effective price alignment amongst cooperating Community producers was found in this anti-dumping investigation. Furthermore, actual prices, in their vast majority, stood well below the 'reference' prices mentioned in the above e-mail dated 13 April 2005.
- (44) Therefore, the Community institutions did not find in this anti-dumping investigation any evidence that the fact that prices of dumped imports from the country concerned undercut those of the Community industry was mainly due to an artificial price level stemming from anti-competitive behaviour.
- (45) It is also observed that the Commission has not issued any final decision establishing that the Community industry had practised a cartel.

⁽¹⁾ Case T-58/99 *Mukand and others v. Council* (2001) ECR II-2521.

- (46) As a consequence of all the above elements, the Commission considers that the current anti-dumping investigation has not found any evidence that the Community industry's prices and injury indicators have been affected by any anti-competitive behaviour or trade restrictive practices. This claim is therefore rejected.

2. Impact of weather conditions

- (47) Several interested parties claimed that the impact stemming from weather conditions should be addressed in the causation examination. More precisely, these parties made reference to: (i) the heatwave of the summer 2003; and (ii) the flooding suffered in Hungary during the period May-August 2005.

- (48) It was carefully examined if the heatwave of 2003 in Europe (claim (i) above) and the 2005 flooding in Hungary (claim (ii) above) could have had an impact on the negative situation of the Community industry.

- (49) It was found that the 2003 heatwave and the 2005 flooding had virtually no impact on the harvested quantity of sweetcorn on a global, Community industry, level. Indeed, data obtained from the Community producers in the framework of the investigation showed very stable figures for the yields (in tonnes of sweetcorn harvested per hectare) throughout the period considered. It is further reminded that the Commission had found, as described under recitals 86 and 87 of the provisional Regulation, that the unit production cost of the Community industry had risen by a mere 5 % over the period 2002 to the IP, mainly on account of the rising steel price (the can being the most important cost element). On the basis of these elements, claims (i) and (ii) above are rejected.

- (50) It is therefore considered that weather conditions cannot have broken the causal link between the dumped imports and the injury suffered by the Community industry.

- (51) In the absence of any other comments with respect to causation, recitals 77 to 99 of the provisional Regulation are hereby confirmed.

G. COMMUNITY INTEREST

- (52) In the absence of new and substantiated arguments with respect to Community interest, recitals 100 to 118 of the provisional Regulation are hereby confirmed.

H. DEFINITIVE MEASURES

- (53) Several interested parties claimed that: (i) the Commission should clarify further how it had computed the profit that could be achieved in the absence of dumped imports of 14 % as mentioned in recital 121 of the provisional Regulation; and (ii) the aforementioned profit of 14 % was too high. With regard to the latter claim, reference was made to recent safeguard and anti-dumping proceedings concerning similarly processed agricultural products such as preserved citrus fruits⁽¹⁾ and frozen strawberries⁽²⁾, where profit margins of respectively 6,8 % and 6,5 % had been used. In this context, another interested party claimed (iii) that the profit of 14 % was too low, and should rather be set at 17 % to reflect the profitability achieved in 2002 on sales of retailer's brand product.

- (54) With respect to claims (i) and (iii) above, recital 121 of the provisional Regulation explains that the profit of 21,4 % achieved in 2002 on sales of both own and retailer's brand products had been adjusted to 14 % in order to reflect the difference in the labelling mix of the Community industry compared to that of imports from Thailand. The Commission observed that, as indicated in recital 66 of the provisional Regulation, the profitability of sales under the retailer's brand channel was of 17,0 % and 11,1 % in 2002 and 2003 respectively, i.e. when the volume of dumped imports was the lowest. The Commission considered it reasonable to take the average of these two profit rates, which amounts to 14 %.

- (55) With respect to claim (ii) above, it is considered that the profit in the absence of dumped imports must, as much as possible, reflect the actual specificities of the Community industry at stake. Only in the absence of such information can data from other industries which belong to the same broader sector be relevant. This approach, which the Commission applies consistently, was upheld by the Court of First Instance in the *EFMA* case⁽³⁾.

⁽¹⁾ Commission Regulation (EC) No 658/2004 (OJ L 104, 8.4.2004, p. 67) (see recital 115).

⁽²⁾ Commission Regulation (EC) No 1551/2006 (OJ L 287, 18.10.2006, p. 3) (see recital 144).

⁽³⁾ Case T-210/95 *EFMA v Council*, [1999] ECR II-3291 (paragraph 54 et seq.).

(56) Claims (i) (ii) and (iii) are therefore rejected and the finding that a profit of 14 % could be achieved in the absence of dumped imports is confirmed.

(57) In view of the conclusions reached with regard to dumping, injury, causation and Community interest and in accordance with Article 9(4) of the basic Regulation, a

definitive anti-dumping duty should be imposed at the level of the dumping margin found, but should not be higher than the injury margin presented in recital 123 of the provisional Regulation and confirmed in the present Regulation. Given the high level of cooperation, the duty for the remaining companies, which did not cooperate in the investigation, is set at the level of the highest duty to be imposed on the companies cooperating in the investigation. Therefore, the residual duty is set at the rate of 12,9 %.

(58) The definitive duties will therefore be as follows:

Company	Injury margin	Dumping margin	Anti-dumping duty
Karn Corn	31,3 %	3,1 %	3,1 %
Malee Sampran	12,8 %	17,5 %	12,8 %
River Kwai	12,8 %	15,0 %	12,8 %
Sun Sweet	18,6 %	11,1 %	11,1 %
Cooperating exporters not sampled	17,7 %	12,9 %	12,9 %
All other companies	31,3 %	17,5 %	12,9 %

I. UNDERTAKINGS

(59) Subsequent to the imposition of the provisional measures a number of cooperating exporting producers expressed an interest to offer price undertakings. However after the definitive disclosure (save for the two companies mentioned in recital 60), they failed to submit undertaking offers within the time limit foreseen in Article 8(2) of the basic Regulation.

(60) A cooperating exporting producer failed to submit a sufficiently substantiated undertaking offer within the deadlines set in Article 8(2) of the basic Regulation. Consequently no undertaking offer could be accepted by the Commission from this exporting producer. Nevertheless, the Council, in view of the complexity of the issue for the economic operator in question and for other cooperating exporting producers in a similar situation (fragmented industry, exporting producers located in a developing country and often operating both as traders and exporting producers which makes the formulation of an acceptable undertaking offer more complex) as well as the high level of cooperation

during the investigation, considers that these exporting producers should exceptionally be allowed to complete their undertaking offers beyond the above mentioned deadline, but within 10 calendar days from entry into force of this Regulation. The Commission is allowed to propose an amendment to this Regulation accordingly.

(61) Subsequent to the definitive disclosure two cooperating exporting producers offered acceptable price undertakings combined with a quantitative ceiling in accordance with Articles 8(1) and 8(2) of the basic Regulation. They have offered to sell the product concerned within the quantitative ceiling at or above price levels which eliminate the injurious effects of dumping. Imports beyond the quantitative ceiling will be subject to anti-dumping duties. The companies will also provide the Commission with regular and detailed information concerning their exports to the Community, meaning that the undertaking can be monitored effectively by the Commission. Furthermore, the sales structure of these companies is such that the Commission considers that the risk of circumventing the agreed undertaking is limited.

(62) The Commission, by Decision 2007/424/EC ⁽¹⁾, accepted the above undertaking offers. The Decision sets out in more detail the reasons for accepting these undertakings.

(63) To further enable the Commission and the customs authorities to effectively monitor the compliance of the companies with the undertakings, when the request for release for free circulation is presented to the relevant customs authority, exemption from the anti-dumping duty is to be conditional on (i) the presentation of an undertaking invoice, which is a commercial invoice containing at least the elements listed and the declaration stipulated in Annex II; (ii) the fact that imported goods are manufactured, shipped and invoiced directly by the said companies to the first independent customer in the Community; and (iii) the fact that the goods declared and presented to customs correspond precisely to the description on the undertaking invoice. Where the above conditions are not met the appropriate anti-dumping duty shall be incurred at the time of acceptance of the declaration for release into free circulation.

(64) Whenever the Commission withdraws, pursuant to Article 8(9) of the basic Regulation, its acceptance of an undertaking following a breach by referring to particular transactions, and declares the relevant undertaking invoices as invalid, a customs debt shall be incurred at the time of acceptance of the declaration for release into free circulation of these transactions.

(65) Importers should be aware that a customs debt may be incurred, as a normal trade risk, at the time of acceptance of the declaration for release into free circulation as described in recitals 62 and 63 even if an undertaking offered by the manufacturer from whom they were buying, directly or indirectly, had been accepted by the Commission.

(66) Pursuant to Article 14(7) of the basic Regulation, customs authorities should inform the Commission immediately whenever indications of a violation of the undertaking are found.

(67) For the reasons stated above the undertakings offered by the Thai exporting producers are therefore considered acceptable by the Commission and the companies

concerned have been informed of the essential facts, considerations and obligations upon which acceptance is based.

(68) In the event of a breach or withdrawal of the undertakings, or in case of withdrawal of acceptance of undertaking by the Commission, the anti-dumping duty which has been imposed by the Council, in accordance of Article 9(4) shall automatically apply by means of Article 8(9) of the basic Regulation.

J. DEFINITIVE COLLECTION OF THE PROVISIONAL DUTY

(69) In view of the magnitude of the dumping margins found for the exporting producers in Thailand and given the level of the injury caused to the Community industry, it is considered necessary that the amounts secured by way of provisional anti-dumping duty imposed by the provisional Regulation should be definitively collected to the extent of the amount of definitive duties imposed.

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

(71) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic sales and export sales associated with e.g. that name change or that change in the production and sales entities. If appropriate, the Regulation will accordingly be amended by updating the list of companies benefiting from individual duties,

⁽¹⁾ See page 41 of this Official Journal.

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of sweetcorn (*Zea mays var. saccharata*) in kernels, prepared or preserved by vinegar or acetic acid, not frozen, falling within CN code ex 2001 90 30 (TARIC code 2001 90 30 10) and sweetcorn (*Zea mays var. saccharata*) in kernels prepared or preserved otherwise than by vinegar or

acetic acid, not frozen, other than products of heading 2006, falling within CN code ex 2005 80 00 (TARIC code 2005 80 00 10), originating in Thailand.

2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Community-frontier price, before duty, of the products described in paragraph 1 and produced by the companies below shall be as follows:

Company	Anti-dumping duty (%)	TARIC additional code
Karn Corn Co., Ltd., 68 Moo 7 Tambol Saentor, Thamaka, Kanchanaburi 71130, Thailand	3,1	A789
Malee Sampran Public Co., Ltd., Abico Bldg. 401/1 Phaholyothin Rd., Lumlookka, Pathumthani 12130, Thailand	12,8	A790
River Kwai International Food Industry Co., Ltd., 52 Thaniya Plaza, 21st. Floor, Silom Rd., Bangrak, Bangkok 10500, Thailand	12,8	A791
Sun Sweet Co., Ltd., 9 M. 1, Sanpatong, Chiangmai, Thailand 50120	11,1	A792
Manufacturers listed in Annex I	12,9	A793
All other companies	12,9	A999

3. Notwithstanding the first subparagraph, the definitive anti-dumping duty shall not apply to imports released for free circulation in accordance with Article 2.

— such imports are accompanied by an undertaking invoice which is a commercial invoice containing at least the elements and the declaration stipulated in Annex II of this Regulation, and

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

— the goods declared and presented to customs correspond precisely to the description on the undertaking invoice.

Article 2

1. Imports declared for release into free circulation which are invoiced by companies from which undertakings are accepted by the Commission and whose names are listed in the Decision 2007/424/EC, as from time to time amended, shall be exempt from the anti-dumping duty imposed by Article 1, on condition that:

— they are manufactured, shipped and invoiced directly by the said companies to the first independent customer in the Community, and

2. A customs debt shall be incurred at the time of acceptance of the declaration for release into free circulation:

— whenever it is established, in respect of imports described in paragraph 1, that one or more of the conditions listed in that paragraph are not fulfilled, or

— when the Commission withdraws its acceptance of the undertaking pursuant to Article 8(9) of the basic Regulation in a regulation or decision which refers to particular transactions and declares the relevant undertaking invoices as invalid.

Article 3

The amounts secured by way of provisional anti-dumping duties pursuant to Commission Regulation (EC) No 1888/2006 on imports of sweetcorn (*Zea mays var. saccharata*) in kernels, prepared or preserved by vinegar or acetic acid, not frozen, falling within CN code ex 2001 90 30 (TARIC code 2001 90 30 10) and sweetcorn (*Zea mays var. saccharata*) in kernels prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006, falling within CN code ex 2005 80 00 (TARIC code

2005 80 00 10), originating in Thailand, shall be definitively collected. The amounts secured in excess of the definitive duties as set out in Article 1(2) shall be released.

Article 4

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 Luxembourg, 18 June 2007.

For the Council

The President

F.-W. STEINMEIER

ANNEX I

List of the cooperating manufacturers referred to in Article 1(2) under TARIC additional code A793:

Name	Address
Agroon (Thailand) Co., Ltd.	50/499-500 Moo 6, Baan Mai, Pakkret, Monthaburi 11120, Thailand
B.N.H. Canning Co., Ltd.	425/6-7 Sathorn Place Bldg., Klongtonsai, Klongsan, Bangkok 10600, Thailand
Boonsith Enterprise Co., Ltd.	7/4 M.2, Soi Chomthong 13, Chomthong Rd., Chomthong, Bangkok 10150, Thailand
Erawan Food Public Company Limited	Panjathani Tower 16th floor, 127/21 Nonsee Rd., Chongnonsee, Yannawa, Bangkok 10120, Thailand
Great Oriental Food Products Co., Ltd.	888/127 Panuch Village, Soi Thanaphol 2, Samsen-Nok, Huaykwang, Bangkok 10310, Thailand
Kuiburi Fruit Canning Co., Ltd.	236 Krung Thon Muang Kaew Bldg., Sirindhorn Rd., Bangplad, Bangkok 10700, Thailand
Lampang Food Products Co., Ltd.	22K Building, Soi Sukhumvit 35, Klongton Nua, Wattana, Bangkok 10110, Thailand
O.V. International Import-Export Co., Ltd.	121/320 Soi Ekachai 66/6, Bangborn, Bangkok 10500, Thailand
Pan Inter Foods Co., Ltd.	400 Sunphavuth Rd., Bangna, Bangkok 10260, Thailand
Siam Food Products Public Co., Ltd.	3195/14 Rama IV Rd., Vibulthani Tower 1, 9th Fl., Klong Toey, Bangkok, 10110, Thailand
Viriyah Food Processing Co., Ltd.	100/48 Vongvanij B Bldg, 18th Fl, Praram 9 Rd., Huay Kwang, Bangkok 10310, Thailand
Vita Food Factory (1989) Ltd.	89 Arunammarin Rd., Banyikhan, Bangplad, Bangkok 10700, Thailand

ANNEX II

The following elements shall be indicated in the commercial invoice accompanying the company's sales to the Community of goods which are subject to the undertaking:

1. The heading 'COMMERCIAL INVOICE ACCOMPANYING GOODS SUBJECT TO AN UNDERTAKING'.
2. The name of the company issuing the commercial invoice.
3. The commercial invoice number.
4. The date of issue of the commercial invoice.
5. The TARIC additional code under which the goods on the invoice are to be customs-cleared at the Community frontier.
6. The exact description of the goods, including:
 - the product code number (PCN) used for the purpose of the undertaking,
 - plain language description of the goods corresponding to the PCN concerned,
 - the company product code number (CPC),
 - Taric code,
 - quantity (to be given in tonnes).
7. The description of the terms of the sale, including:
 - price per tonne,
 - the applicable payment terms,
 - the applicable delivery terms,
 - total discounts and rebates.
8. Name of the company acting as an importer in the Community to which the commercial invoice accompanying goods subject to an undertaking is issued directly by the company.
9. The name of the official of the company that has issued the commercial invoice and the following signed declaration:

'I, the undersigned, certify that the sale for direct export to the European Community of the goods covered by this invoice is being made within the scope and under the terms of the Undertaking offered by [COMPANY], and accepted by the European Commission through Decision 2007/424/EC. I declare that the information provided in this invoice is complete and correct.'

COMMISSION REGULATION (EC) No 683/2007**of 19 June 2007****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 20 June 2007.

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

Done at Brussels, 19 June 2007.

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 19 June 2007 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	MA	30,8
	TR	96,8
	ZZ	63,8
0707 00 05	TR	92,9
	ZZ	92,9
0709 90 70	TR	91,2
	ZZ	91,2
0805 50 10	AR	56,1
	ZA	60,5
	ZZ	58,3
0808 10 80	AR	92,2
	BR	74,7
	CL	92,3
	CN	87,1
	NZ	96,2
	US	102,2
	ZA	99,8
	ZZ	92,1
0809 10 00	IL	156,1
	TR	199,9
	ZZ	178,0
0809 20 95	TR	289,2
	US	327,0
	ZZ	308,1
0809 30 10, 0809 30 90	CL	101,4
	US	149,4
	ZA	88,3
	ZZ	113,0
0809 40 05	CL	134,4
	IL	164,9
	US	222,0
	ZZ	173,8

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 684/2007
of 19 June 2007
fixing the export refunds on pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, and in particular the second paragraph of Article 13(3) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for these products within the Community may be covered by an export refund.
- (2) Given the present situation in the market in pigmeat, export refunds should therefore be fixed in accordance with the rules and criteria provided for in Article 13 of Regulation (EEC) No 2759/75.
- (3) Article 13(3) of Regulation (EEC) No 2759/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 2759/75 according to destination.
- (4) Refunds should be granted only on products that are allowed to move freely in the Community and that bear the health mark as provided for in Article 5(1)(a) of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽²⁾.

Those products should also comply with the requirements of Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽³⁾ and of Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 13 of Regulation (EEC) No 2759/75 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the condition provided for in paragraph 2 of this Article.

2. The products eligible for a refund under paragraph 1 must meet the relevant requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004, notably preparation in an approved establishment and compliance with the health marking requirements laid down in Annex I, Section I, Chapter III to Regulation (EC) No 854/2004.

Article 2

This Regulation shall enter into force on 20 June 2007.

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

Done at Brussels, 19 June 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 282, 1.11.1975, p. 1. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 139, 30.4.2004, p. 55. Corrected version in OJ L 226, 25.6.2004, p. 22. Regulation as last amended by Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

⁽³⁾ OJ L 139, 30.4.2004, p. 1. Corrected version in OJ L 226, 25.6.2004, p. 3.

⁽⁴⁾ OJ L 139, 30.4.2004, p. 206. Corrected version in OJ L 226, 25.6.2004, p. 83. Regulation as last amended by Regulation (EC) No 1791/2006.

ANNEX

Export refunds on pigmeat applicable from 20 June 2007

Product code	Destination	Unit of measurement	Amount of refund
0210 11 31 9110	A00	EUR/100 kg	54,20
0210 11 31 9910	A00	EUR/100 kg	54,20
0210 19 81 9100	A00	EUR/100 kg	54,20
0210 19 81 9300	A00	EUR/100 kg	54,20
1601 00 91 9120	A00	EUR/100 kg	19,50
1601 00 99 9110	A00	EUR/100 kg	15,20
1602 41 10 9110	A00	EUR/100 kg	29,00
1602 41 10 9130	A00	EUR/100 kg	17,10
1602 42 10 9110	A00	EUR/100 kg	22,80
1602 42 10 9130	A00	EUR/100 kg	17,10
1602 49 19 9130	A00	EUR/100 kg	17,10

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 destination codes are set out in Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19).

COMMISSION REGULATION (EC) No 685/2007**of 19 June 2007****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organisation of the market in poultrymeat ⁽²⁾, and in particular Article 5(4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽³⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽⁴⁾, fixes detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

(2) It results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices for imports of certain products should be amended taking into account variations of prices according to origin. Therefore, representative prices should be published.

(3) It is necessary to apply this amendment as soon as possible, given the situation on the market.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 20 June 2007.

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

Done at Brussels, 19 June 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p. 1).

⁽²⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 679/2006.

⁽³⁾ OJ L 282, 1.11.1975, p. 104. Regulation as last amended by Commission Regulation (EC) No 2916/95 (OJ L 305, 19.12.1995, p. 49).

⁽⁴⁾ OJ L 145, 29.6.1995, p. 47. Regulation as last amended by Regulation (EC) No 591/2007 (OJ L 139, 31.5.2007, p. 20).

ANNEX

to the Commission Regulation of 19 June 2007 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

‘ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security referred to in Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 90	Chickens, plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as “65 % chickens”, or otherwise presented, frozen	104,6	4	01
		104,5	4	02
0207 14 10	Boneless cuts of fowl of the species Gallus domesticus, frozen	212,6	26	01
		216,6	25	02
		306,6	0	03
0207 14 50	Breasts of chicken, frozen	266,4	0	01
0207 25 10	Turkey carcasses, known as 80 % turkeys, frozen	128,8	9	01
0207 27 10	Boneless cuts of turkey, frozen	264,3	10	01
		291,0	2	03
1602 32 11	Preparations of uncooked fowl of the species Gallus domesticus	229,0	17	01

⁽¹⁾ Origin of imports:

01 Brazil

02 Argentina

03 Chile.

COMMISSION REGULATION (EC) No 686/2007**of 19 June 2007****on the issuing of import licences for applications lodged during the first seven days of June 2007
under tariff quotas opened by Regulation (EC) No 533/2007 for poultrymeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organisation of the market in poultrymeat ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EC) No 533/2007 of 14 May 2007 opening and providing for the administration of tariff quotas in the poultrymeat sector ⁽³⁾, and in particular Article 5(6) thereof,

Whereas:

- (1) Regulation (EC) No 533/2007 opened tariff quotas for imports of products in the poultrymeat sector.
- (2) The applications for import licences lodged during the first seven days of June 2007 for the subperiod 1 July to 30 September 2007 relate, for some quotas, to quantities exceeding those available. The extent to which licences

may be issued should therefore be determined and an allocation coefficient laid down to be applied to the quantities applied for.

- (3) The applications for import licences lodged during the first seven days of June 2007 for the subperiod 1 July to 30 September 2007 do not, for some quotas, cover the total quantity available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities for which import licence applications have been lodged pursuant to Regulation (EC) No 533/2007 for the subperiod 1 July to 30 September 2007 shall be multiplied by the allocation coefficients set out in the Annex to this Regulation.

2. The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 533/2007, to be added to the subperiod 1 October to 31 December 2007, are set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 20 June 2007.

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

Done at Brussels, 19 June 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 282, 1.11.1975, p. 77. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p. 1).

⁽²⁾ OJ L 238, 1.9.2006, p. 13. Regulation as amended by Regulation (EC) No 289/2007 (OJ L 78, 17.3.2007, p. 17).

⁽³⁾ OJ L 125, 15.5.2007, p. 9.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod 1 July to 30 September 2007 (in %)	Quantities not applied for to be added to the subperiod 1 October to 31 December 2007 (in kg)
P1	09.4067	17,471666	—
P2	09.4068	66,590751	—
P3	09.4069	1,720303	—
P4	09.4070	(¹)	300 250

(¹) Not applied: no licence application has been sent to the Commission.

COMMISSION REGULATION (EC) No 687/2007**of 19 June 2007****on the issuing of import licences for applications lodged during the first seven days of June 2007
under tariff quotas opened by Regulation (EC) No 539/2007 for certain products in the egg sector
and for egg albumin**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EEC) No 2771/75 of the Council of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular Article 6(1) thereof,

Having regard to Regulation (EEC) No 2783/75 of the Council of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽²⁾, and in particular Article 4(1) thereof,

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽³⁾, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EC) No 539/2007 of 15 May 2007 opening and providing for the administration of tariff quotas in the egg sector and for egg albumin ⁽⁴⁾, and in particular Article 5(6) thereof,

Whereas:

- (1) Regulation (EC) No 539/2007 opened tariff quotas for imports of products in the egg sector and for egg albumin.
- (2) The applications for import licences lodged during the first seven days of June 2007 for the subperiod 1 July to

30 September 2007 relate, for some quotas, to quantities exceeding those available. The extent to which licences may be issued should therefore be determined and an allocation coefficient laid down to be applied to the quantities applied for.

- (3) The applications for import licences lodged during the first seven days of June 2007 for the subperiod 1 July to 30 September 2007 do not, for some quotas, cover the total quantity available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities for which import licence applications have been lodged pursuant to Regulation (EC) No 539/2007 for the subperiod 1 July to 30 September 2007 shall be multiplied by the allocation coefficients set out in the Annex to this Regulation.

2. The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 539/2007, to be added to the subperiod 1 October to 31 December 2007, are set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 20 June 2007.

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

Done at Brussels, 19 June 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p. 1).

⁽²⁾ OJ L 282, 1.11.1975, p. 104. Regulation as last amended by Commission Regulation (EC) No 2916/95 (OJ L 305, 19.12.1995, p. 49).

⁽³⁾ OJ L 238, 1.9.2006, p. 13. Regulation as amended by Regulation (EC) No 289/2007 (OJ L 78, 17.3.2007, p. 17).

⁽⁴⁾ OJ L 128, 16.5.2007, p. 19.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod 1 July to 30 September 2007 (in %)	Quantities not applied for to be added to the subperiod 1 October to 31 December 2007 (in kg)
E1	09.4015	(¹)	26 825 000
E2	09.4401	28,599444	—
E3	09.4402	(¹)	2 218 319

(¹) Not applied: the applications do not cover the total quantity available.

COMMISSION REGULATION (EC) No 688/2007
of 19 June 2007
amending Regulation (EC) No 2771/1999 as regards the entry into storage of intervention butter
put on sale

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

(2) Given the situation on the butter market and the quantities of butter in intervention storage it is appropriate that butter in storage before 1 June 2007 should be available for sale.

(3) Regulation (EC) No 2771/1999 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

(1) Article 21 of Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream ⁽²⁾ lays down that intervention butter placed on sale must have entered into storage before 1 September 2006.

In Article 21 of Regulation (EC) No 2771/1999, '1 September 2006' is replaced by '1 June 2007'.

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, 19 June 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

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

⁽²⁾ OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 1919/2006 (OJ L 380, 28.12.2006, p. 1).

COMMISSION REGULATION (EC) No 689/2007**of 19 June 2007****fixing the rates of the refunds applicable to eggs and egg yolks 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 (EEC) No 2771/75 of 29 October 1975 on the common organisation of the market in eggs ⁽¹⁾, and in particular Article 8(3) thereof,

Whereas:

(1) Article 8(1) of Regulation (EEC) No 2771/75 provides that the difference between prices in international trade for the products listed in Article 1(1) of that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in the Annex to that Regulation.

(2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 2771/75.

(3) In accordance with the second 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 for a period of the same duration as that for which refunds are fixed for the same products exported unprocessed.

(4) Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.

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

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(1) of Regulation (EEC) No 2771/75, and exported in the form of goods listed in Annex I to Regulation (EEC) No 2771/75, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 20 June 2007.

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

Done at Brussels, 19 June 2007.

For the Commission

Heinz ZOUREK

Director-General Enterprise and Industry

⁽¹⁾ OJ L 282, 1.11.1975, p. 49. Regulation as last amended by Regulation (EC) No 679/2006 (OJ L 119, 4.5.2006, p. 1).

⁽²⁾ OJ L 172, 5.7.2005, p. 24. Regulation as last amended by Regulation (EC) No 447/2007 (OJ L 106, 24.4.2007, p. 31).

ANNEX

Rates of the refunds applicable from 20 June 2007 to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)			
CN code	Description	Destination ⁽¹⁾	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	– Of poultry:		
0407 00 30	– – Other:		
	(a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	0,00
		03	20,00
		04	0,00
	(b) On exportation of other goods	01	0,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	– Egg yolks:		
0408 11	– – Dried:		
ex 0408 11 80	– – – Suitable for human consumption:		
	not sweetened	01	50,00
0408 19	– – Other:		
	– – – Suitable for human consumption:		
ex 0408 19 81	– – – – Liquid:		
	not sweetened	01	25,00
ex 0408 19 89	– – – – Frozen:		
	not sweetened	01	25,00
	– Other:		
0408 91	– – Dried:		
ex 0408 91 80	– – – Suitable for human consumption:		
	not sweetened	01	73,00
0408 99	– – Other:		
ex 0408 99 80	– – – Suitable for human consumption:		
	not sweetened	01	18,00

⁽¹⁾ The destinations are as follows:

- 01 Third countries. For Switzerland and Liechtenstein these rates are not applicable 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,
- 02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Turkey, Hong Kong SAR and Russia,
- 03 South Korea, Japan, Malaysia, Thailand, Taiwan and the Philippines,
- 04 all destinations except Switzerland and those of 02 and 03.

COMMISSION REGULATION (EC) No 690/2007**of 19 June 2007****amending Council Regulation (EC) No 1412/2006 concerning certain restrictive measures in respect of Lebanon**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Romania. The Annex to Regulation (EC) No 1412/2006 was, however, not amended on that occasion.

Having regard to the Treaty establishing the European Community,

- (3) Bulgaria and Romania provided information on their competent authorities. These authorities should therefore be included in the Annex to Regulation (EC) No 1412/2006 from the date on which Bulgaria and Romania acceded to the European Community,

Having regard to Council Regulation (EC) No 1412/2006 of 25 September 2006 concerning certain restrictive measures in respect of Lebanon ⁽¹⁾, and in particular Article 5 thereof,

HAS ADOPTED THIS REGULATION:

Whereas:

Article 1

- (1) The Annex to Regulation (EC) No 1412/2006 lists the competent authorities to which specific functions related to the implementation of that Regulation are attributed.

The Annex to Regulation (EC) No 1412/2006 is hereby amended as set out in the Annex to this Regulation.

Article 2

- (2) Council Regulation (EC) No 1791/2006 ⁽²⁾ has made adaptations to several acts adopted by the institutions required by reason of the accession of Bulgaria and

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

It shall apply from 1 January 2007.

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

Done at Brussels, 19 June 2007.

For the Commission

Eneko LANDÁBURU

Director-General for External Relations

⁽¹⁾ OJ L 267, 27.9.2006, p. 2.

⁽²⁾ OJ L 363, 20.12.2006, p. 1.

ANNEX

The Annex to Regulation (EC) No 1412/2006 is amended as follows:

1. The following is inserted between the entries for Belgium and the Czech Republic:

BULGARIA

Concerning financing and financial assistance related to military activities:

Министерство на финансите
Ул. „Славянска“, 4
1040 София
Тел. (+359-2) 98 59 28 01

Ministère des finances
4, rue Slavyanska
1040 Sofia
Tél. (+359) 298 59 28 01

Concerning technical assistance related to military activities:

Министерство на икономиката и енергетиката
Ул. „Славянска“, 8
1052 София
Тел. (+359-2) 940 77 71 (7681)
Факс (+359-2) 988 07 27

Ministère de l'économie et de l'énergie
8, rue Slavyanska
1052 Sofia
Tél. (+359) 29 40 77 71/76 81
Fax (+359) 29 88 07 27

Concerning credit institutions:

Българска народна банка
Пл. „Александър Батенберг“, 1
Тел. (+359-2) 91 45 25 00
Факс (+359-2) 91 45 25 35

Banque nationale de Bulgarie
1, place Alexander Battenberg
1000 Sofia
Tél. (+359) 291 45 25 00
Fax (+359) 291 45 25 35

2. The following is inserted between the entries for Portugal and Slovenia:

ROMANIA

Ministerul Afacerilor Externe
Agenția Națională de control al exporturilor
Str. Polonă, nr. 8, sector 1, București
Tel.: (40) 21 311 20 83;
Fax: (40) 21 311 12 65
Website: www.ancex.ro

Ministerul Internelor și Reformei Administrative
Direcția Generală de informații și protecție internă
Str. Beldiman, nr. 2-4, sector 5, București
Tel.: (40) 21 314 70 39;
Fax: (40) 21 311 13 53
Website: www.dgipi.ro

Ministerul Economiei și Finanțelor
Direcția Generală probleme speciale și situații de urgență
Calea Victoriei, nr. 152, sector 1, București
Tel.: (40) 21 202 51 66;
Fax: (40) 21 202 51 75
Website: www.minind.ro

Ministerul Apărării
Str. Izvor, nr. 3-5, Sector 5, București
Tel.: (40) 21 319 56 98;
Fax: (40) 21 319 56 98
Website: www.mapn.ro

Ministerul Finanțelor Publice
Agenția Națională de Administrație Fiscală
Autoritatea Națională a Vămilelor
Str. Matei Millo, nr. 13, sector 1, București
Tel.: (40) 21 315 58 58;
Fax: (40) 21 313 82 51
Website: www.customs.ro

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COMMISSION

COMMISSION DECISION

of 18 June 2007

accepting undertakings offered in connection with the anti-dumping proceeding concerning imports of certain prepared or preserved sweet corn in kernels originating in Thailand

(2007/424/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the 'basic Regulation'), and in particular Articles 8 and 9 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

- (1) By Regulation (EC) No 1888/2006⁽²⁾, the Commission imposed provisional anti-dumping duties on imports into the Community of certain prepared or preserved sweet corn in kernels originating in Thailand.
- (2) Following the adoption of the provisional anti-dumping measures, the Commission continued the investigation of dumping, injury, causation and Community interest. The definitive findings and conclusions of the investigation are set out in Council Regulation (EC) No 682/2007⁽³⁾ imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain prepared or preserved sweet corn in kernels originating in Thailand.

- (3) The investigation confirmed the provisional findings of injurious dumping relating to imports of certain prepared or preserved sweet corn in kernels originating in Thailand.

B. UNDERTAKING

- (4) Subsequent to the adoption of provisional anti-dumping measures, two cooperating exporting producers in Thailand offered price undertakings in accordance with Article 8(1) of the basic Regulation.
- (5) In these undertakings the exporting producers have offered to sell the product concerned, as defined in Regulation (EC) No 682/2007, within a quantitative ceiling, at or above price levels which eliminate the injurious effect of dumping. The number of product types covered by the undertakings is limited to the ones which were exported by each exporting producer concerned in representative quantities during the investigation period. A different minimum import price for each product type covered by the undertaking was offered, given that there was a significant price variation among the different product types during the investigation period.
- (6) The exporting producers offered to limit exports to the Community under the undertakings to a certain quantitative ceiling as during the investigation period they not only sold the product concerned produced by them but also the product concerned produced by other producers. The quantitative ceiling for each exporting producer was established at a level corresponding to the quantity exported to the Community of the own produced product concerned during the investigation period. Imports of the product concerned beyond the quantitative ceiling or outside of the scope of the undertakings will be subject to the applicable anti-dumping duty.

⁽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 364, 20.12.2006, p. 68.

⁽³⁾ See page 14 of this Official Journal.

- (7) Moreover, the exporting producers offered not to sell the product covered by the undertaking to the same customers in the European Community, to which they sell other products in order to reduce the risk of price violation by means of cross-compensation of the prices.
- (8) The exporting producers will also provide the Commission with regular and detailed information concerning their exports to the Community, meaning that the undertakings can be monitored effectively by the Commission. Furthermore, the sales structure of these companies is such that the Commission considers that the risk of circumventing the agreed undertakings is limited.
- (9) Subsequent to the disclosure of the offered undertakings, the complainant Community industry objected to these undertakings offered. The Community industry argued that the prices of the product concerned are volatile and therefore the product concerned is not suitable for undertakings. Furthermore, the Community industry argued that because the exporting producers sold other products together with the product covered by the undertaking to the same customers in the European Community there is a high risk of cross-compensation, i.e. the products not covered by the undertaking may be sold at artificially low prices in order to compensate the minimum prices for the products covered by the undertaking. For these reasons, the Community industry concluded that undertakings would be an inappropriate measure in this case.
- (10) It should be noted that the information on price volatility submitted by the Community industry was not conclusive. Indeed, the average prices practiced in the Community by the Community industry producers remained relatively flat during the period considered of the present anti-dumping investigation. Although the Community industry submitted that prices in some Member States were more volatile than in others, it acknowledged that these figures were significantly influenced by the dumped prices of the Thai exporters. In this regard, it should be noted, as indicated in recital 5, that the offered minimum import prices and the anti-dumping duties applicable beyond the quantitative ceiling or outside of the scope of the undertakings eliminate the injurious effect of dumping and may actually introduce an element of stability in the market.
- (11) Regarding the risk of cross-compensation, as indicated in recital 7, the undertakings contain a provision according to which the exporting producers offered not to sell other products to the same customer in the European Community, to which the product covered by the undertaking is sold. Therefore, the offered undertakings sufficiently limit such risk.
- (12) In view of the above, the undertakings offered by the Thai exporting producers are acceptable.
- (13) In order to enable the Commission to monitor effectively the companies' compliance with the undertakings, when the request for release into free circulation is presented to the relevant customs authority, exemption from the anti-dumping duty will be conditional on (i) the presentation of an undertaking invoice containing at least the elements listed in Annex II to Regulation (EC) No 682/2007; (ii) the fact that imported goods are manufactured, shipped and invoiced directly by the said companies to the first independent customer in the Community; and (iii) the fact that the goods declared and presented to customs correspond precisely to the description on the undertaking invoice. Where no such invoice is presented, or when it does not correspond to the product presented to customs, the appropriate rate of anti-dumping duty shall instead be payable.
- (14) To further ensure the respect of the undertakings, importers have been made aware by the abovementioned Council Regulation that the non-fulfilment of the conditions provided for by that Regulation, or the withdrawal by the Commission of the acceptance of the undertakings, may lead to the customs debt being incurred for the relevant transactions.
- (15) In the event of a breach or withdrawal of the undertakings or in case of withdrawal of acceptance of the undertakings by the Commission, the anti-dumping duty imposed in accordance with Article 9(4) of the basic Regulation shall automatically apply pursuant to Article 8(9) of the basic Regulation,

HAS DECIDED AS FOLLOWS:

Article 1

The undertakings offered by the exporting producers mentioned below, in connection with the anti-dumping proceeding concerning imports of certain prepared or preserved sweet corn in kernels originating in Thailand are hereby accepted.

Country	Company	Taric Additional Code
Thailand	Malee Sampran Public Co., Ltd, Abico Bldg. 401/1 Phaholyothin Rd., Lumlookka, Pathumthani 12130	A790
	Sun Sweet Co., Ltd, 9 M. 1, Sanpatong, Chiangmai, Thailand 50120	A792

Article 2

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

Done at Brussels, 18 June 2007.

For the Commission
Peter MANDELSON
Member of the Commission

RECOMMENDATIONS

COMMISSION

COMMISSION RECOMMENDATION

of 13 June 2007

identifying a set of actions for the enforcement of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein*(notified under document number C(2007) 2551)*

(2007/425/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

Whereas:

- (1) Illegal trade in specimens of species included in Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein ⁽¹⁾ implementing the Convention on International Trade in Endangered Species of Wild Flora and Fauna (hereinafter CITES) causes serious damage to wildlife resources, reduces the effectiveness of wildlife management programmes, undermines legal, sustainable trade and threatens sustainable development particularly in the developing economies of many producing countries.
- (2) Addressing the root causes of illegal wildlife trade is important in order to underpin enforcement efforts.
- (3) In accordance with Article 14 of Regulation (EC) No 338/97, the Member States shall take appropriate steps to ensure compliance with, and enforcement of Regulation (EC) No 338/97 and where necessary, to instigate legal action.
- (4) In accordance with Article 15 of Regulation (EC) No 338/97, the Member States and the Commission must ensure that the necessary steps are taken to make the public aware and inform it of the provisions regarding implementation of CITES and of the Regulation.
- (5) In accordance with Article 16 of Regulation (EC) No 338/97 Member States must ensure the imposition of sanctions for infringements thereof that are appropriate to their nature and gravity.
- (6) According to settled case law of the Court of Justice, it is the responsibility of the Member States to ensure that penalties for infringements of Community law are effective, dissuasive and proportionate.
- (7) In accordance with Article 10 of the EC Treaty, co-ordination and co-operation amongst Member States and their authorities is essential to ensure the effective enforcement of Regulation (EC) No 338/97.
- (8) Application of Regulation (EC) No 338/97 requires international co-operation, which is also fundamental to fulfilling the objectives of CITES.
- (9) The Commission Study on Enforcement of the EU Wildlife Trade Regulations in the EU-25, published in November 2006, recognises the need to identify priority areas for coordinated work and to develop a set of common guidelines to facilitate the application of Regulation (EC) No 338/97.
- (10) In its December 2006 conclusions on halting the loss of biodiversity ⁽²⁾, the Council calls upon the Member States to reinforce efforts to combat illegal trade in CITES listed species and calls upon Member States and the Commission to strengthen a coordinated response and actions for the enforcement of CITES.

⁽¹⁾ OJ L 61, 3.3.1997, p. 1. Regulation as last amended by Commission Regulation (EC) No 1332/2005 (OJ L 215, 19.8.2005, p. 1).

⁽²⁾ 2773rd Environment Council meeting on 18 December 2006.

- (11) The set of actions set out in this Recommendation reflects discussions held in the context of the Enforcement Group set up under Article 14 of Regulation (EC) No 338/97 and of the Committee on Trade in Wild Fauna and Flora, established under Article 18 of the same Regulation,

HEREBY RECOMMENDS:

- I. Actions identified by this Recommendation should be carried out by Member States in order to facilitate the enforcement of Regulation (EC) No 338/97.

- II. In order to increase enforcement capacity, Member States should take the following actions:

- (a) adopting national action plans for coordination of enforcement; these should have clearly defined objectives and time frames, and should be harmonised and reviewed on a regular basis;
- (b) ensuring that all relevant enforcement agencies have adequate financial and personnel resources for the enforcement of Regulation (EC) No 338/97 and that they have access to specialized equipment and relevant expertise;
- (c) ensuring that penalties for infringements of Regulation (EC) No 338/97 act as a deterrent against wildlife trade crime, in accordance with settled case law of the Court of Justice, are consistent as to their application and, in particular, that they take into account inter alia the market value of the specimens, the conservation value of the species involved in the offence and the costs incurred;
- (d) for the purpose of point (c), carrying out training or awareness raising activities for enforcement agencies, prosecution services and the judiciary;
- (e) ensuring that all relevant enforcement agencies have access to adequate training on Regulation (EC) No 338/97 and on identification of species;
- (f) ensuring the provision of adequate information to the public and stakeholders with a view, in particular, to raising awareness about the negative impacts of illegal wildlife trade;

- (g) in addition to the checks at border-crossing points required under Regulation (EC) No 338/97, ensuring in-country enforcement, in particular through regular checks on traders and holders such as pet shops, breeders and nurseries;

- (h) using risk and intelligence assessments systematically in order to ensure thorough checks at border-crossing points as well as in-country;

- (i) ensuring that facilities are available for the temporary care of seized or confiscated live specimens and mechanisms are in place for their long-term rehoming, where necessary.

- III. In order to increase co-operation and information exchange, Member States should take the following actions:

- (a) establishing procedures for co-ordinating enforcement among all their relevant national authorities through, inter alia, the establishment of inter-agency committees as well as memoranda of understanding and other inter-institutional cooperation agreements;
- (b) facilitating access for relevant enforcement officers to existing resources, tools and channels of communication for the exchange of information relating to the enforcement of Regulation (EC) No 338/97 and CITES, so that all relevant information is made available to enforcement officers at all levels, including front line staff;
- (c) appointing national focal points for the exchange of wildlife trade information and intelligence;
- (d) sharing relevant information about significant trends, seizures and court cases at the regular meetings of the Enforcement Group as well as intersessionally;
- (e) co-operating with relevant enforcement agencies in other Member States on investigations of offences under Regulation (EC) No 338/97;
- (f) using the means of communication, coordination and know-how of the European Anti-fraud Office in co-ordinating investigations at Community level;
- (g) exchanging information on penalties for wildlife trade offences to ensure consistency in application;

- (h) assisting in capacity building for application of the Regulation (EC) No 338/97 in other Member States including through training programmes and by sharing training manuals and materials;
 - (i) making available to other Member States, existing awareness-raising tools and materials aimed at the public and stakeholders;
 - (j) assisting other Member States with the temporary care and long-term re-homing of seized or confiscated live specimens;
 - (k) liaising closely with CITES Management Authorities and law enforcement agencies in source, transit and consumer countries outside of the Community as well as the CITES Secretariat, ICPO Interpol and the World Customs Organization to help detect, deter and prevent illegal trade in wildlife through the exchange of information and intelligence;
 - (l) providing advice and support to CITES Management Authorities and law enforcement agencies in source, transit and consumer countries outside of the Community to facilitate legal and sustainable trade through correct application of procedures;
 - (m) supporting capacity-building programmes in third countries in order to improve implementation and enforcement of CITES, inter alia, through Development Co-operation funds and in the framework of a future 'Aid for Trade Strategy' ⁽¹⁾;
 - (n) fostering inter-regional collaboration to combat illegal wildlife trade inter alia by building links with other regional and sub-regional initiatives.
- IV. Information concerning the measures taken on the basis of this Recommendation should be transmitted to the Commission at the same time as the information referred to in Article 15(4)(c) of Regulation (EC) No 338/97.
- Done at Brussels, 13 June 2007.
- For the Commission*
Stavros DIMAS
Member of the Commission

⁽¹⁾ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions Towards an EU Aid for Trade strategy — the Commission's contribution (COM(2007) 163 final).

GUIDELINES

EUROPEAN CENTRAL BANK

GUIDELINE OF THE EUROPEAN CENTRAL BANK

of 31 May 2007

amending Guideline ECB/2004/15 on the statistical reporting requirements of the European Central Bank in the field of balance of payments and international investment position statistics, and the international reserves template

(ECB/2007/3)

(2007/426/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 5.1 and 5.2 thereof,

Whereas:

(1) Due to changing needs resulting from economic and technical developments, it is necessary to regularly update the data requirements in Guideline ECB/2004/15 of 16 July 2004 on the statistical reporting requirements of the European Central Bank in the field of balance of payments and international investment position statistics, and the international reserves template ⁽¹⁾, and to readjust the level of the breakdown required under that Guideline.

(2) When further Member States adopt the euro, it will be necessary to compile back data for the euro area aggregate in its new composition, on balance of payments (including the seasonally adjusted current account) and international investment position statistics. Certain amendments to Guideline ECB/2004/15 are therefore required to cater for future enlargements of the euro area in respect of the provision of back data. The period for which such back data must be provided may be reassessed by 2010.

(3) The Nationale Bank van België/Banque Nationale de Belgique is responsible for providing back data for both Belgium and Luxembourg prior to January 2002 and therefore can only provide joint back data for Belgium and Luxembourg prior to January 2002.

(4) The availability of a functioning Centralised Securities Database (CSDB) of sufficient quality is essential for ensuring the smooth operation of security-by-security data collection systems and for fulfilling the target coverage referred to in Annex VI to Guideline ECB/2004/15 at the quality level specified in that Guideline. The Governing Council, having regard to any observations by the General Council, will assess, in the course of 2007 and afterwards if relevant, whether the quality (including coverage) of the securities information in the CSDB and the arrangements for data exchange with the Member States are sufficient to enable national central banks (NCBs), or other competent statistical authorities where relevant, to meet the quality standards specified in Guideline ECB/2004/15,

HAS ADOPTED THIS GUIDELINE:

Article 1

Guideline ECB/2004/15 is amended as follows:

1. Article 2 is amended as follows:

(a) Paragraph 6 is replaced by the following:

'6. From March 2008, starting with data corresponding to January 2008 transactions and to end-2007 positions, portfolio investment collection systems shall conform to one of the models set out in the table contained in Annex VI. The chosen model may be phased in to enable the individual NCB to reach the target coverage indicated in Annex VI at the latest by March 2009, in relation to December 2008 stocks.'

⁽¹⁾ OJ L 354, 30.11.2004, p. 34.

(b) The following paragraph 7 is added:

‘7. (a) In respect of any Member State that adopts the euro on or after 1 January 2007, both the NCB of that Member State and the NCBs of all other participating Member States at the time such Member State adopts the euro shall provide the ECB with back data corresponding to the data required under Tables 1 to 8 of Annex II, to enable the compilation of aggregates covering the euro area in its new composition. These NCBs shall provide the back data from the reference dates set out below, with the exception of the breakdowns listed under Table 13, for which the earliest reference period to be reported shall be the one indicated in that table. All back data may be provided on a best estimate basis.

(i) If the Member State that adopts the euro joined the EU before May 2004, the back data shall cover, as a minimum, the period from 1999.

(ii) If the Member State that adopts the euro joined the EU in May 2004, the back data shall cover, as a minimum, the period from 2004.

(iii) If the Member State that adopts the euro joined the EU after May 2004, the back data shall cover, as a minimum, the period from the date on which that Member State joined the EU.

(b) If the back data referred to in subparagraph (a) do not already include monthly observations covering five years for each of the four main sub-items of the balance of payments current account, namely goods, services, income and current transfers, then the NCBs shall ensure that the data which they provide include such observations.

(c) By derogation from subparagraph (a), the Banque centrale du Luxembourg shall not be required to transmit back data for the period ending December 2001 and the Nationale Bank van België/Banque Nationale de Belgique shall transmit joint back data for Belgium and Luxembourg for the period ending December 2001.’

2. Article 3 is amended as follows:

Paragraph 6 is replaced by the following:

‘6. Transactions and positions in debt securities broken down by currency of issue shall be made available to the ECB within six months of the end of the period to which the data relate.’

3. Article 6 is amended as follows:

The following new paragraph 4a is inserted after paragraph 4:

‘4a. Best estimates shall be permitted for the following breakdowns in Table 2 of Annex II:

(a) sub-items of income on other investment: I C 2.3.1 to C 2.3.3, and memorandum items 1 to 4;

(b) sub-items of current transfers: I D 1.1 to D 1.8 and D 2.2.1 to D 2.2.11; and

(c) sub-items of capital transfers: II A.1 and A.2.’

4. Annexes II, III and VI to Guideline ECB/2004/15 are amended in accordance with Annexes I, II and III, respectively, to this Guideline.

Article 2

Entry into force

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

Article 3

Addressees

This Guideline is addressed to the NCBs of the Member States that have adopted the euro.

Done at Frankfurt am Main, 31 May 2007.

For the Governing Council of the ECB
The President of the ECB
Jean-Claude TRICHET

ANNEX I

Annex II to Guideline ECB/2004/15 is amended as follows:

1. Table 2 is replaced by the following:

TABLE 2

Monthly national contributions to the euro area balance of payments ⁽¹⁾

	Credit	Debit	Net
I. Current account			
A. Goods	extra	extra	extra
B. Services	extra	extra	extra
C. Income			
1. Compensation of employees	extra	extra	extra
2. Investment income			
2.1. Direct investment	extra	extra	extra
2.1.1. Income on equity	extra	extra	extra
2.1.1.1. Dividends and distributed profit	extra	extra	extra
2.1.1.2. Reinvested earnings and undistributed profit	extra	extra	extra
2.1.2. Income on debt (interest)	extra	extra	extra
2.2. Portfolio investment	extra		national
2.2.1. Income on equity	extra		national
2.2.2. Income on debt (interest)	extra		national
2.2.2.1. Bonds and notes	extra		national
2.2.2.2. Money market instruments	extra		national
2.3. Other investment	extra	extra	extra
2.3.1. Interest according to BPM5 (not adjusted for FISIM ⁽²⁾)	extra	extra	extra
2.3.2. Income attributed to insurance policyholders	extra	extra	extra
2.3.3. Other	extra	extra	extra
<i>Memorandum item:</i>			
1. investment income — interest according to the SNA93 ⁽³⁾ (adjusted for FISIM)	extra		
2. value of FISIM	extra	extra	extra
3. investment income — interest according to BPM5 (not adjusted for FISIM)	extra		
4. investment income — other than interest	extra		
D. Current transfers	extra	extra	extra
1. General government	extra	extra	extra
1.1. taxes on products	extra	extra	extra
1.2. other taxes on production	extra	extra	extra
1.3. subsidies on products	extra	extra	extra
1.4. other subsidies on production	extra	extra	extra
1.5. taxes on income, wealth, etc.	extra	extra	extra
1.6. social contributions	extra	extra	extra
1.7. social benefits other than social transfers in kind	extra	extra	extra
1.8. other current transfers of general government	extra	extra	extra

	Credit	Debit	Net
2. Other sectors	extra	extra	extra
2.1. workers' remittances	extra	extra	extra
2.2. other transfers	extra	extra	extra
2.2.1. taxes on products	extra	extra	extra
2.2.2. other taxes on production	extra	extra	extra
2.2.3. subsidies on products	extra	extra	extra
2.2.4. other subsidies on production	extra	extra	extra
2.2.5. taxes on income, wealth, etc.	extra	extra	extra
2.2.6. social contributions	extra	extra	extra
2.2.7. social benefits other than social transfers in kind	extra	extra	extra
2.2.8. net non-life insurance premiums	extra	extra	extra
2.2.9. non-life insurance claims	extra	extra	extra
2.2.10. other current transfers of other sectors not included elsewhere	extra	extra	extra
2.2.11. adjustment for the change in net equity of households in pension fund reserves	extra	extra	extra
II. Capital account	extra	extra	extra
A. Capital transfers	extra	extra	extra
1. capital taxes	extra	extra	extra
2. investment grants and other capital transfers	extra	extra	extra
B. Acquisition/disposal of non-produced non-financial assets	extra	extra	extra
	Net assets	Net liabilities	Net
III. Financial account			
1. Direct investment			extra
1.1. Abroad			extra
1.1.1. Equity capital			extra
1.1.1.1. MFIs (excluding central banks)			extra
1.1.1.2. Other sectors			extra
1.1.2. Reinvested earnings			extra
1.1.2.1. MFIs (excluding central banks)			extra
1.1.2.2. Other sectors			extra
1.1.3. Other capital			extra
1.1.3.1. MFIs (excluding central banks)			extra
1.1.3.2. Other sectors			extra
1.2. In the reporting country			extra
1.2.1. Equity capital			extra
1.2.1.1. MFIs (excluding central banks)			extra
1.2.1.2. Other sectors			extra
1.2.2. Reinvested earnings			extra
1.2.2.1. MFIs (excluding central banks)			extra
1.2.2.2. Other sectors			extra
1.2.3. Other capital			extra
1.2.3.1. MFIs (excluding central banks)			extra
1.2.3.2. Other sectors			extra

	Net assets	Net liabilities	Net
2. Portfolio investment	intra/extra	national	
2.1. Equity securities	intra/extra	national	
<i>of which: Investment funds and money market funds shares:</i>	intra/extra	national	
(i) <i>held by monetary authorities</i>	extra		
(ii) <i>held by general government</i>	extra		
(iii) <i>held by MFIs (excluding central banks)</i>	extra		
(iv) <i>held by other sectors</i>	extra		
2.1.1. Held by monetary authorities	extra		
2.1.2. Held by general government	extra		
2.1.3. Issued by MFIs (excluding central banks)	intra	national	
2.1.4. Held by MFIs (excluding central banks)	extra		
2.1.5. Issued by other sectors	intra	national	
2.1.6. Held by other sectors	extra		
2.2. Debt securities	intra/extra	national	
2.2.1. Bonds and notes	intra/extra	national	
2.2.1.1. Issued by monetary authorities	intra	national	
2.2.1.2. Held by monetary authorities	extra		
2.2.1.3. Issued by general government	intra	national	
2.2.1.4. Held by general government	extra		
2.2.1.5. Issued by MFIs (excluding central banks)	intra	national	
2.2.1.6. Held by MFIs (excluding central banks)	extra		
2.2.1.7. Issued by other sectors	intra	national	
2.2.1.8. Held by other sectors	extra		
2.2.2. Money market instruments	intra/extra	national	
2.2.2.1. Issued by monetary authorities	intra	national	
2.2.2.2. Held by monetary authorities	extra		
2.2.2.3. Issued by general government	intra	national	
2.2.2.4. Held by general government	extra		
2.2.2.5. Issued by MFIs (excluding central banks)	intra	national	
2.2.2.6. Held by MFIs (excluding central banks)	extra		
2.2.2.7. Issued by other sectors	intra	national	
2.2.2.8. Held by other sectors	extra		
3. Financial derivatives			national
3.1. Monetary authorities			national
3.2. General government			national
3.3. MFIs (excluding central banks)			national
3.4. Other sectors			national
4. Other investment	extra	extra	extra
4.1. Monetary authorities	extra	extra	
4.1.1. Loans/currency and deposits	extra	extra	
4.1.2. Other assets/liabilities	extra	extra	

	Net assets	Net liabilities	Net
4.2. General government	extra	extra	
4.2.1. Trade credits	extra	extra	
4.2.2. Loans/currency and deposits	extra	extra	
4.2.2.1. Loans	extra		
4.2.2.2. Currency and deposits	extra		
4.2.3. Other assets/liabilities	extra	extra	
4.3. MFIs (excluding central banks)	extra	extra	
4.3.1. Loans/currency and deposits	extra	extra	
4.3.2. Other assets/liabilities	extra	extra	
4.4. Other sectors	extra	extra	
4.4.1. Trade credits	extra	extra	
4.4.2. Loans/currency and deposits	extra	extra	
4.4.2.1. Loans	extra		
4.4.2.2. Currency and deposits	extra		
4.4.3. Other assets/liabilities	extra	extra	
5. Reserve assets	extra		
5.1. Monetary gold	extra		
5.2. Special drawing rights	extra		
5.3. Reserve position in the IMF	extra		
5.4. Foreign exchange	extra		
5.4.1. Currency and deposits	extra		
5.4.1.1. with monetary authorities and the BIS	extra		
5.4.1.2. with MFIs (excluding central banks)	extra		
5.4.2. Securities	extra		
5.4.2.1. Equities	extra		
5.4.2.2. Bonds and notes	extra		
5.4.2.3. Money market instruments	extra		
5.4.3. Financial derivatives	extra		
5.5. Other claims	extra		

⁽¹⁾ "extra" means transactions with non-euro area residents (for portfolio investment assets and related income it refers to the residency of the issuers)

"intra" means transactions between different Member States of the euro area

"national" means all cross-border transactions by residents of a participating Member State (used only in connection with liabilities on portfolio investment accounts and the net balance of the financial derivatives accounts)

⁽²⁾ Financial intermediation services indirectly measured.

⁽³⁾ System of National Accounts 1993.

2. Table 4 is replaced by the following:

TABLE 4

Quarterly national contributions to the euro area international investment position ⁽¹⁾

	Assets	Liabilities	Net
I. Direct Investment			extra
1.1. Abroad			extra
1.1.1. Equity and reinvested earnings			extra
1.1.1.1. MFIs (excluding central banks)			extra
1.1.1.2. Other sectors			extra
1.1.2. Other capital			extra
1.1.2.1. MFIs (excluding central banks)			extra
1.1.2.2. Other sectors			extra
1.2. In the reporting economy			extra
1.2.1. Equity and reinvested earnings			extra
1.2.1.1. MFIs (excluding central banks)			extra
1.2.1.2. Other sectors			extra
1.2.2. Other capital			extra
1.2.2.1. MFIs (excluding central banks)			extra
1.2.2.2. Other sectors			extra
II. Portfolio Investment			national
2.1. Equity securities	intra/extra	national	
of which: <i>Investment funds and money market funds shares:</i>	intra/extra	national	
(i) <i>held by monetary authorities</i>	extra		
(ii) <i>held by general government</i>	extra		
(iii) <i>held by MFIs (excluding central banks)</i>	extra		
(iv) <i>held by other sectors</i>	extra		
2.1.1. Held by monetary authorities	extra		
2.1.2. Held by general government	extra		
2.1.3. Issued by MFIs (excluding central banks)	intra	national	
2.1.4. Held by MFIs (excluding central banks)	extra		
2.1.5. Issued by other sectors	intra	national	
2.1.6. Held by other sectors	extra		
2.2. Debt securities	intra/extra	national	
2.2.1. Bonds and notes	intra/extra	national	
2.2.1.1. Issued by monetary authorities	intra	national	
2.2.1.2. Held by monetary authorities	extra		
2.2.1.3. Issued by general government	intra	national	
2.2.1.4. Held by general government	extra		
2.2.1.5. Issued by MFIs (excluding central banks)	intra	national	
2.2.1.6. Held by MFIs (excluding central banks)	extra		
2.2.1.7. Issued by other sectors	intra	national	
2.2.1.8. Held by other sectors	extra		

	Assets	Liabilities	Net
2.2.2. Money market instruments	intra/extra	national	
2.2.2.1. Issued by monetary authorities	intra	national	
2.2.2.2. Held by monetary authorities	extra		
2.2.2.3. Issued by general government	intra	national	
2.2.2.4. Held by general government	extra		
2.2.2.5. Issued by MFIs (excluding central banks)	intra	national	
2.2.2.6. Held by MFIs (excluding central banks)	extra		
2.2.2.7. Issued by other sectors	intra	national	
2.2.2.8. Held by other sectors	extra		
III. Financial derivatives	extra	extra	extra
3.1. Monetary authorities	extra	extra	extra
3.2. General government	extra	extra	extra
3.3. MFIs (excluding central banks)	extra	extra	extra
3.4. Other sectors	extra	extra	extra
IV. Other investment	extra	extra	extra
4.1. Monetary authorities	extra	extra	
4.1.1. Loans/currency and deposits	extra	extra	
4.1.2. Other assets/liabilities	extra	extra	
4.2. General government	extra	extra	
4.2.1. Trade credits	extra	extra	
4.2.2. Loans/currency and deposits	extra	extra	
4.2.2.1. Loans	extra		
4.2.2.2. Currency and deposits	extra		
4.2.3. Other assets/liabilities	extra	extra	
4.3. MFIs (excluding central banks)	extra	extra	
4.3.1. Loans/currency and deposits	extra	extra	
4.3.2. Other assets/liabilities	extra	extra	
4.4. Other sectors	extra	extra	
4.4.1. Trade credits	extra	extra	
4.4.2. Loans/currency and deposits	extra	extra	
4.4.2.1. Loans	extra		
4.4.2.2. Currency and deposits	extra		
4.4.3. Other assets/liabilities	extra	extra	
V. Reserve assets	extra		
5.1. Monetary gold	extra		
5.2. Special drawing rights	extra		
5.3. Reserve position in the IMF	extra		
5.4. Foreign exchange	extra		
5.4.1. Currency and deposits	extra		
5.4.1.1. with monetary authorities and the BIS	extra		
5.4.1.2. with MFIs (excluding central banks)	extra		

	Assets	Liabilities	Net
5.4.2. Securities	extra		
5.4.2.1. Equities	extra		
5.4.2.2. Bonds and notes	extra		
5.4.2.3. Money market instruments	extra		
5.4.3. Financial derivatives	extra		
5.5. Other claims	extra		

(¹) "extra" means positions with non-euro area residents (for portfolio investment assets, it refers to the residency of the issuers)

"intra" means positions between different Member States of the euro area

"national" means all cross-border positions by residents of a participating Member State (used only in connection with liabilities on portfolio investment accounts)

3. Table 5 is replaced by the following:

TABLE 5
Annual national contributions to the euro area international investment position (¹)

	Assets	Liabilities	Net
I. Direct investment			extra
1.1. Abroad			extra
1.1.1. Equity and reinvested earnings			extra
1.1.1.1. MFIs (excluding central banks)			extra
1.1.1.2. Other sectors			extra
<i>of which:</i>			
1.1.1.1.A Equity stocks in foreign listed companies (market values)			extra
1.1.1.1.B Equity stocks in foreign unlisted companies (book value)			extra
<i>Memorandum item:</i>			
— Equity stocks in foreign listed companies (book values)			extra
1.1.2. Other capital			extra
1.1.2.1. MFIs (excluding central banks)			extra
1.1.2.2. Other sectors			extra
1.2. In the reporting economy			extra
1.2.1. Equity and reinvested earnings			extra
1.2.1.1. MFIs (excluding central banks)			extra
1.2.1.2. Other sectors			extra
<i>of which:</i>			
1.2.1.1.A Equity stocks in euro area listed companies (market values)			extra
1.2.1.1.B Equity stocks in euro area unlisted companies (book values)			extra
<i>Memorandum item:</i>			
— Equity stocks in euro area listed companies (book values)			extra
1.2.2. Other capital			extra
1.2.2.1. MFIs (excluding central banks)			extra
1.2.2.2. Other sectors			extra

	Assets	Liabilities	Net
II. Portfolio Investment			national
2.1. Equity securities	intra/extra	national	
<i>of which: Investment funds and money market funds shares:</i>	intra/extra	national	
(i) <i>held by monetary authorities</i>	extra		
(ii) <i>held by general government</i>	extra		
(iii) <i>held by MFIs (excluding central banks)</i>	extra		
(iv) <i>held by other sectors</i>	extra		
2.1.1. Held by monetary authorities	extra		
2.1.2. Held by general government	extra		
2.1.3. Issued by MFIs (excluding central banks)	intra	national	
2.1.4. Held by MFIs (excluding central banks)	extra		
2.1.5. Issued by other sectors	intra	national	
2.1.6. Held by other sectors	extra		
2.2. Debt securities	intra/extra	national	
2.2.1. Bonds and notes	intra/extra	national	
2.2.1.1. Issued by monetary authorities	intra	national	
2.2.1.2. Held by monetary authorities	extra		
2.2.1.3. Issued by general government	intra	national	
2.2.1.4. Held by general government	extra		
2.2.1.5. Issued by MFIs (excluding central banks)	intra	national	
2.2.1.6. Held by MFIs (excluding central banks)	extra		
2.2.1.7. Issued by other sectors	intra	national	
2.2.1.8. Held by other sectors	extra		
2.2.2. Money market instruments	intra/extra	national	
2.2.2.1. Issued by monetary authorities	intra	national	
2.2.2.2. Held by monetary authorities	extra		
2.2.2.3. Issued by general government	intra	national	
2.2.2.4. Held by general government	extra		
2.2.2.5. Issued by MFIs (excluding central banks)	intra	national	
2.2.2.6. Held by MFIs (excluding central banks)	extra		
2.2.2.7. Issued by other sectors	intra	national	
2.2.2.8. Held by other sectors	extra		
III. Financial derivatives	extra	extra	extra
3.1. Monetary authorities	extra	extra	extra
3.2. General government	extra	extra	extra
3.3. MFIs (excluding central banks)	extra	extra	extra
3.4. Other sectors	extra	extra	extra
IV. Other investment	extra	extra	extra
4.1. Monetary authorities	extra	extra	
4.1.1. Loans/currency and deposits	extra	extra	
4.1.2. Other assets/liabilities	extra	extra	

	Assets	Liabilities	Net
4.2. General government	extra	extra	
4.2.1. Trade credits	extra	extra	
4.2.2. Loans/currency and deposits	extra	extra	
4.2.2.1. Loans	extra		
4.2.2.2. Currency and deposits	extra		
4.2.3. Other assets/liabilities	extra	extra	
4.3. MFIs (excluding central banks)	extra	extra	
4.3.1. Loans/currency and deposits	extra	extra	
4.3.2. Other assets/liabilities	extra	extra	
4.4. Other sectors	extra	extra	
4.4.1. Trade credits	extra	extra	
4.4.2. Loans/currency and deposits	extra	extra	
4.4.2.1. Loans	extra		
4.4.2.2. Currency and deposits	extra		
4.4.3. Other assets/liabilities	extra	extra	
V. Reserve assets	extra		
5.1. Monetary gold	extra		
5.2. Special drawing rights	extra		
5.3. Reserve position in the IMF	extra		
5.4. Foreign exchange	extra		
5.4.1. Currency and deposits	extra		
5.4.1.1. with monetary authorities and the BIS	extra		
5.4.1.2. with MFIs (excluding central banks)	extra		
5.4.2. Securities	extra		
5.4.2.1. Equities	extra		
5.4.2.2. Bonds and notes	extra		
5.4.2.3. Money market instruments	extra		
5.4.3. Financial derivatives	extra		
5.5. Other claims	extra		

(¹) "extra" means positions with non-euro area residents (for portfolio investment assets, it refers to the residency of the issuers)

"intra" means positions between different Member States of the euro area

"national" means all cross-border positions by residents of a participating Member State (used only in connection with liabilities on portfolio investment accounts)

4. Table 9 is replaced by the following:

TABLE 9

ECB geographical breakdowns for quarterly balance of payments flows and annual international investment position data

— Denmark
— Sweden
— United Kingdom
— EU Member States outside the euro area and excluding Denmark, Sweden and the United Kingdom ⁽¹⁾
— EU institutions ⁽²⁾
— Switzerland
— Canada
— United States
— Japan
— Offshore centres ⁽³⁾
— of which: Hong Kong
— International organisations excluding the EU institutions ⁽⁴⁾
— Brazil
— China
— India
— Russian Federation

⁽¹⁾ No individual breakdown is required.

⁽²⁾ See composition in Table 12. No individual breakdown is required.

⁽³⁾ Only mandatory for the balance of payments financial account, the related income accounts and the international investment position. Current account (excluding income) flows vis-à-vis offshore centres may be reported either separately or indistinguishably under the residual item category. See composition in Table 11. No individual breakdown is required.

⁽⁴⁾ See composition in Table 12. No individual breakdown is required.

5. Table 13 is amended by inserting the following rows at the end of the Table:

Income on equity breakdown			
Quarterly b.o.p.	Q4 2007	March 2008	Annex II, Table 2
Items I. C.2.1.1.1 and C.2.1.1.2 (*)			
Income on other investment breakdown			
Quarterly b.o.p.	Q4 2008	March 2009	Annex II, Table 2
Items I. C.2.3.1 to C.2.3.3 (*)			
Memorandum items 1 to 4 (*)	Q4 2008	March 2009	Annex II, Table 2
Current transfer breakdown			
Quarterly b.o.p.	Q4 2007	March 2008	Annex II, Table 2
Items I. D.1, D.2, D.2.1 and D.2.2 (*)			
Items I. D.1.1 to D.1.8 and D.2.2.1 to D.2.2.11 (*)	Q4 2008	March 2009	Annex II, Table 2
Capital account breakdown			
Quarterly b.o.p.	Q4 2007	March 2008	Annex II, Table 2
Items II.A and II.B (*)			
Items II.A.1 and II.A.2 (*)	Q4 2008	March 2009	Annex II, Table 2

Portfolio investment — equity securities — investment funds and money market funds shares			
Quarterly b.o.p.	Q1 2010	June 2010	Annex II, Table 2
Quarterly i.i.p.	Q1 2010	June 2010	Annex II, Table 4
Annual i.i.p.	End December 2009	June 2010	Annex II, Table 5

(*) See Table 2 of Annex II.

ANNEX II

Annex III to Guideline ECB/2004/15 is amended as follows:

1. The following text is inserted immediately before Section 1:

'The terms "resident" and "residing" fall within the definitions laid down in Article 1(4) of Council Regulation (EC) No 2533/98. In the case of the euro area, the economic territory comprises: (i) the economic territory of the participating Member States; and (ii) the ECB, which is regarded as a resident unit of the euro area.

The rest of the world (RoW) comprises the economic territories outside the euro area, i.e. Member States that have not adopted the euro, all third countries and international organisations, including those physically located within the euro area. All EU institutions (*) are considered to be resident outside the euro area. Consequently, all transactions of participating Member States vis-à-vis EU institutions are recorded and classified as non-euro area transactions in the euro area balance of payments and international investment position statistics.

In the cases set out below, residence is determined as follows:

- (a) staff from embassies and military bases are to be classified as residents of the country of the employing government, except if they have been recruited locally in the host country where the embassy or military base is located;
- (b) when undertaking cross-border transactions in land and/or buildings (e.g. holiday homes), property owners are treated as if they have transferred their ownership to a notional institutional unit that is actually resident in the country where the property is located. The notional unit is treated as being owned and controlled by the non-resident owner;
- (c) in the absence of any significant physical dimension to a legal entity, e.g. investment funds (as distinct from their managers), securitisation vehicles, and some special purpose entities, its residence is determined by the economic territory under whose laws the entity is incorporated. If the entity is not incorporated, legal domicile is used as a criterion, namely the country whose legal system governs the creation and continued existence of the entity.

(*) The ECB is not included.'

2. In the third paragraph of subsection 1.1, the second sentence ('The main difference is that the ECB does not require a breakdown of direct investment income on equity into distributed and undistributed profits.') is deleted.
3. The second paragraph of subsection 1.2 ('While the IMF's standard components of the capital account consist of a sectoral breakdown into the items "general government" and "other sectors" (with a further breakdown thereafter), the ECB compiles only a lump-sum capital account, without any breakdown.') is deleted.

ANNEX III

Annex VI to Guideline ECB/2004/15 is amended as follows:

1. In the third paragraph, the second sentence ('Therefore, if the "project closure document" for Phase 1 of the CSDB project is not submitted to the Governing Council via the Statistics Committee of the European System of Central Banks by the end of March 2005, this deadline will be postponed by the same amount of time as that by which the submission is late.') is deleted.
2. The sentence starting 'From March 2008' and ending 'in the following table' is replaced by the following sentence:

'From the date specified in Article 2(6) and taking into account the phasing-in option referred to in that paragraph, euro area portfolio investment collection systems conform to one of the models in the following table:'

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL DECISION 2007/427/CFSP

of 18 June 2007

appointing the European Union Special Representative in Bosnia and Herzegovina

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Article 18(5) in conjunction with Article 23(2) thereof,

Whereas:

- (1) On 30 January 2006, the Council adopted Joint Action 2006/49/CFSP⁽¹⁾ appointing Mr Christian Schwarz-Schilling as the European Union Special Representative (EUSR) in Bosnia and Herzegovina.
- (2) On 7 February 2007, the Council adopted Joint Action 2007/87/CFSP⁽²⁾ amending and extending, until 30 June 2007, the mandate of Mr Christian Schwarz-Schilling as the EUSR in Bosnia and Herzegovina.
- (3) Mr Christian Schwarz-Schilling has informed the Secretary General/High Representative that he would not seek an extension of his mandate beyond 30 June 2007.
- (4) On the basis of a review of Joint Action 2007/87/CFSP, the mandate of the EUSR should be extended until 29 February 2008. A new EUSR in Bosnia and Herzegovina should therefore be appointed for the remaining period from 1 July 2007 until 29 February 2008.
- (5) The Secretary General/High Representative has recommended that Mr Miroslav Lajčák be appointed as the new EUSR in Bosnia and Herzegovina.
- (6) Article 49(3) of the Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁽³⁾ provides that basic acts may notably take the form of a decision pursuant to Article 18(5) of the Treaty.
- (7) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the Common Foreign and Security Policy objectives set out in Article 11 of the Treaty,

HAS DECIDED AS FOLLOWS:

*Article 1***Appointment**

Mr Miroslav Lajčák is hereby appointed as European Union Special Representative (EUSR) in Bosnia and Herzegovina for the period from 1 July 2007 to 29 February 2008. He shall exercise his functions in accordance with the mandate and the detailed arrangements set out in Joint Action 2007/87/CFSP.

*Article 2***Financing**

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 July 2007 to 29 February 2008 shall be EUR 1 530 000.

⁽¹⁾ OJ L 26, 31.1.2006, p. 21. Joint Action as amended by Joint Action 2006/523/CFSP (OJ L 207, 27.7.2006, p. 30).

⁽²⁾ OJ L 35, 8.2.2007, p. 35.

⁽³⁾ OJ L 248, 16.9.2002, p. 1. Regulation as amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p. 1).

2. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The expenditure shall be eligible as from 1 July 2007.

Article 3

Review

The EUSR shall present the Secretary General/High Representative, the Council and the Commission with a comprehensive report on the implementation of his mandate by mid-November 2007.

Article 4

Taking of effect

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

Article 5

Publication

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

Done at Luxembourg, 18 June 2007.

For the Council

The President

F.-W. STEINMEIER
