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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1975/2004**of 15 November 2004**

extending the definitive anti-dumping duty imposed by Regulation (EC) No 1676/2001 on imports of polyethylene terephthalate (PET) film originating, *inter alia*, in India to imports of polyethylene terephthalate (PET) film consigned from Brazil and from Israel, whether declared as originating in Brazil or Israel or not

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

A. PROCEDURE**1. EXISTING MEASURES**

- (1) By Regulation (EC) No 1676/2001⁽²⁾ (the original Regulation), the Council imposed anti-dumping duties on imports of polyethylene terephthalate (PET) film (PET film) originating, *inter alia*, in India. The rates of the anti-dumping duties ranged between 0% and 62,6%. By Decision 2001/645/EC⁽³⁾, the Commission accepted undertakings from five Indian exporting producers.
- (2) Imports of PET film originating in India are also subject to countervailing duties, ranging between 3,8% and 19,1%, imposed by Council Regulation (EC) No 2597/1999⁽⁴⁾.

2. ONGOING INVESTIGATIONS

- (3) On 28 June 2002, the Commission announced by a notice of initiation published in the *Official Journal of the European Communities*⁽⁵⁾, the initiation of a partial interim review pursuant to Article 19 of Council Regulation 2026/97⁽⁶⁾. The request is limited in scope to the

form of the measure and, in particular, to the examination of the acceptability of an undertaking offered by the applicant. This review is still ongoing.

- (4) On 22 November 2003, the Commission announced by a notice of initiation published in the *Official Journal of the European Union*⁽⁷⁾, the initiation of a partial interim review pursuant to Article 11(3) of the basic Regulation, limited in scope to the form of the anti-dumping measures. This review is still ongoing.

- (5) On 19 February 2004, the Commission announced by a notice of initiation published in the *Official Journal of the European Union*⁽⁸⁾, the initiation of a partial interim review pursuant to Article 11(3) of the basic Regulation limited to dumping for the Indian exporting producer Jindal Polyester Limited. This review is still ongoing.

3. REQUEST

- (6) On 6 January 2004, the Commission received a request pursuant to Article 13(3) of the basic Regulation (the request) from the Community producers DuPont Teijin Films, Mitsubishi Polyester Film GmbH and Nuroll SpA (the applicants) to investigate the alleged circumvention of the anti-dumping measures imposed on imports of PET film originating in India. The applicants represent a major proportion of the Community production of PET film.

- (7) The applicants alleged and submitted sufficient evidence showing that, following the imposition of measures on imports of PET film originating, *inter alia*, in India, there had been significant changes in the patterns of trade involving exports of PET film from India, Brazil and Israel to the Community. These changes in the patterns of trade were alleged to stem from the transshipment via Brazil and via Israel of PET film originating in India. It was alleged that there was insufficient due cause or economic justification for the aforementioned changes other than the imposition of the duty on imports of PET film from India.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

⁽²⁾ OJ L 227, 23.8.2001, p. 1.

⁽³⁾ OJ L 227, 23.8.2001, p. 56.

⁽⁴⁾ OJ L 316, 10.12.1999, p. 1.

⁽⁵⁾ OJ C 154, 28.6.2002, p. 2.

⁽⁶⁾ OJ L 288, 21.10.1997, p. 1. Regulation as last amended by Regulation (EC) No 461/2004.

⁽⁷⁾ OJ C 281, 22.11.2003, p. 4.

⁽⁸⁾ OJ C 43, 19.2.2004, p. 14.

- (8) Finally, the applicants alleged and submitted *prima facie* evidence that the remedial effects of this duty were being undermined both in terms of quantities and prices. It was claimed that significant volumes of imports of PET film from Brazil and Israel appear to have replaced imports of PET film originating in India. In addition, the applicant submitted *prima facie* evidence that the prices of PET film imported from Brazil and Israel were dumped in relation to the normal values previously established for PET film originating in India.

4. INITIATION

- (9) By Regulation (EC) No 284/2004⁽¹⁾ (the initiating Regulation), the Commission initiated an investigation concerning the possible circumvention of anti-dumping measures on imports of PET film originating in India by imports of PET film consigned from Brazil and from Israel, whether declared as originating in Brazil or Israel or not and, pursuant to Articles 13(3) and 14(5) of the basic Regulation, directed the customs authorities to register imports of PET film consigned from Brazil and from Israel, whether originating in Brazil or Israel or not, as of 20 February 2004. The Commission advised the authorities of India, Brazil and Israel of the initiation of the investigation. At the same time, by Regulation (EC) No 283/2004⁽²⁾ the Commission also initiated an investigation concerning the possible circumvention of countervailing measures on imports of PET film originating in India by imports of PET film consigned from Brazil and from Israel, whether declared as originating in Brazil or Israel or not. The findings of that investigation are presented in Council Regulation (EC) No 1976/2004⁽³⁾.
- (10) The Indian authorities indicated that they considered that anti-circumvention investigations were not permissible under either the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 or the Agreement on Subsidies and Countervailing Measures. This claim was rejected on the grounds that the anti-circumvention provisions of the basic Regulation are not incompatible with the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 and the Agreement on Subsidies and Countervailing Measures. Indeed, the Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations contains a Decision on Anti-Circumvention⁽⁴⁾ referring the matter

to the Committee on Anti-Dumping Practices in the absence of an agreement on a specific text. As this Decision was made knowing that several WTO Members already had their own anti-circumvention legislation, the European Community interprets it as permitting individual Members to adopt or maintain provisions in this respect, pending the adoption of multilaterally agreed rules. The same principles should logically apply to anti-subsidy investigations.

5. INVESTIGATION

- (11) Questionnaires were sent to exporters/producers in India, Brazil and Israel which cooperated in the original investigation, were named in the request or subsequently became known to the Commission. Questionnaires were sent to importers in the Community which were named in the request or cooperated in the original investigation that led to the existing measures. All parties were informed that non-cooperation might lead to the application of Article 18 of the basic Regulation and to findings which, being made on the basis of the facts available, can be less favourable than if the party had cooperated.
- (12) Replies to the questionnaire were received from five exporters/producers in India, from one exporter/producer in Brazil and from one processing company involved in slitting, sheeting and converting PET film in Israel and exporting PET film to the Community. Another company in Israel came forward and explained that it processed PET film but that the resulting products were not exported under the CN codes under which PET film was classified. On that basis the company did not submit a questionnaire reply.
- (13) Five importers in the Community came forward following receipt of questionnaires. Three of these reported that they had never imported PET film from either Brazil or Israel. The other two importers stated that they had not imported Indian PET film from Brazil or from Israel during the investigation period. Therefore, none of these companies submitted questionnaire replies.

⁽¹⁾ OJ L 49, 19.2.2004, p. 28.

⁽²⁾ OJ L 49, 19.2.2004, p. 25.

⁽³⁾ See page 8 of this Official Journal.

⁽⁴⁾ Decision on Anti-circumvention adopted by the Trade Negotiations Committee on 15 December 1993.

- (14) The Commission carried out verification visits at the premises of the following companies:

Brazilian exporting producer:

- 'Terphane Ltda.', BR 101, km 101, City of Cabo de Santo Agostinho, State of Pernambuco, Brazil ('Terphane');

Israeli processor:

- 'Jolybar Filmtechnic Converting Ltd (1987)', Hacharutsim str. 7, Ind. Park Siim 2000, Natania South, 42504. POB 8380, Israel ('Jolybar');

Indian exporting producers:

- 'Ester Industries Limited', 75-76, Amrit Nagar, Behind South Extension Part — I, New Delhi — 110003, India,

- 'Flex Industries Limited', A-1, Sector 60, Noida 201301 (U.P.), India,

- 'Polyplex Corporation Limited', B-37, Sector-1, Noida 201301, Dist. Gautam Budh Nagar, Uttar Pradesh, India.

6. INVESTIGATION PERIOD

- (15) The investigation period covered the period from 1 January 2003 to 31 December 2003 (the IP). Data was collected from 2000 up to the end of the IP to investigate the alleged change in the pattern of trade.

B. RESULTS OF THE INVESTIGATION

1. DEGREE OF COOPERATION

- (16) As stated in recital 12, five exporters/producers of PET film in India cooperated in the investigation by submitting questionnaire replies. Information was also obtained from one exporting producer of PET film in Brazil and from one processing company slitting, sheeting and converting PET film in Israel. These Brazilian and Israeli companies accounted for a minor part (less than 1% and around 5%, respectively) both in volume and in value, of the total imports of PET film from those countries to the Community during the IP as reported by Eurostat.
- (17) The Indian authorities made a written submission further to the initiation of the investigation and provided statistical information concerning exports of PET film from India to, *inter alia*, the Community. Statistical data

concerning exports of PET film from Brazil to the Community were also obtained from the Brazilian national database.

2. PRODUCT CONCERNED AND LIKE PRODUCT

- (18) The product concerned is, as defined in the original investigation, polyethylene terephthalate (PET) film originating in India, normally declared under CN codes ex 3920 62 19 and ex 3920 62 90 (the product concerned).

- (19) It is considered that PET film exported to the Community from India and PET film consigned from Brazil and from Israel to the Community have the same basic characteristics and the same uses. Therefore, they are considered as like products within the meaning of Article 1(4) of the basic Regulation.

3. CHANGE IN THE PATTERN OF TRADE

India

- (20) Over the period 1999 to 2003, imports of the product concerned represented 96,5% of total imports from India under the relevant CN codes. Market analysis was therefore carried out using Eurostat data at CN code level. It should be noted that in 1999 countervailing duties had been imposed on imports to the Community of PET film originating in India, which had already prompted a decrease in volumes of such imports. This was followed by the imposition of anti-dumping measures in 2001 which led to a further decrease. Anti-dumping measures concerning India consist of price-based undertaking agreements with five individual exporting producers and one company with a 0% anti-dumping duty rate. As a result, anti-dumping duties are essentially not payable on imports from the larger part of the Indian producers. A residual anti-dumping duty of 53,3% is applicable to imports from all other exporting producers. In 2000 imports to the Community of PET film originating in India stood at 11 600 tonnes. Those imports initially decreased to 6 100 tonnes in 2001 but then increased to 7 700 tonnes in 2002, and further increased during the IP to 11 500 tonnes. The data submitted by the cooperating Indian exporting producers showed similar trends — an increase of around 1 300 tonnes from 2001 to 2002 and a further increase of around 3 400 tonnes from 2002 to 2003. It should be borne in mind however that not all Indian producers cooperated in the investigation. Furthermore, as regards the changes in volumes from 2000 to 2003, these should be viewed in the context of a large increase of imports from those exporters which are subject to the lowest levels of measures.

(21) In respect of the above pattern it is noted that one company had a significantly lower cumulative duty⁽¹⁾ rate than the other producers. This company's trading pattern followed a markedly different trend to that of the other producers, hugely increasing its share of all sales of the product concerned to the Community between 2000 and 2003 (the IP). Conversely, the share of the product concerned exported to the Community by the remaining Indian producers fell massively. Discounting this irregular trend, the total volume of the product concerned imported into the Community remained well below that prior to the imposition of anti-dumping measures.

(22) The Indian authorities submitted statistical data on exports to, *inter alia*, the Community. They indicated that they considered that the official Indian statistics did not suggest any circumvention of the existing anti-dumping measures by the Indian PET film producers. However, the data referred to is inconsistent with the export data provided by the cooperating Indian exporters, at least as far as exports to Israel are concerned; these data show a clear increase in exports to Israel following the imposition of measures (from around 40 tonnes in 2000 to around 800 tonnes in the IP). As far as Brazil is concerned, official Indian export data for direct exports to Brazil show only a marginal increase over the same period, but this does not include indirect sales via other intermediary countries. Indeed, the only known Brazilian producer of PET film cooperated in the investigation and its exports to the Community only represent a negligible part (0,5 %) of all sales to the Community from Brazil.

Brazil

(23) Imports into the Community of PET film from Brazil as reported by Eurostat at CN level, less the imports of goods produced by the cooperating company, increased from around 650 tonnes in 2000 (0,6 % of total imports), to 1 200 tonnes (1,4 %) in 2001 and just over 2 500 tonnes (3,2 %) in 2002, the year following the imposition of anti-dumping measures, remaining at just over 2 000 tonnes during the IP (2,4 % of total PET film imports).

(24) The sole cooperating company in Brazil, Terphane, is, as noted above (recital 22), the only known producer of PET film in Brazil. This company only exported a single consignment of 10,6 tonnes of PET film to the

Community during the IP. Apart from a sample sold in 2002, this was the company's first export of PET film to the Community. The company does not therefore appear to be responsible for the volumes of PET film entering the Community from Brazil in the period 2000 to 2003 (recital 23). The film supplied to the Community is manufactured by the company in facilities established before the entry into force of the measures on Indian PET film. Thus, no change in the pattern of trade was found for this company.

Israel

(25) Imports into the Community of PET film from Israel as reported by Eurostat at CN level, less the imports of goods produced by the cooperating company, increased from 3 000 tonnes in 2000 (3,7 % of total PET film imports) to 3 400 tonnes in 2001 (4,1 %). Volumes continued to rise to just over 4 200 tonnes in 2002 (5,1 % of imports) and to over 4 400 tonnes in 2003 (5,3 % of imports). A small number of converters of PET film are located in Israel but the information received within the time-limits indicated that, even cumulatively, it is unlikely that they would have had sufficient capacity to be responsible for the volumes of film entering the Community from Israel in the period 2000 to 2003.

(26) Official Indian export data shows steadily rising exports to Israel from India. 81 tonnes were exported in 2000, 395 tonnes in 2001, 1 032 tonnes in 2002 and 2 453 tonnes in the IP.

(27) The sole cooperating company in Israel, Jolybar, slits, sheets and converts purchased PET film and sells it as products which fall under the same CN codes as the product concerned, but is generally not of Indian origin and therefore it cannot be considered the product concerned. The company has been supplying PET film to the Community since the 1990's. The quantities of PET film exported by Jolybar to the Community doubled between 1999 and 2003 (the IP). The film supplied to the Community is manufactured by them in facilities established before the entry into force of the measures on Indian PET film. Irrespective as to whether this development of exports indicates a change in the company's pattern of trade this issue was not considered further as there was, in any event, a clear economic justification for this behaviour, as set out in recital 31.

⁽¹⁾ The company in question was subject to countervailing duty at 7 %.

- (28) In view of the above, and in particular given the coincidence between the rise of imports from Brazil and Israel and the entry into force in 2001, of the anti-dumping measures on PET film originating in India, a change in the pattern of trade is established in respect of exports of PET film from India, Israel and Brazil.

4. INSUFFICIENT DUE CAUSE OR ECONOMIC JUSTIFICATION

Brazil

- (29) In the absence of any other cooperation and given that the abovementioned change in the pattern of trade for Brazil took place immediately following the imposition of anti-dumping duties, it has to be concluded, on the basis of the information available and in the absence of any other explanation, that the change in the pattern of trade stemmed from the imposition of the duty rather than from any other sufficient due cause or economic justification within the meaning of Article 13(1) of the basic Regulation.

Israel

Non-cooperating exporting producers

- (30) In the absence of cooperation and given that the abovementioned change in the pattern of trade took place immediately following the imposition of anti-dumping duties, it has to be concluded, on the basis of the information available and in the absence of any other explanation, that the change in the pattern of trade stemmed from the imposition of the duty rather than from any other sufficient due cause or economic justification within the meaning of Article 13(1) of the basic Regulation.

Cooperating exporting producer

- (31) The investigation established that Jolybar's export trade to the Community is long established and the film supplied to the Community is manufactured by the company in facilities established before the entry into force of the measures on Indian PET film. The company explained that as a general rule it does not supply Indian film to Community customers since the latter prefer the qualities of European film as base material for treatment by Jolybar. Exceptionally, during the IP, a quantity of approximately one tonne of Indian film was shipped to one Community customer as part of a larger consignment which the customer required urgently. It is therefore concluded that there is sufficient economic justification for the development of Jolybar's exports, which is in line with its activities in the Community market in respect of PET film manufactured by them.

5. UNDERMINING OF THE REMEDIAL EFFECTS OF THE DUTY IN TERMS OF THE PRICES AND/OR THE QUANTITIES OF LIKE PRODUCT

Non-cooperating exporting producers

- (32) The figures in recitals 20 to 28 indicate that a clear quantitative change in the pattern of Community imports of the product concerned has occurred since the imposition of measures in 2001. There was a significant decrease of 5 500 tonnes in Indian imports to the Community at the time of the imposition of the measures, with corresponding increases in exports of the product concerned to the Community from Brazil and Israel. Eurostat data indicates that, from 2000 until the end of IP, the increases in imports to the Community amounted to 1 376 tonnes from Brazil and 1 392 tonnes from Israel. The parallel decline of exports from India, disregarding those imports which are subject to the lowest levels of measures, is 5 653 tonnes. It is therefore considered that part of the export trade flows from India has been substituted by export flows through Brazil and Israel thus undermining the remedial effects of the measures in terms of the quantities imported into the Community market.

- (33) With regard to prices of the product concerned consigned from Brazil and from Israel, in view of the low cooperation, it was necessary to refer to Eurostat data, which is the best evidence available.

- (34) The average price of imports of PET film from Brazil during the IP, adjusted for post-import costs, was around 50 % of the injury elimination level established in the investigation which led to the imposition of existing anti-dumping measures. On this basis, there is evidence that PET films consigned from Brazil also undermined the remedial effects of the duty imposed in terms of prices.

- (35) The average price of imports of PET film from Israel during the IP, adjusted for post-import costs, was around 55 % of the injury elimination level established in the original anti-dumping investigation. On this basis, there is evidence that the Israeli imports also undermined the remedial effects of the duty imposed in terms of prices.

- (36) It is therefore concluded that the imports of PET film from Brazil and from Israel undermined the remedial effects of the anti-dumping measures both in terms of quantities and prices.

6. EVIDENCE OF DUMPING IN RELATION TO THE NORMAL VALUES PREVIOUSLY ESTABLISHED FOR LIKE OR SIMILAR PRODUCTS

Non-cooperating exporting producers

(37) In accordance with Article 13(1) of the basic Regulation, it was examined whether there was evidence of dumping in relation to the normal value previously established for the like or similar products. As explained (recital 16), given the limited cooperation, in order to determine whether evidence of dumping could be found with respect to the exports of the product concerned to the Community from Brazil and from Israel during the IP, Eurostat data was used pursuant to Article 18 of the basic Regulation as the basis for establishing export prices to the Community. Likewise, for the purpose of comparing the export price and normal value, it was considered appropriate to assume that the product mix of the goods consigned from Brazil and Israel during the IP was the same as that consigned from India in the original investigation.

(38) For the purpose of a fair comparison between the normal value and the export price, due allowance in the form of adjustments was made for differences in factors affecting price and price comparability. These adjustments were made in accordance with Article 2(10) of the basic Regulation.

(39) In accordance with Article 2(11) and 2(12) of the basic Regulation, the weighted average normal value as established during the original investigation was compared to the average export prices for the IP established as indicated in recitals 34 and 35. These comparisons revealed approximate dumping margins, expressed as a percentage of the cif price at the Community frontier, duty unpaid, of 17,5 % for Brazil and 14,5 % for Israel.

C. REQUESTS FOR EXEMPTION FROM REGISTRATION OR EXTENSION OF THE DUTY

(40) The Commission received a request for exemption from the registration and measures from Terphane and Jolybar. As stated in recitals 24 and 27, these companies cooperated in the investigation, by submitting a questionnaire reply and accepting a verification visit. By Regulation (EC) No 1830/2004⁽¹⁾, the Commission amended the initiating Regulation in order to cease registration of imports of PET film from Terphane and Jolybar which were found not to be circumventing the anti-dumping duties.

(41) In accordance with the above findings that Terphane and Jolybar were found not to have circumvented the anti-dumping measures in force, these companies should also be exempted from the extension of the measures envisaged.

D. MEASURES

(42) In view of the findings above, it is found that circumvention has taken place within the meaning of Article 13(1) of the basic Regulation. In accordance with Article 13(1) first sentence of the basic Regulation, the existing anti-dumping measures on imports of the product concerned (i.e. PET film originating in India), should be extended to imports of PET film consigned from Brazil or Israel, whether declared as originating in Brazil or in Israel or not, with the exception of those manufactured by Terphane and Jolybar.

(43) In accordance with Article 14(5) of the basic Regulation, which provides that measures shall be applied against registered imports from the date of registration, the anti-dumping duty should be collected on imports of PET film consigned from Brazil and consigned from Israel which entered the Community under registration imposed by the initiating Regulation with the exception of imports of PET film consigned from Brazil and produced by Terphane and consigned from Israel and produced by Jolybar.

(44) The exemptions from the extended measures granted to PET film produced by Jolybar and by Terphane shall, in accordance with Article 13(4) of the basic Regulation, remain valid under the requirement that it is not established that the exemption was granted on the basis of false or misleading information submitted by the companies concerned. Should *prima facie* evidence indicate otherwise, an investigation may be initiated by the Commission to establish if withdrawal of the exemption is warranted.

(45) The non-extension of the duties to the imports of PET film from Terphane and Jolybar was established on the basis of the findings of the present investigation. This non-extension is thus exclusively applicable to imports of PET film consigned from Brazil or Israel, respectively, and produced by these specific legal entities. Imported PET film produced or consigned 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 the exemption and should be subject to the residual duty rate as imposed by Regulation (EC) No 1676/2001.

⁽¹⁾ OJ L 321, 22.10.2004, p. 26.

E. PROCEDURE

(46) Interested parties were informed of the essential facts and considerations on the basis of which the Council intended to extend the definitive anti-dumping duty in force and were given the opportunity to comment and to be heard. The Israeli authorities reiterated those comments made by the Indian Government indicated at recital 10. They also submitted a list of Israeli converters of PET film which had exported to the Community during 2003 and 2004. However, as these companies had not cooperated within the time-limits, it could not be established that they had not circumvented the measures. Therefore, they could not be exempted from the extension of the measures to Israel,

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duty of 53,3% imposed by Regulation (EC) No 1676/2001 on imports of polyethylene terephthalate film originating in India, falling within CN codes ex 3920 62 19 and ex 3920 62 90, is hereby extended to imports of the same polyethylene terephthalate film consigned from Brazil and consigned from Israel (whether declared as originating in Brazil or Israel or not) (TARIC codes 3920 62 19 01, 3920 62 19 04, 3920 62 19 07, 3920 62 19 11, 3920 62 19 14, 3920 62 19 17, 3920 62 19 21, 3920 62 19 24, 3920 62 19 27,

3920 62 19 31, 3920 62 19 34, 3920 62 19 37, 3920 62 19 41, 3920 62 19 44, 3920 62 19 47, 3920 62 19 51, 3920 62 19 54, 3920 62 19 57, 3920 62 19 61, 3920 62 19 67, 3920 62 19 74, 3920 62 19 92, 3920 62 90 31 and 3920 62 90 92) with the exception of those produced by Terphane Ltda, BR 101, km 101, City of Cabo de Santo Agostinho, State of Pernambuco, Brazil (TARIC additional code A569) and by Jolybar Filmtechnic Converting Ltd. (1987), Hacharutsim str. 7, Ind. Park Siim 2000, Natania South, 42504, POB 8380, Israel (TARIC additional code A570).

2. The duty extended by paragraph 1 of this Article shall be collected on imports registered in accordance with Article 2 of Regulation (EC) No 284/2004 and Articles 13(3) and 14(5) of Regulation (EC) No 384/96 with the exception of those produced by Terphane Ltda, BR 101, km 101, City of Cabo de Santo Agostinho, State of Pernambuco, Brazil and by Jolybar Filmtechnic Converting Ltd. (1987), Hacharutsim str. 7, Ind. Park Siim 2000, Natania South, 42504, POB 8380, Israel.

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

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, 15 November 2004.

For the Council

The President

M. VAN DER HOEVEN

**COUNCIL REGULATION (EC) No 1976/2004
of 15 November 2004**

extending the definitive countervailing duty imposed by Regulation (EC) No 2597/1999 on imports of polyethylene terephthalate (PET) film originating in India to imports of polyethylene terephthalate (PET) film consigned from Brazil and from Israel, whether declared as originating in Brazil or Israel or not

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidised imports from countries not members of the European Community⁽¹⁾ (the basic Regulation), and in particular Article 23 thereof,

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

Whereas:

A. PROCEDURE

1. EXISTING MEASURES

- (1) By Regulation (EC) No 2597/1999⁽²⁾ (the original Regulation), the Council imposed countervailing duties on imports of polyethylene terephthalate (PET) film (PET film) originating in India. The rates of the countervailing duties ranged between 3,8 and 19,1 %.
- (2) Imports of PET film originating in India are also subject to anti-dumping duties, ranging between 0 and 62,6 %, imposed by Regulation (EC) No 1676/2001⁽³⁾.

2. ONGOING INVESTIGATIONS

- (3) On 28 June 2002, the Commission announced by a notice of initiation published in the *Official Journal of the European Communities*⁽⁴⁾, the initiation of a partial interim review pursuant to Article 19 of the basic Regulation. The request is limited in scope to the form of the measure and in particular, to the examination of the acceptability of an undertaking offered by the applicant. This review is still ongoing.
- (4) On 22 November 2003, the Commission announced by a notice of initiation published in the *Official Journal of the European Union*⁽⁵⁾, the initiation of a partial interim

review pursuant to Article 11(3) of Regulation (EC) No 384/96⁽⁶⁾, limited in scope to the form of the anti-dumping measures. This review is still ongoing.

- (5) On 19 February 2004, the Commission announced by a notice of initiation published in the *Official Journal of the European Union*⁽⁷⁾, the initiation of a partial interim review pursuant to Article 11(3) of Regulation (EC) No 384/96 limited to dumping for the Indian exporting producer Jindal Polyester Limited. This review is still ongoing.

3. REQUEST

- (6) On 6 January 2004, the Commission received a request pursuant to Article 23(2) of the basic Regulation (the request) from the Community producers DuPont Teijin Films, Mitsubishi Polyester Film GmbH and Nuroll SpA (the applicants) to investigate the alleged circumvention of the countervailing measures imposed on imports of PET film originating in India. The applicants represent a major proportion of the Community production of PET film.
- (7) The applicants alleged and submitted sufficient evidence showing that, following the imposition of measures on imports of PET film originating in India, there had been significant changes in the patterns of trade involving exports of PET film from India, Brazil and Israel to the Community. These changes in the patterns of trade were alleged to stem from the transshipment via Brazil and via Israel of PET film originating in India. It was alleged that there was insufficient due cause or economic justification for the aforementioned changes other than the imposition of duties on imports of PET film from India.
- (8) Finally, the applicant alleged and submitted *prima facie* evidence that the remedial effects of this duty were being undermined both in terms of quantities and prices. It was claimed that significant volumes of imports of PET film from Brazil and Israel appear to have replaced imports of PET film originating in India. In addition, the applicant submitted *prima facie* evidence that PET film originating in India continues to benefit from subsidies found to be countervailable in the original investigation.

⁽¹⁾ OJ L 288, 21.10.1997, p. 1. Regulation as last amended by Regulation (EC) No 461/2004 (OJ L 77, 13.3.2004, p. 12).

⁽²⁾ OJ L 316, 10.12.1999, p. 1.

⁽³⁾ OJ L 227, 23.8.2001, p. 1.

⁽⁴⁾ OJ C 154, 28.6.2002, p. 2.

⁽⁵⁾ OJ C 281, 22.11.2003, p. 4.

⁽⁶⁾ OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Regulation (EC) No 461/2004.

⁽⁷⁾ OJ C 43, 19.2.2004, p. 14.

4. INITIATION

(9) By Regulation (EC) No 283/2004⁽¹⁾ (the initiating Regulation), the Commission initiated an investigation concerning the possible circumvention of countervailing measures on imports of PET film originating in India by imports of PET film consigned from Brazil and from Israel, whether declared as originating in Brazil or Israel or not and, pursuant to Article 23(2) and Article 24(5) of the basic Regulation, directed the customs authorities to register imports of PET film consigned from Brazil and from Israel, whether declared as originating in Brazil or Israel or not, as of 20 February 2004. The Commission advised the authorities of India, Brazil and Israel of the initiation of the investigation. At the same time, by Regulation (EC) No 284/2004⁽²⁾, the Commission also initiated an investigation concerning the possible circumvention of anti-dumping measures on imports of PET film originating in India by imports of PET film consigned from Brazil and from Israel, whether declared as originating in Brazil or Israel or not. The findings of that investigation are presented in Council Regulation (EC) No 1975/2004⁽³⁾.

(10) The Indian authorities indicated that they considered that anti-circumvention investigations were not permissible under either the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 or the Agreement on Subsidies and Countervailing Measures. This claim was rejected on the grounds that the anti-circumvention provisions of the basic Regulation are not incompatible with the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994 and the Agreement on Subsidies and Countervailing Measures. Indeed, the Final Act Embodying the Results of the Uruguay Round of Multilateral Trade Negotiations contains a Decision on anti-circumvention⁽⁴⁾, referring the matter to the Committee on Anti-dumping Practices in the absence of an agreement on a specific text. As this Decision was made knowing that several WTO Members already had their own anti-circumvention legislation, the European Community interprets it as permitting individual Members to adopt or maintain provisions in this respect, pending the adoption of multilaterally agreed rules. The same principles should logically apply to anti-subsidy investigations.

5. INVESTIGATION

(11) Questionnaires were sent to exporters/producers in India, Brazil and Israel which cooperated in the original investigation, were named in the request or subsequently

became known to the Commission. Questionnaires were sent to importers in the Community which were named in the request or cooperated in the original investigation that led to the existing measures. All parties were informed that non-cooperation might lead to the application of Article 28 of the basic Regulation and to findings which, being made on the basis of the facts available, can be less favourable than if the party had cooperated.

(12) Replies to the questionnaire were received from six exporters/producers in India from one exporter/producer in Brazil and from one processing company involved in slitting, sheeting and converting PET film in Israel and exporting PET film to the Community. Another company in Israel came forward and explained that it processed PET film but that the resulting products were not exported under the CN codes under which PET film was classified. On that basis, the company did not submit a questionnaire reply.

(13) Five importers in the Community came forward following receipt of questionnaires. Three of these reported that they had never imported PET film from either Brazil or Israel. The other two importers stated that they had not imported Indian PET film from Brazil or from Israel during the investigation period. Therefore, none of these companies submitted questionnaire replies.

(14) The Commission carried out verification visits at the premises of the following companies:

Brazilian exporting producer:

— 'Terphane Ltda' BR 101, km 101, City of Cabo de Santo Agostinho, State of Pernambuco, Brazil ('Terphane')

Israeli processor:

— 'Jolybar Filmtechnic Converting Ltd (1987)', Hacharutsim str. 7, Ind. Park Siim 2000, Natania South, 42504, POB 8380, Israel ('Jolybar')

Indian exporting producers:

— 'Ester Industries Limited', 75-76, Amrit Nagar, Behind South Extension Part — I, New Delhi — 110 003, India,

— 'Flex Industries Limited', A-1, Sector 60, Noida 201 301 (U.P.), India,

⁽¹⁾ OJ L 49, 19.2.2004, p. 25.

⁽²⁾ OJ L 49, 19.2.2004, p. 28. Regulation as amended by Regulation No 1830/2004 (OJ L 321, 22.10.2004, p. 26).

⁽³⁾ See p. 1 of this Official Journal.

⁽⁴⁾ Decision on Anti-circumvention adopted by the Trade Negotiations Committee on 15 December 1993.

— 'Jindal Polyester Limited', 56 Hanuman Road, New Delhi 110 001, India,

— 'Polyplex Corporation Limited', B-37, Sector-1, Noida 201 301, Dist. Gautam Budh Nagar, Uttar Pradesh, India.

6. INVESTIGATION PERIOD

- (15) The investigation period covered the period from 1 January 2003 to 31 December 2003 (the IP). Data was collected from 1998 up to the end of the IP to investigate the alleged changes in the pattern of trade.

B. RESULTS OF THE INVESTIGATION

1. DEGREE OF COOPERATION

- (16) As stated in recital 12, six exporters/producers of PET film in India cooperated with the investigation by submitting questionnaire replies. Information was also obtained from one exporting producer of PET film in Brazil and from one processing company slitting, sheeting and converting PET film in Israel. These Brazilian and Israeli companies accounted for a minor part (less than 1% and around 5%, respectively) both in volume and in value, of the total imports of PET film from those countries to the Community during the IP as reported by Eurostat.
- (17) The Indian authorities made a written submission further to the initiation of the investigation and provided statistical information concerning exports of PET film from India to, *inter alia*, the Community. Statistical data concerning exports of PET film from Brazil to the Community were also obtained from the Brazilian national database. The Indian Government also submitted information identifying the schemes used by the companies subject to measures which were still extant.

2. PRODUCT CONCERNED AND LIKE PRODUCT

- (18) The product concerned is, as defined in the original investigation, polyethylene terephthalate (PET) film originating in India, normally declared under CN codes ex 3920 62 19 and ex 3920 62 90 (the product concerned).
- (19) It is considered that PET film exported to the Community from India and PET film consigned from Brazil and from Israel to the Community has the same basic characteristics and the same uses. Therefore, they are considered as like products within the meaning of Article 1(5) of the basic Regulation.

3. CHANGE IN THE PATTERN OF TRADE

India

- (20) Over the period 1999 to 2003, imports of the product concerned represented 96,5% of total imports from India under the relevant CN codes. Market analysis was therefore carried out using Eurostat data at CN code level. In 1999 countervailing duties were imposed on imports to the Community of PET film originating in India, prompting a decrease in volumes of such imports from 11 700 tonnes in 1998 to 10 600 tonnes in 1999. In 2000 imports recovered to 11 600 tonnes but this was followed by the imposition of anti-dumping measures in 2001 which led to a decrease of imports to 6 100 tonnes. Since then imports gradually recovered and stood at 11 500 tonnes during the IP.
- (21) In respect of the above pattern it is noted that one company had a significantly lower cumulative duty⁽¹⁾ rate than the other producers. This company's trading pattern followed a markedly different trend to that of the other producers, increasing its share of all Indian exports of the product concerned to the Community hugely between the imposition of countervailing measures and the IP. Notably, between 2000 and 2001, when anti-dumping measures were introduced, this company massively increased its share of all Indian exports to the Community. Discounting this irregular trend, the total volume of the product concerned imported into the Community remained well below that prior to the imposition of countervailing measures.
- (22) The Indian authorities submitted statistical data on exports to, *inter alia*, the Community. They indicated that they considered that the official Indian statistics did not suggest any circumvention of the existing countervailing measures by the Indian PET film producers. However, the data referred to is inconsistent with the export data provided by the cooperating Indian exporters, at least as far as exports to Israel are concerned; these data show increasing volumes of trade from India to Israel from 2000 through to 2003. As far as Brazil is concerned, Indian export data for direct exports to Brazil shows an increase from around 460 tonnes in 1998 to over 1 500 tonnes in 2000 and then relative stability at this level. This shows a very significant increase and the stability of exports thereafter does not prove the non-existence of circumvention as these figures do not include indirect sales via other intermediary countries. Indeed, the only known Brazilian producer of PET film cooperated in the investigation and its exports to the Community only represent a negligible part (0,5%) of all sales to the Community from Brazil during the IP.

⁽¹⁾ The company in question was subject to countervailing duty at 7%.

Brazil

- (23) Imports into the Community of PET film from Brazil as reported by Eurostat at CN level, less the imports of goods produced by the cooperating company, increased from 115 tonnes in 1998 (0,2% of all imports), to over 650 tonnes in 2000 (0,6%) the year following the imposition of the countervailing measures. Over 1 200 tonnes (1,4%) were imported in 2001 increasing to just over 2 500 tonnes (3,2%) in 2002 and remaining at just over 2 000 tonnes during the IP (2,4% of total PET film imports).
- (24) The sole cooperating company in Brazil, Terphane, is, as noted above (see recital 22), the only known producer of PET film in Brazil. This company only exported a single consignment of 10,6 tonnes of PET film to the Community during the IP. Apart from a sample sold in 2002, this was the company's first export of PET film to the Community. The company does not therefore appear to be responsible for the volumes of PET film entering the Community from Brazil in the period 1998 to 2003 (recital 23 above). The film supplied to the Community is manufactured by the company in facilities established before the entry into force of the measures on Indian PET film. Thus, no change in the pattern of trade was found for this company.

Israel

- (25) Imports into the Community of PET film from Israel as reported by Eurostat at CN level, less the imports of goods produced by the cooperating company, declined between 1998 and 1999 from 1 100 tonnes to just under 1 000 tonnes in 1999 (1,3% of total PET film imports) but then increased to 3 000 tonnes in 2000 (3,7% of total imports) and to 3 400 tonnes in 2001 (4,1% of total PET film imports). Volumes continued to rise to just over 4 200 tonnes in 2002 (5,1% of imports) and to over 4 400 tonnes in 2003 (5,3% of imports). A small number of converters of PET film are located in Israel but the information received within the time-limits indicated that, even cumulatively, it is unlikely that they would have had sufficient capacity to be responsible for the volumes of film entering the Community from Israel in the period 2000 to 2003.
- (26) Official Indian export data shows an initial decrease in exports to Israel from 53 tonnes in 1998 to 44 tonnes in 1999. 81 tonnes were exported in 2000, 395 tonnes in 2001, 1 032 tonnes in 2002 and 2 453 tonnes in the IP.
- (27) The sole cooperating company in Israel, Jolybar, slits, sheets and converts purchased PET film and sells it as products which fall under the same CN codes as the product concerned, but is generally not of Indian origin and therefore it can not be considered to be the product concerned. The company has been supplying PET film to the Community since the 1990s. The quan-

ties of PET film exported by Jolybar to the Community doubled between 1999 and 2003 (the IP). The film supplied to the Community is manufactured by the company in facilities established before the entry into force of the measures on Indian PET film. Irrespective as to whether this development of exports indicates a change in the company's pattern of trade this issue was not considered further as there was, in any event, a clear economic justification for this behaviour as set out in recital 31.

- (28) In view of the above, and in particular given the coincidence between the rise of imports from Brazil and Israel and the entry into force in 1999, of the countervailing measures on PET film originating in India, a change in the pattern of trade is established in respect of exports of PET film from India, Israel and Brazil.

4. INSUFFICIENT DUE CAUSE OR ECONOMIC JUSTIFICATION

Brazil

Non-cooperating exporting producers

- (29) In the absence of any other cooperation and given that the abovementioned change in the pattern of trade for Brazil took place following the imposition of countervailing duties, it has to be concluded, on the basis of the information available and in the absence of any other explanation, that the change in the pattern of trade stemmed from the imposition of the duty rather than from any other sufficient due cause or economic justification within the meaning of Article 23(1) of the basic Regulation.

Israel

Non-cooperating exporting producers

- (30) In the absence of cooperation and given that the abovementioned change in the pattern of trade took place following the imposition of countervailing duties it has to be concluded, on the basis of the information available and in the absence of any other explanation, that the change in the pattern of trade stemmed from the imposition of the duty rather than from any other sufficient due cause or economic justification within the meaning of Article 23(1) of the basic Regulation.

Cooperating exporting producer

- (31) The investigation established that Jolybar's export trade to the Community is long established and the film supplied to the Community is manufactured by the company in facilities established before the entry into force of the measures on Indian PET film. The

company explained that as a general rule it does not supply Indian film to Community customers since the latter prefer the qualities of European film as a base material for treatment by Jolybar. Exceptionally, during the IP, a quantity of approximately one tonne of Indian film was shipped to one Community customer as part of a larger consignment which the customer required urgently. It is therefore concluded that there is sufficient economic justification for the development of Jolybar's exports, which is in line with its activities in the Community market in respect of PET film manufactured by them.

5. UNDERMINING OF THE REMEDIAL EFFECTS OF THE DUTY IN TERMS OF THE PRICES AND/OR THE QUANTITIES OF THE LIKE PRODUCT

Non-cooperating exporting producers

- (32) The figures in recitals 20 to 28 indicate that a clear quantitative change in the pattern of Community imports of the product concerned occurred since the imposition of measures in 1999. There was a decrease in Indian imports to the Community at the time of the imposition of the measures, from 11 700 tonnes in 1998 to 10 600 tonnes in 1999 (9%). Increases in exports of the product concerned to the Community from Brazil and Israel surged from 1999 to 2000, from cumulatively less than 1 000 tonnes to over 3 500 tonnes. Eurostat data indicate that, from 1998 until the end of IP, the increases in imports to the Community amounted to 1 900 tonnes from Brazil and 3 500 tonnes from Israel. Exports from India, which fell after the imposition of countervailing measures and fell again after the imposition of anti-dumping measures, have since recovered to the levels before countervailing measures were imposed. It is therefore considered that part of the export trade flows from India have been first compensated, and later supplemented, by export flows through Brazil and Israel thus undermining the remedial effects of the measures in terms of the quantities imported into the Community market.
- (33) With regard to prices of the product concerned consigned from Brazil and from Israel, in view of the low cooperation, it was necessary to refer to Eurostat data, which was the best evidence available.
- (34) The average price of imports of PET film from Brazil during the IP, adjusted for post-import costs, was around 67% of the injury elimination level established in the investigation which led to the imposition of countervailing measures. On this basis, there is evidence that

PET films consigned from Brazil also undermined the remedial effects of the duty imposed in terms of prices.

- (35) The average price of imports of PET film from Israel during the IP, adjusted for post-import costs, was around 75% of the injury elimination level established in the original anti-subsidy investigation. On this basis, there is evidence that the Israeli imports also undermined the remedial effects of the duty imposed in terms of prices.

- (36) It is therefore concluded that the imports of PET film from Brazil and from Israel undermined the remedial effects of the countervailing measures both in terms of quantities and prices.

6. EVIDENCE OF CONTINUED SUBSIDISATION OF THE PRODUCT CONCERNED

- (37) The original investigation identified that Indian companies benefited from the following subsidies: Duty entitlement passbook (pre-export), Duty entitlement passbook (post-export) (DEPB), Export promotion capital goods scheme (EPCG) and Export promotion zones/Export oriented units (EPZ/EOU) schemes as well as certain regional schemes. The Indian Government submitted information indicating that the DEPB (post-export) and EPCG schemes continued to be used, but that the companies concerned were not located in areas where they could benefit from SEZ/EPZ, the successor scheme to EPZ/EOU. No information was received in respect of the regional schemes. Five of the six cooperating companies confirmed having received funds through one or both of the DEPB and EPCG schemes. The remaining company refused to provide information unless the Commission agreed to recalculate the level of subsidy. One of the companies considered that the subsidies were not countervailable. It should be noted that Article 23(1) of the basic Regulation does not require that it is shown that the subsidies received continue to be countervailable, nor that the level of the subsidies should be recalculated. It was found that at least some of the subsidy schemes identified during the original investigation as countervailable were still in place and that most cooperating Indian exporters benefited from them. In the absence of cooperation, it must be assumed that any other exporting producer would equally benefit from such subsidies. Accordingly, it is concluded that the exported like product still benefits from the subsidy as required by Article 23(1) of the basic Regulation for the purpose of extending the countervailing duties to imports of the like product from third countries.

C. REQUESTS FOR EXEMPTION FROM REGISTRATION OR EXTENSION OF THE DUTY

- (38) The Commission received a request for exemption from the registration and measures from Terphane and Jolybar. As stated in recitals 24 and 27, these companies cooperated in the investigation, by submitting a questionnaire reply and accepting a verification visit.
- (39) By Regulation (EC) No 1830/2004⁽¹⁾, the Commission amended the initiating Regulation in order to cease registration of imports of PET film from Terphane and Jolybar which were found not to be circumventing the countervailing duties.
- (40) In accordance with the above findings that Terphane and Jolybar were found not to have circumvented the countervailing measures in force, these companies should also be exempted from the extension of the measures envisaged.

D. MEASURES

- (41) In view of the findings above, it is found that circumvention has taken place within the meaning of Article 23(1) of the basic Regulation. In accordance with Article 23(1) of the basic Regulation, the existing countervailing measures on imports of the product concerned (i.e. PET film originating in India) should be extended to imports of PET film consigned from Brazil or Israel, whether declared as originating in Brazil or Israel or not with the exception of those manufactured by Terphane and by Jolybar.
- (42) In accordance with Article 24(5) of the basic Regulation, which provides that measures shall be applied against registered imports from the date of registration, the countervailing duty should be collected on imports of PET film consigned from Brazil and consigned from Israel which entered the Community under registration imposed by the initiating Regulation with the exception of imports of PET film consigned from Brazil and produced by Terphane and those consigned from Israel and produced by Jolybar.
- (43) The exemptions from the extended measures granted to PET film produced by Jolybar and to Terphane shall, in accordance with Article 23(3) of the basic Regulation, remain valid under the requirement that it is not established that the exemption was granted on the basis of false or misleading information submitted by the companies concerned. Should *prima facie* evidence

indicate otherwise, an investigation may be initiated by the Commission to establish if withdrawal of the exemption is warranted.

- (44) The non-extension of the duties to the imports of PET film from Terphane and Jolybar was established on the basis of the findings of the present investigation. This non-extension is thus exclusively applicable to imports of PET film consigned from Brazil or Israel, respectively, and produced by these specific legal entities. Imported PET film produced or consigned 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 the exemption and should be subject to the residual duty rate as imposed by Regulation (EC) No 2597/1999.

E. PROCEDURE

- (45) Interested parties were informed of the essential facts and considerations on the basis of which the Council intended to extend the definitive countervailing duty in force and were given the opportunity to comment and to be heard. The Israeli authorities reiterated those comments made by the Indian Government, indicated in recital 10. A list of Israeli converters of PET film which had exported to the European Community during 2003 and 2004 was also submitted. However, as these companies had not cooperated within the time limits, they could not be exempted from the extension of the measures to Israel,

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive countervailing duty of 19,1 % imposed by Regulation (EC) No 2597/1999 on imports of polyethylene terephthalate film originating in India, falling within CN codes ex 3920 62 19 and ex 3920 62 90, is hereby extended to imports of the same polyethylene terephthalate film consigned from Brazil and consigned from Israel (whether declared as originating in Brazil or Israel or not) (TARIC codes 3920 62 19 01, 3920 62 19 04, 3920 62 19 07, 3920 62 19 11, 3920 62 19 14, 3920 62 19 17, 3920 62 19 21, 3920 62 19 24, 3920 62 19 27, 3920 62 19 31, 3920 62 19 34, 3920 62 19 37, 3920 62 19 41, 3920 62 19 44, 3920 62 19 47, 3920 62 19 51, 3920 62 19 54, 3920 62 19 57, 3920 62 19 61, 3920 62 19 67, 3920 62 19 74, 3920 62 19 92, 3920 62 90 31, 3920 62 90 92) with the exception of those produced by Terphane Ltda BR 101, km 101, City of Cabo de Santo Agostinho, State of Pernambuco, Brazil (TARIC additional code A569) and by Jolybar Filmtechnic Converting Ltd (1987), Hacharutsim str. 7, Ind. Park Siim 2000, Natania South, 42504, POB 8380, Israel (TARIC additional code A570).

⁽¹⁾ OJ L 321, 22.10.2004, p. 26.

2. The duty extended by paragraph 1 of this Article shall be collected on imports registered in accordance with Article 2 of Regulation (EC) No 283/2004 and Article 23(2) and Article 24(5) of Regulation (EC) No 2026/97 with the exception of those produced by Terphane Ltda, BR 101, km 101, City of Cabo de Santo Agostinho, State of Pernambuco, Brazil and by Jolybar Filmtechnic Converting Ltd (1987), Hacharutsim str. 7, Ind. Park Siim 2000, Natania South, 42504, POB 8380, Israel.

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

Article 2

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

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

Done at Brussels, 15 November 2004.

For the Council
The President
M. VAN DER HOEVEN

COMMISSION REGULATION (EC) No 1977/2004**of 17 November 2004****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 18 November 2004.

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

Done at Brussels, 17 November 2004.

For the Commission

J. M. SILVA RODRÍGUEZ
Agriculture Director-General

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 1947/2002 (OJ L 299, 1.11.2002, p. 17).

ANNEX

to Commission Regulation of 17 November 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	127,5
	070	56,3
	204	57,5
	999	80,4
0707 00 05	052	108,0
	204	30,7
	999	69,4
0709 90 70	052	85,8
	204	98,1
	999	92,0
0805 20 10	204	72,6
	999	72,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	68,4
	624	79,5
	999	74,0
0805 50 10	052	57,2
	388	31,5
	524	65,8
	528	21,0
	999	43,9
0806 10 10	052	113,3
	400	203,9
	508	233,7
	999	183,6
0808 10 20, 0808 10 50, 0808 10 90	388	139,8
	400	97,2
	404	79,3
	512	104,2
	720	40,7
	800	195,0
	804	106,7
	999	109,0
0808 20 50	720	69,7
	999	69,7

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1978/2004**of 16 November 2004****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993⁽²⁾ laying down provisions for the implementation of Regulation (EEC) No 2913/92, and in particular Article 173(1) thereof,

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 November 2004.

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

Done at Brussels, 16 November 2004.

For the Commission

Olli REHN

Member of the Commission

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

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

ANNEX

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
1.10	New potatoes 0701 90 50	— — —	— — —	— — —	— — —	— — —	— — —
1.30	Onions (other than seed) 0703 10 19	38,49 132,90 345,11	22,23 26,14 26,97	1 212,82 16,63	286,04 165,06	602,24 9 229,13	9 408,88 1 524,59
1.40	Garlic 0703 20 00	106,86 368,97 958,16	61,71 72,57 74,87	3 367,22 46,16	794,16 458,26	1 672,03 25 623,39	26 122,44 4 232,81
1.50	Leeks ex 0703 90 00	80,25 277,09 719,55	46,34 54,50 56,22	2 528,68 34,67	596,39 344,14	1 255,64 19 242,35	19 617,11 3 178,70
1.60	Cauliflowers 0704 10 00	—	—	—	—	—	—
1.80	White cabbages and red cabbages 0704 90 10	16,57 57,21 148,57	9,57 11,25 11,61	522,12 7,16	123,14 71,06	259,26 3 973,15	4 050,54 656,34
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	61,43 212,11 550,80	35,48 41,72 43,04	1 935,66 26,54	456,52 263,43	961,17 14 729,69	15 016,56 2 433,24
1.100	Chinese cabbage ex 0704 90 90	75,36 260,20 657,70	43,52 51,18 52,80	2 374,59 32,56	560,05 323,17	1 179,13 18 069,82	18 421,75 2 985,01
1.110	Cabbage lettuce (head lettuce) 0705 11 00	—	—	—	—	—	—
1.130	Carrots ex 0706 10 00	26,74 92,33 239,76	15,44 18,16 18,73	842,58 11,55	198,72 114,67	418,39 6 411,72	6 536,59 1 059,17
1.140	Radishes ex 0706 90 90	39,73 137,18 356,23	22,94 26,98 27,83	1 251,89 17,16	295,26 170,37	621,64 9 526,46	9 712,00 1 573,71
1.160	Peas (<i>Pisum sativum</i>) 0708 10 00	401,77 1 387,23 3 602,38	232,02 272,84 281,48	12 659,73 173,56	2 985,78 1 722,90	6 286,31 96 336,07	98 212,33 15 914,05

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EER SIT	HUF SKK
1.170	Beans:						
1.170.1	— Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 00	120,71 416,79 1 082,33	69,71 81,97 84,57	3 803,60 52,15	897,08 517,64	1 888,72 28 944,06	29 507,78 4 781,36
1.170.2	— Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>) ex 0708 20 00	194,17 670,43 1 740,99	112,13 131,86 136,04	6 118,30 83,88	1 442,99 832,66	3 038,10 46 558,08	47 464,86 7 691,07
1.180	Broad beans ex 0708 90 00	—	—	—	—	—	—
1.190	Globe artichokes 0709 10 00	—	—	—	—	—	—
1.200	Asparagus:						
1.200.1	— green ex 0709 20 00	244,55 844,39 2 192,73	141,23 166,08 171,33	7 705,86 105,65	1 817,42 1 048,72	3 826,42 58 638,89	59 780,96 9 686,74
1.200.2	— other ex 0709 20 00	454,18 1 568,18 4 072,28	262,29 308,43 318,20	14 311,10 196,20	3 375,26 1 947,64	7 106,31 108 902,39	111 023,40 17 989,92
1.210	Aubergines (eggplants) 0709 30 00	95,69 330,41 858,01	55,26 64,98 67,04	3 015,27 41,34	711,15 410,36	1 497,26 22 945,12	23 392,01 3 790,38
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	83,53 288,41 748,96	48,24 56,73 58,52	2 632,03 36,08	620,76 358,20	1 306,96 20 028,82	20 418,91 3 308,62
1.230	Chantarelles 0709 59 10	553,21 1 910,12 4 960,25	319,48 375,68 387,58	17 431,65 238,99	4 111,24 2 372,33	8 655,86 132 648,69	135 232,18 21 912,65
1.240	Sweet peppers 0709 60 10	107,89 372,51 967,35	62,30 73,27 75,59	3 399,52 46,61	801,77 462,65	1 688,07 25 869,17	26 373,00 4 273,41
1.250	Fennel 0709 90 50	—	—	—	—	—	—
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	78,73 271,85 705,94	45,47 53,47 55,16	2 480,88 34,01	585,11 337,63	1 231,90 18 878,60	19 246,28 3 118,61
2.10	Chestnuts (<i>Castanea</i> spp.) fresh ex 0802 40 00	—	—	—	—	—	—
2.30	Pineapples, fresh ex 0804 30 00	71,81 247,96 643,90	41,47 48,77 50,31	2 262,84 31,02	533,69 307,96	1 123,64 17 219,44	17 554,81 2 844,53

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.40	Avocados, fresh ex 0804 40 00	160,63	92,76	5 061,47	1 193,74	2 513,32	39 266,17
		554,63	109,08	69,39	688,83	38 516,03	6 362,58
		1 440,26	112,54				
2.50	Guavas and mangoes, fresh ex 0804 50	—	—	—	—	—	—
2.60	Sweet oranges, fresh:						
2.60.1	— Sanguines and semi-sanguines 0805 10 10	52,21	30,15	1 645,14	388,00	816,91	12 762,73
		180,27	35,46	22,55	223,89	12 518,91	2 068,04
		468,13	36,58				
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 30	50,65	29,25	1 595,88	376,39	792,45	12 380,63
		174,87	34,39	21,88	217,19	12 144,11	2 006,12
		454,12	35,48				
2.60.3	— Others 0805 10 50	54,47	31,45	1 716,20	404,76	852,19	13 313,99
		188,06	36,99	23,53	233,56	13 059,64	2 157,36
		488,35	38,16				
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkins and similar citrus hybrids, fresh:						
2.70.1	— Clementines ex 0805 20 10	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.70.2	— Monreales and satsumas ex 0805 20 30	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.70.3	— Mandarines and wilkins ex 0805 20 50	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.70.4	— Tangerines and others ex 0805 20 70 ex 0805 20 90	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.85	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh 0805 50 90	103,48	59,76	3 260,81	769,06	1 619,19	25 296,86
		357,31	70,28	44,71	443,77	24 813,59	4 099,03
		927,88	72,50				
2.90	Grapefruit, fresh:						
2.90.1	— white ex 0805 40 00	76,70	44,29	2 416,68	569,97	1 200,03	18 748,29
		264,82	52,08	33,13	328,89	18 390,12	3 037,92
		687,68	53,73				
2.90.2	— pink ex 0805 40 00	82,97	47,91	2 614,27	616,57	1 298,14	20 281,16
		286,47	56,34	35,84	355,79	19 893,71	3 286,30
		743,90	58,13				

Code	Description	Amount of unit values per 100 kg					
	Species, varieties, CN code	EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.100	Table grapes 0806 10 10	178,10	102,85	5 611,93	1 323,57	2 786,66	43 536,54
		614,94	120,95	76,94	763,75	42 704,82	7 054,54
		1 596,90	124,78				
2.110	Water melons 0807 11 00	57,43	33,17	1 809,62	426,80	898,58	14 038,76
		198,29	39,00	24,81	246,28	13 770,57	2 274,80
		514,93	40,24				
2.120	Melons (other than water melons):						
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onte- niente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	44,25	25,55	1 394,30	328,85	692,36	10 816,81
		152,79	30,05	19,12	189,76	10 610,17	1 752,73
		396,76	31,00				
2.120.2	— Other ex 0807 19 00	89,32	51,58	2 814,40	663,77	1 397,52	21 833,74
		308,40	60,66	38,59	383,02	21 416,62	3 537,88
		800,85	62,58				
2.140	Pears						
2.140.1	— Pears — nashi (<i>Pyrus pyrifolia</i>), Pears — Ya (<i>Pyrus bretschneideri</i>) ex 0808 20 50	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.140.2	— Other ex 0808 20 50	—	—	—	—	—	—
		—	—	—	—	—	—
		—	—	—	—	—	—
2.150	Apricots 0809 10 00	214,58	123,92	6 761,42	1 594,67	3 357,45	52 454,08
		740,90	145,72	92,70	920,18	51 451,99	8 499,51
		1 923,99	150,33				
2.160	Cherries 0809 20 95 0809 20 05	851,77	491,90	26 839,27	6 330,01	13 327,30	208 215,15
		2 940,99	578,44	367,96	3 652,64	204 237,39	33 738,61
		7 637,22	596,75				
2.170	Peaches 0809 30 90	352,71	203,69	11 113,96	2 621,21	5 518,74	86 220,45
		1 217,84	239,53	152,37	1 512,53	84 573,28	13 970,92
		3 162,52	247,11				
2.180	Nectarines ex 0809 30 10	272,32	157,27	8 580,92	2 023,80	4 260,94	66 569,53
		940,28	184,94	117,64	1 167,81	65 297,78	10 786,74
		2 441,74	190,79				
2.190	Plums 0809 40 05	117,37	67,78	3 698,35	872,25	1 836,45	28 691,29
		405,26	79,71	50,70	503,32	28 143,17	4 649,06
		1 052,38	82,23				
2.200	Strawberries 0810 10 00	330,34	190,77	10 409,01	2 454,95	5 168,70	80 751,61
		1 140,60	224,33	142,71	1 416,60	79 208,93	13 084,77
		2 961,93	231,44				

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg					
		EUR LTL SEK	CYP LVL GBP	CZK MTL	DKK PLN	EEK SIT	HUF SKK
2.205	Raspberries 0810 20 10	304,95	176,11	9 608,97	2 266,27	4 771,43	74 545,03
		1 052,93	207,09	131,74	1 307,72	73 120,91	12 079,07
		2 734,27	213,65				
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	1 690,61	976,33	53 271,12	12 563,94	26 452,30	413 269,61
		5 837,34	1 148,09	730,34	7 249,84	405 374,47	66 965,06
		15 158,52	1 184,44				
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 00	152,33	87,97	4 799,84	1 132,04	2 383,41	37 236,48
		525,96	103,45	65,81	653,23	36 525,11	6 033,70
		1 365,81	106,72				
2.230	Pomegranates ex 0810 90 95	115,12	66,48	3 627,54	855,55	1 801,29	28 141,94
		397,50	78,18	49,73	493,68	27 604,31	4 560,04
		1 032,23	80,66				
2.240	Khakis (including sharon fruit) ex 0810 90 95	112,29	64,85	3 538,13	834,46	1 756,89	27 448,26
		387,70	76,25	48,51	481,52	26 923,89	4 447,64
		1 006,79	78,67				
2.250	Lychees ex 0810 90	—	—	—	—	—	—

COMMISSION REGULATION (EC) No 1979/2004

of 17 November 2004

adapting Regulation (EC) No 639/2003 laying down detailed rules pursuant to Council Regulation (EC) No 1254/1999 as regards requirements for the granting of export refunds related to the welfare of live bovine animals during transport by reason of the accession to the European Union of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia,

Having regard to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia and in particular Article 57(2) thereof,

Whereas:

(1) In view of the accession to the Community of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (hereinafter referred to as 'the new Member States'), Commission Regulation (EC) No 639/2003⁽¹⁾ should be adapted and provision should be made for certain indications in the languages of the new Member States.

(2) Regulation (EC) No 639/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2(3) of Regulation (EC) No 639/2003 is hereby replaced by the following:

'3. If the official veterinarian at the exit point is satisfied that the requirements of paragraph 2 are met, he shall certify this by the entry:

— Resultados de los controles de conformidad con el artículo 2 del Reglamento (CE) n° 639/2003 satisfactorios

— Výsledky kontrol podle článku 2 nařízení (ES) č. 639/2003 jsou uspokojivé

— Resultater af kontrollen efter artikel 2 i forordning (EF) nr. 639/2003 er tilfredsstillende

— Ergebnisse der Kontrollen nach Artikel 2 der Verordnung (EG) Nr. 639/2003 zufriedenstellend

— Määruse (EÜ) nr 639/2003 artiklis 2 osutatud kontrollide tulemused rahuldavad

— Αποτελέσματα των ελέγχων βάσει του άρθρου 2 του κανονισμού (ΕΚ) αριθ. 639/2003 ικανοποιητικά

— Results of the checks pursuant to Article 2 of Regulation (EC) No 639/2003 satisfactory

— Résultats des contrôles visés à l'article 2 du règlement (CE) n° 639/2003 satisfaisants

— Risultati dei controlli conformi alle disposizioni dell'articolo 2 del regolamento (CE) n. 639/2003

— Regulas (EK) Nr. 639/2003 2. pantā minēto pārbaūžu rezultāti ir apmierinoši

— Reglamento (EB) Nr.639/2003 2 straipsnyje numatytų patikrinimų rezultatai yra patenkinami

— A 639/2003/EK rendelet 2. cikkében előírányzott ellenőrzések eredményei kielégítőek

— Riżultati tal-kontrolli konformi ma'l-artikolu 2 tar-regolament (KE) nru 639/2003 sodisfaċenti

— Bevindingen bij controle overeenkomstig artikel 2 van Verordening (EG) nr. 639/2003 bevredigend

— Wyniki kontroli, o której mowa w art. 2 rozporządzenia (WE) nr 639/2003 zadowalające

— Resultados dos controlos satisfatórios nos termos do artigo 2º do Regulamento (CE) n° 639/2003

⁽¹⁾ OJ L 93, 10.4.2003, p. 10. Regulation as last amended by Regulation (EC) No 687/2004 (OJ L 106, 15.4.2004, p. 13).

— Výsledky kontrol podľa článku 2 nariadenia (ES) č. 639/2003 uspokojivé

Community, either in Section J of the control copy T5 or in the most appropriate place on the national document.'

— Rezultati kontrol, izhajajoči iz člena 2 Uredbe št. 639/2003 so zadovoljivi

Article 2

— Asetuksen (EY) N:o 639/2003 2 artiklan mukaisen tarkastuksen tulos tyydyttävä

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

— Resultaten av kontrollen enligt artikel 2 i förordning (EG) nr 639/2003 är tillfredsställande,

It shall apply from 1 May 2004. However, it shall not affect the validity of certification provided under Article 2(3) of Regulation (EC) No 639/2003 between 1 May 2004 and the date of entry into force of this Regulation.

and by stamping and signing the document constituting evidence of exit from the customs territory of the

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

Done at Brussels, 17 November 2004.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1980/2004

of 17 November 2004

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 2286/2002 of 10 December 2002 on the arrangements applicable to agricultural products and goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States) and repealing Regulation (EC) No 1706/98⁽²⁾,

Having regard to Commission Regulation (EC) No 2247/2003 of 19 December 2003 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EC) No 2286/2002 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP States)⁽³⁾, and in particular Article 5 thereof,

Whereas:

- (1) Article 1 of Regulation (EC) No 2247/2003 provides for the possibility of issuing import licences for beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia. However, imports must take place within the limits of the quantities specified for each of these exporting non-member countries.
- (2) The applications for import licences submitted between 1 and 10 November 2004, expressed in terms of boned meat, in accordance with Regulation (EC) No 2247/2003, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from those States. It is therefore possible to issue import licences in respect of the quantities applied for.
- (3) The quantities in respect of which licences may be applied for from 1 December 2004 should be fixed within the scope of the total quantity of 52 100 t.
- (4) This Regulation is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and

veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The following Member States shall issue on 21 November 2004 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

United Kingdom:

— 260 t originating in Botswana,

— 435 t originating in Namibia;

Germany:

— 200 t originating in Botswana.

Article 2

Licence applications may be submitted, pursuant to Article 3(2) of Regulation (EC) No 2247/2003, during the first 10 days of December 2004 for the following quantities of boned beef and veal:

Botswana:	10 356 t,
Kenya:	142 t,
Madagascar:	7 579 t,
Swaziland:	3 180 t,
Zimbabwe:	9 100 t,
Namibia:	4 450 t.

Article 3

This Regulation shall enter into force on 21 November 2004.

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

⁽²⁾ OJ L 348, 21.12.2002, p. 5.

⁽³⁾ OJ L 333, 20.12.2003, p. 37. Regulation as last amended by Regulation (EC) No 1118/2004 (OJ L 217, 17.6.2004, p. 10).

⁽⁴⁾ OJ L 302, 31.12.1972, p. 28. Directive as last amended by Regulation (EC) No 807/2003 (OJ L 122, 16.5.2003, p. 36).

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

Done at Brussels, 17 November 2004.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 25 October 2004

amending the Decision authorising the Director of Europol to enter into negotiations on agreements with third States and non-EU-related bodies

(2004/773/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Convention on the establishment of a European Police Office (Europol Convention)⁽¹⁾, and in particular Article 42(2), Article 10(4) and Article 18 thereof,

Having regard to the Council Act of 3 November 1998 laying down rules governing Europol's external relations with third States and non-EU-related bodies⁽²⁾, and in particular Article 2 of that Act,

Having regard to the Council Act of 3 November 1998 laying down rules governing the receipt of information by Europol from third parties⁽³⁾, and in particular Article 2 of that Act,

Having regard to the Council Act of 12 March 1999 adopting the rules governing the transmission of personal data by Europol to third States and third bodies⁽⁴⁾, and in particular Articles 2 and 3 of that Act,

Whereas:

- (1) Operational requirements and the need to combat in an effective way organised forms of criminality through Europol, require that Moldova and Ukraine be added to the list of third States with which the Director of Europol is authorised to start negotiations.
- (2) Council Decision of 27 March 2000⁽⁵⁾ should therefore be amended,

HAS DECIDED AS FOLLOWS:

Article 1

Council Decision of 27 March 2000 is hereby amended as follows:

In Article 2(1), under the heading 'Third States', the following States shall be inserted in the alphabetical list:

- 'Moldova' and
- 'Ukraine'.

Article 2

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

Article 3

This Decision shall enter into force on the day following its adoption.

Done at Luxembourg, 25 October 2004.

For the Council
The President
R. VERDONK

⁽¹⁾ OJ C 316, 27.11.1995, p. 2.

⁽²⁾ OJ C 26, 30.1.1999, p. 19.

⁽³⁾ OJ C 26, 30.1.1999, p. 17.

⁽⁴⁾ OJ C 88, 30.3.1999, p. 1.

⁽⁵⁾ OJ C 106, 13.4.2000, p. 1.

COMMISSION

COMMISSION DECISION

of 9 November 2004

declaring operational the Regional Advisory Council for the North Sea under the common fisheries policy

(2004/774/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Denmark, Germany, Spain, France, the Netherlands, Sweden and the United Kingdom.

Having regard to the Treaty establishing the European Community,

(4) As required by Article 3(2) of Decision 2004/585/EC, the Member States concerned determined whether the application concerning the Regional Advisory Council for the North Sea was in conformity with the provisions laid down in that Decision. On 10 September 2004, the Member States concerned transmitted a recommendation on that Regional Advisory Council to the Commission.

Having regard to Council Decision 2004/585/EC of 19 July 2004 establishing Regional Advisory Councils under the common fisheries policy⁽¹⁾, and in particular Article 3(3) thereof,

(5) The Commission has evaluated the application by the interested parties and the recommendation in the light of Decision 2004/585/EC and the aims and principles of the Common Fisheries Policy, and considers that the Regional Advisory Council for the North Sea is ready to become operational,

Having regard to the recommendation transmitted by the United Kingdom on 10 September 2004 on behalf of Belgium, Denmark, Germany, Spain, France, the Netherlands, Sweden and the United Kingdom,

Whereas:

HAS DECIDED AS FOLLOWS:

(1) Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy⁽²⁾ and Decision 2004/585/EC provide the framework for the establishment and operation of Regional Advisory Councils.

Sole Article

The North Sea Regional Advisory Council, established by Decision 2004/585/EC, shall be operational as from 1 November 2004.

(2) Article 2 of Decision 2004/585/EC establishes a Regional Advisory Council to cover the North Sea (ICES areas IV and IIIa).

Done at Brussels, 9 November 2004.

(3) In accordance with Article 3(1) of Decision 2004/585/EC, representatives of the fisheries sector and other interest groups submitted a request concerning the operation of that Regional Advisory Council to Belgium,

For the Commission
António VITORINO
Member of the Commission

⁽¹⁾ OJ L 256, 3.8.2004, p. 17.

⁽²⁾ OJ L 358, 31.12.2002, p. 59.

COMMISSION DECISION**of 18 November 2004****granting Slovakia the derogation provided for in Article 3(2) of Council Directive 92/102/EEC on the identification and registration of animals***(notified under document number C(2004) 4382)***(Only the Slovak text is authentic)****(Text with EEA relevance)**

(2004/775/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/102/EEC of 27 November 1992 on the identification and registration of animals⁽¹⁾, and in particular Article 3(2) thereof,

Whereas:

(1) Article 3(2) of Directive 92/102/EEC provides for the possibility to authorise Member States to exclude from the list of holdings required by Article 3(1) those holdings with no more than three sheep or goats for which no premium are sought, or one pig, provided that the animals are intended for use or consumption by the owner, and that they are subject to the controls required by the Directive before any movement.

(2) The Slovak authorities have requested this authorisation until the end of June 2005 and have given the appropriate assurances in respect of veterinary controls.

(3) Therefore Slovakia should be authorised to apply the derogation until 30 June 2005.

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

HAS ADOPTED THIS DECISION:

Article 1

Slovakia is authorised to apply the derogation provided for in Article 3(2) of Directive 92/102/EEC.

Article 2

This Decision is applicable until 30 June 2005 and is addressed to the Slovak Republic.

Done at Brussels, 18 November 2004.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 355, 5.12.1992, p. 32. Directive as last amended by Regulation (EC) No 21/2004 (OJ L 5, 9.1.2004, p. 8).

EUROPEAN ECONOMIC AREA
THE EEA JOINT COMMITTEE

DECISION OF THE EEA JOINT COMMITTEE

No 138/2004

of 29 October 2004

amending Protocol 3 to the EEA Agreement, concerning products referred to in Article 8(3)(b) of the Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Protocol 3 to the Agreement, as amended by Decision of the EEA Joint Committee No 140/2001 ⁽¹⁾, determines the trade arrangements for certain agricultural and processed agricultural products between the Contracting Parties.
- (2) At the time of the adoption of Decision No 140/2001, the EC and Norway stated in a joint declaration that the non-agricultural component of customs duties on products in Table I of Protocol 3 must be eliminated. On this basis, discussions between Commission and Norwegian officials were concluded on 11 March 2004.
- (3) Technical amendments have been made in the tariff nomenclatures since the adoption of Decision No 140/2001.
- (4) Article 2(2) of Protocol 3 to the Agreement stipulates that the customs duties set out in the Annexes to Table I of Protocol 3 to the Agreement can be adapted by the EEA Joint Committee taking account of mutual concessions.
- (5) Following the conclusion of discussions on 11 March 2004 and the technical amendments made in the tariff nomenclatures, Annexes I and III to Table I of Protocol 3 to the Agreement should be amended,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 3 to the Agreement shall be amended as follows:

1. in Annex I to Table I, paragraphs 4 to 6 and 8 shall be replaced by paragraphs 4 to 6 and 8 of Annex I to this Decision;

⁽¹⁾ OJ L 22, 24.1.2002, p. 34.

2. in the Appendix to Annex I to Table I, the entry '1904 90 90' shall be replaced by '1904 90 80';
3. in Annex III to Table I, paragraphs 2, 7 and 9 to 19 shall be replaced by paragraphs 2, 7 and 9 to 11 of Annex II to this Decision;
4. in paragraph 6 of Annex III to Table I, the entry 'cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included' shall be replaced by 'cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included';
5. in the Appendix to Annex III to Table I, the entry '1905.3002' shall be replaced by '1905.3200'.

Article 2

This Decision shall enter into force on 30 October 2004, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

It shall apply from 1 November 2004.

Article 3

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

Done at Brussels, 29 October 2004.

For the EEA Joint Committee

The President

Kjartan JÓHANNSSON

(*) No constitutional requirements indicated.

ANNEX I

to Decision of the EEA Joint Committee No 138/2004

The following paragraphs shall replace paragraphs 4 to 6 and 8 in Annex I to Table I of Protocol 3:

'4. The customs duties for the products listed in the table below are as specified.

CN Code	Applied duty	Comments
0501 00 00	Zero	
0502 10 00	Zero	
0502 90 00	Zero	
0503 00 00	Zero	
0505 10 10	Zero	
0505 10 90	Zero	
0505 90 00	Zero	
0507 10 00	Zero	
0507 90 00	Zero	
0508 00 00	Zero	
0509 00 10	Zero	
0509 00 90	Zero	
0510 00 00	Zero	
1302 14 00	Zero	
1302 19 30	Zero	
1302 19 91	Zero	
ex 1302 20 10	18,6 %	Containing 5 % or more by weight of added sugar
ex 1302 20 90	10,9 %	Containing 5 % or more by weight of added sugar
1401 10 00	Zero	
1401 20 00	Zero	
1401 90 00	Zero	
1402 00 00	Zero	
1403 00 00	Zero	
1404 10 00	Zero	
1404 90 00	Zero	
1517 10 10	0 % + 26,1 EUR/100 kg	
1517 90 10	0 % + 26,1 EUR/100 kg	
1517 90 93	Zero	
1702 50 00	Zero	

CN Code	Applied duty	Comments
1702 90 10	Zero	
1704 90 10	Zero	
1806 10 15	Zero	
1901 90 91	Zero	
1902 20 10	8,2 %	
2001 90 60	Zero	
ex 2006 00 38	9,12 EUR/100 kg	Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
ex 2006 00 99	9,12 EUR/100 kg	Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
2007 10 10	13,98 % + 4,07 EUR/100 kg	
2007 10 91	13,14 %	
2007 10 99	15,15 %	
2007 91 10	11,64 % + 22,31 EUR/100 kg	
2007 91 30	11,64 % + 4,07 EUR/100 kg	
2007 91 90	18,90 %	
2007 99 10	19,53 %	
2007 99 20	13,98 % + 19,11 EUR/100 kg	
2007 99 31	13,98 % + 22,31 EUR/100 kg	
2007 99 33	13,98 % + 22,31 EUR/100 kg	
2007 99 35	13,98 % + 22,31 EUR/100 kg	
2007 99 39	7 % + 22,31 EUR/100 kg	
2007 99 55	13,98 % + 4,07 EUR/100 kg	
ex 2007 99 57	13,98 % + 4,07 EUR/100 kg	Chestnut purée and paste
ex 2007 99 57	7 % + 4,07 EUR/100 kg	Other than chestnut purée and paste
2007 99 91	20,97 %	
2007 99 93	13,14 %	
2007 99 98	16,31 %	
2008 11 10	Zero	
2008 11 92	Zero	
2008 11 96	Zero	
2102 10 10	Zero	
2102 10 90	Zero	
2102 20 11	Zero	
2102 20 19	Zero	

CN Code	Applied duty	Comments
2102 20 90	Zero	
2102 30 00	Zero	
2103 20 00	Zero	
ex 2103 30 90	Zero	Containing 5 % or more by weight of added sugar
2103 90 30	Zero	
2103 90 90	Zero	
2104 10 10	Zero	
2104 10 90	Zero	
2104 20 00	Zero	
2106 10 20	12,4 %	
2106 90 10	24,25 EUR/100 kg	
2106 90 20	16,8 % min 0,97 EUR/% vol/hl	
2106 90 92	Zero	
2202 10 00	Zero ⁽¹⁾	
2202 90 10	Zero ⁽¹⁾	
2203 00 01	Zero	
2203 00 09	Zero	
2203 00 10	Zero	
2205 10 10	Zero	
2205 10 90	Zero	
2205 90 10	Zero	
2205 90 90	Zero	
2207 20 00	9,9 EUR/hl	
2208 40 11	Zero	
2208 40 31	Zero	
2208 40 39	Zero	
2208 40 51	Zero	
2208 40 91	Zero	
2208 40 99	Zero	
2208 50 11	Zero	
2208 50 19	Zero	
2208 50 91	Zero	

CN Code	Applied duty	Comments
2208 50 99	Zero	
2208 60 11	Zero	
2208 60 19	Zero	
2208 60 91	Zero	
2208 60 99	Zero	
2208 70 10 11	Zero	Containing more than 5 % by weight of added sugar
2208 70 90 11	Zero	Containing more than 5 % by weight of added sugar
2208 90 56 10	Zero	Aquavit
2208 90 77 10	Zero	Aquavit
2209 00 11	3,10 EUR/hl	
2209 00 19	2,33 EUR/hl	
2209 00 91	2,49 EUR/hl	
2209 00 99	1,50 EUR/hl	
2402 10 00	12,60 %	
2402 20 10	Zero	
2402 20 90	27,95 %	
2402 90 00	27,95 %	
2403 10 10	36,35 %	
2403 10 90	36,35 %	
2403 91 00	8,05 %	
2403 99 10	20,2 %	
2403 99 90	Zero	
3302 10 21	5,8 %	
3501 10 10	Zero	
3501 10 50 10	Zero	Of a water content of more than 50 % by weight
3501 10 50 90	2,9 %	Of a water content not exceeding 50 % by weight
3501 10 90	8,7 %	
3501 90 10	8,1 %	
3501 90 90	6,2 %	
3505 10 50	7,5 %	

(1) The zero rate is temporarily suspended. For Iceland, the preferential arrangement provided for by Protocol No 2 to the bilateral Free Trade Agreement between the European Community and the Republic of Iceland shall apply (zero duty rate). For Norway, Protocol 2 to the bilateral Free Trade Agreement between the European Community and the Kingdom of Norway will be adapted to include a duty free quota on imports of these goods originating in Norway into the Community.

5. The *ad valorem* part of the customs duties for the following products is 0%:

0403 10 51 to	1806 20 95	1902 19	2101 30 99
0403 10 59	1806 31 00	1902 20 91	2105 00
0403 10 91 to	1806 32	1902 20 99	2106 10 80
0403 10 99	1806 90 11 to	1902 30	2106 90 98
0403 90 71 to	1806 90 50	1902 40	2202 90 91 to
0403 90 79	1806 90 60 10	1903 00 00	2202 90 99
0403 90 91 to	1806 90 60 90	1904	3302 10 29
0403 90 99	1806 90 70 10	1905	3505 10 10
0710 40 00	1806 90 70 90	2001 90 30	3505 10 90
0711 90 30	1806 90 90 11	2001 90 40	3505 20
1704 10	1806 90 90 19	2004 10 91	3809 10.
1704 90 30 to	1806 90 90 91	2004 90 10	
1704 90 99	1806 90 90 99	2005 20 10	
1806 10 20 to	1901 10 00	2005 80 00	
1806 10 90	1901 20 00	2008 99 85	
1806 20 10 to	1901 90 11	2008 99 91	
1806 20 50	1901 90 19	2101 12 98 91	
1806 20 70	1901 90 99	2101 20 98 90	
1806 20 80	1902 11 00	2101 30 19	

6. The *ad valorem* part of the customs duties for the following products is 5,8%:

2905 44	3824 60
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8. Tariff codes set out in this Annex refer to those applicable in the Community on 1 January 2004. The terms of this Annex will not be affected by any changes that may be made in the tariff nomenclature.'

ANNEX II

to Decision of the EEA Joint Committee No 138/2004

The following paragraphs shall replace paragraphs 2, 7 and 9 to 19 in Annex III to Table I of Protocol 3:

- '2. Tariff codes set out in this Annex refer to those applicable in Norway on 1 January 2004. The terms of this Annex will not be affected by any changes that may be made in the tariff nomenclature.
7. The customs duties for the products listed in the table below are as specified.

Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
05.01	Human hair, unworked, whether or not washed or scoured; waste of human hair	Zero
05.02	Pigs', hogs' or boars' bristles and hair; badger hair and other brush making hair; waste of such bristles or hair	Zero
05.03	Horsehair and horsehair waste, whether or not put up as a layer with or without supporting material	Zero
05.05	Skins and other parts of birds, with their feathers or down, feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation; powder and waste of feathers or parts of feathers	Zero
05.07	Ivory, tortoise-shell, whalebone and whalebone hair, horns, antlers, hooves, nails, claws and beaks, unworked or simply prepared but not cut to shape; powder and waste of these products	Zero
05.08	Coral and similar materials, unworked or simply prepared but not otherwise worked; shells of molluscs, crustaceans or echinoderms and cuttle-bone, unworked or simply prepared but not cut to shape, powder and waste thereof	Zero
05.09	Natural sponges of animal origin	Zero
05.10	Ambergris, castoreum, civet and musk; cantharides; bile, whether or not dried; glands and other animal products used in the preparation of pharmaceutical products, fresh, chilled, frozen or otherwise provisionally preserved	Zero
07.10	Vegetables (uncooked or cooked by steaming or boiling in water), frozen: – Sweet corn:	
.4010	-- For feed purpose	1,73
.4090	-- Other	Zero
07.11	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption: – Other vegetables; mixtures of vegetables: -- Sweet corn:	
.9011	---- For feed purpose	1,73
.9020	---- Other	Zero

Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
15.20	Glycerol, crude; glycerol waters and glycerol lyes:	
.0010	– For feed purpose	3,79
15.22	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes:	
.0011	– For feed purpose	3,79
17.02	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar, syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:	
	– Chemically pure fructose:	
.5010	-- For feed purpose	1,37
.5090	-- Other	Zero
	– Other, including invert sugar and other sugar and sugar syrup blends containing in the dry state 50 % by weight of fructose:	
ex .9022	-- Chemically pure maltose for feed purpose	1,37
ex .9022	-- Chemically pure maltose not for feed purpose	Zero
18.06	Chocolate and other food preparations containing cocoa:	
.1000	– Cocoa powder, containing added sugar or other sweetening matter	Zero
19.01	Malt extract; food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included:	
	– Preparations for infant use, put up for retail sale:	
.1010	-- Of goods of headings 04.01 to 04.04	5,10 (!)
	– Other:	
.9010	-- Malt extract	Zero
19.04	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked or otherwise prepared, not elsewhere specified or included:	
	– Prepared foods obtained by the swelling or roasting of cereals or cereal products:	
.1010	-- “Corn flakes”	Zero
	-- Other:	
.1091	---- Popcorn	Zero
.1099	---- Other	Zero
	– Other:	
	-- Pre-cooked rice not containing any added ingredients:	
.9010	---- For feed purpose	1,11
.9020	---- Other	Zero

Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
19.05	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products:	
.2000	– Gingerbread and the like	0,75
20.01	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:	
	– Other:	
	-- Vegetables:	
	---- Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>):	
.9031	----- For feed purpose	1,73
.9041	----- Other	Zero
	---- Other:	
.9062	----- Palm hearts	2,22
.9063	----- Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch	2,22
20.04	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 20.06:	
	– Other vegetables and mixtures of vegetables:	
	– Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>):	
.9011	---- For feed purpose	1,73
.9020	---- Other	Zero
20.05	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 20.06:	
	– Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>):	
.8010	-- For feed purpose	1,73
.8090	-- Other	Zero
20.06	Vegetables, fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallised):	
	– Other products:	
ex .0031	-- Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>) with a sugar content exceeding 13 % by weight for feed purpose	1,94
ex .0031	-- Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>) with a sugar content exceeding 13 % by weight not for feed purpose	Zero
ex .0091	-- Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>) with a sugar content not exceeding 13 % by weight for feed purpose	1,94
ex .0091	-- Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>) with a sugar content not exceeding 13 % by weight not for feed purpose	Zero

Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
20.07	Jams, fruit jellies, marmalades, fruit or nut puree and fruit or nut pastes, obtained by cooking, whether or not containing added sugar or other sweetening matter: – Homogenised preparations:	
.1001	-- Containing added sugar or sweetening matter	5,30
ex .1009	-- Other, not containing sugar or sweetening matter, of raw materials other than strawberries, blackcurrant and raspberries	3,28
ex .1009	-- Other – Other:	4,55
	-- Citrus fruit:	
.9110	---- Containing added sugar or sweetening matter	Zero
.9190	---- Other -- Other:	Zero
	---- Containing added sugar or sweetening matter:	
.9902	----- Of apricots, mangos, kiwis, peaches or mixtures thereof	Zero
ex .9903	----- Of lingonberries (<i>Vaccinium vitis-idaea</i>), blueberries (<i>Vaccinium myrtillus</i>), other berries of the species <i>Vaccinium</i> or cloudberrries (Norwegian tariff line 0810.9010), or mixtures of these berries	1,76
ex .9903	----- Other ---- Other:	5,30
.9907	----- Of apricots, mangos, kiwis, peaches or mixtures thereof	Zero
ex .9908	----- Of raw materials other than strawberries, blackcurrant and raspberries	1,76
ex .9908	----- Other	5,30
20.08	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included: – Nuts, ground-nuts and other seeds, whether or not mixed together: -- Ground-nuts:	
.1110	---- Peanut butter ---- Other:	Zero
.1180	----- For feed purpose	1,69
.1191	----- Other – Other, including mixtures other than those of subheading 2008.19: -- Palm hearts:	Zero
.9110	---- For feed purpose -- Other:	4,67
ex .9903	---- Maize (corn), other than sweet corn (<i>Zea mays</i> var. <i>saccharata</i>) for feed purpose	2,67

Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
21.01	Extracts, essences and concentrates, of coffee, tea or mate and preparations with a basis of these products or with a basis of coffee, tea or mate; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof: – Extracts, essences and concentrates, of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee: -- Preparations with a basis of extracts, essences or concentrates or with a basis of coffee ex .1202 --- Preparations with a basis of coffee, containing by weight 1,5% or more milk fat, 2,5% or more milk proteins, 5% or more sugar or 5% or more starch ex .1209 --- Other, containing by weight 1,5% or more milk fat, 2,5% or more milk proteins, 5% or more sugar or 5% or more starch – Extracts, essences and concentrates of tea or maté, and preparations with a basis of these extracts, essences or concentrates or with a basis of tea or maté: ex .2010 -- Extracts, essences and concentrates of tea, containing by weight 1,5% or more milk fat, 2,5% or more milk proteins, 5% or more sugar or 5% or more starch -- Other: ex .2091 --- Preparations with a basis of tea or maté, containing by weight 1,5% or more milk fat, 2,5% or more milk proteins, 5% or more sugar or 5% or more starch ex .2099 --- Other, containing by weight 1,5% or more milk fat, 2,5% or more milk proteins, 5% or more sugar or 5% or more starch ex .3000 – Other roasted coffee substitutes than roasted chicory; extracts, essences and concentrates of other roasted coffee substitutes than roasted chicory	 Zero Zero Zero Zero Zero Zero
21.02	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading 30.02); prepared baking powders: – Active yeasts: .1010 -- Wine yeasts .1020 -- Baking yeasts, liquid, pressed or dried .1090 -- Other – Inactive yeasts; other single-cell micro-organisms, dead: .2010 -- Yeasts for feed purpose .2020 -- Other inactive yeasts .2031 -- Other single-cell micro-organisms, dead, for feed purpose .2040 -- Other single-cell micro-organisms, dead, not for feed purpose .3000 – Prepared baking powders	 Zero Zero (?) Zero 2,58 Zero 2,58 Zero Zero
21.03	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard: – Tomato ketchup and other tomato sauce: .2010 -- Tomato ketchup – Mustard flour and meal and prepared mustard: -- Prepared mustard: .3009 --- Prepared mustard containing 5% or more by weight of added sugar	 Zero Zero

Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
21.04	Soups and broths and preparations therefor; homogenised composite food preparations: – Soups and broths and preparations therefor: -- In airtight containers: --- Meat broth: .1011 --- Dried	Zero
21.05	Ice cream and other edible ice, whether or not containing cocoa: – Other: .0090 -- Other	Zero
21.06	Food preparations not elsewhere specified or included: – Other: .9010 -- Non-alcoholic compounds (known as “concentrated extracts”) with a basis of goods of heading 13.02, for the manufacture of beverages .9020 -- Preparations based on juices of apples or blackcurrants, for the manufacture of beverages -- Other preparations of a kind used for the manufacture of beverages: .9039 --- Other than flavoured or coloured syrups -- Drops and chewing gum, not containing sugar: .9041 --- Drops --- Chewing gum: .9043 ---- Chewing gum containing nicotine .9044 ---- Other -- Other: --- Cream substitutes: .9051 ---- Dried .9052 ---- Liquid	Zero 8,73 % Zero Zero Zero Zero 5,83 2,92
22.02	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 20.09: .1000 – Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured – Other: .9010 -- Non-alcoholic wines .9020 -- Non-alcoholic beer (beer with an alcoholic strength not exceeding 0,5 % by volume) .9090 -- Other	Zero Zero Zero Zero
22.03	Beer made from malt	Zero
22.05	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances	Zero

Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
22.07	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; ethyl alcohol and other spirits, denatured, of any strength:	
.2000	– Ethyl alcohol and other spirits, denatured, of any strength	Zero
22.08	Undenatured ethyl alcohol of an alcoholic strength by volume less than 80 % vol; spirits, liqueurs and other spirituous beverages:	
.4000	– Rom and taffia	Zero
.5000	– Gin and Geneva	Zero
.6000	– Vodka	Zero
	– Liqueurs and cordials:	
ex .7000	-- Liqueurs containing more than 5 % by weight of sugar	Zero
	– Other:	
.9003	-- Aquavit (distilled spirits flavoured with cumin seeds)	Zero
22.09	Vinegar and substitutes for vinegar obtained from acetic acid	Zero
24.02	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes: – Cigars, cheroots and cigarillos, containing tobacco:	
.1001	-- Cigars	Zero
.1009	-- Other	Zero
.2000	– Cigarettes containing tobacco	Zero
.9000	– Other	Zero
24.03	Other manufactured tobacco and manufactured tobacco substitutes; “homogenised” or “reconstituted” tobacco; tobacco extracts and essences:	
.1000	– Smoking tobacco, whether or not containing tobacco substitutes in any proportion	Zero
	– Other:	
.9100	-- “Homogenised” or “reconstituted” tobacco	Zero
	-- Other:	
.9910	--- Tobacco extracts and essences	Zero
.9990	--- Other	Zero
29.05	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives: – Other polyhydric alcohols:	
.4300	-- Mannitol	Zero
.4400	-- D-glucitol (sorbitol)	Zero
33.02	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages	
.1000	– Of a kind used in the food or drink industries	Zero

Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
35.05	Dextrins and other modified starches (for example, pregelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches:	
	– Dextrins and other modified starches:	
.1001	-- Esterified or etherified	7,40 ⁽³⁾
.1009	-- Other	7,40 ⁽³⁾
.2000	– Glues	Zero
38.09	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included:	
.1000	– With a basis of amylaceous substances	Zero
38.24	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included:	
.6000	– Sorbitol, other than that of subheading 2905.44	Zero

⁽¹⁾ The agricultural element is based on a standard recipe in Protocol 2 to the FTA.

⁽²⁾ The duty free regime shall apply from 1 January 2005.

⁽³⁾ For technical use, the customs duty will be zero.

9. The customs duty for products classified within Norwegian codes 1901.2097 and 1901.2098 (other mixes for the preparation of bakers' wares of heading 1905) and declared as free from gluten for sufferers of coeliac diseases will be 0,37 NOK/kg.
10. The customs duty for products classified within Norwegian code ex 2008.9903 (maize (corn), other than sweet corn (*Zea mays* var. *Saccharata*), not for feed purpose) will be calculated subject to the matrix system. The maximum customs duty shall, however, not exceed 12 NOK/kg.
11. The customs duty for products classified within Norwegian code 2106.9060 (emulsified fats and similar products containing more than 15% by weight of edible milk-fats) will be calculated subject to the matrix system. The maximum customs duty shall, however, not exceed 7 NOK/kg.

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