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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2051/2004

of 25 October 2004

amending Regulation (EEC) No 337/75 establishing a European Centre for the Development of Vocational Training

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal of the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Having regard to the opinion of the Committee of the Regions,

Whereas:

(1) Council Regulation (EEC) No 337/75 of 10 February 1975 establishing a European Centre for the Development of Vocational Training ⁽³⁾ includes provisions concerning the organisation of the Centre, and in particular its Management Board. Those provisions have been amended several times following each accession of new Member States, when new members had to be added to the Management Board.

(2) An external evaluation of the European Centre for the Development of Vocational Training (hereinafter the Centre) was carried out in 2001. The Commission's response and the Action Plan established by the Management Board on the basis of that response underline the need to adapt the provisions of Regulation (EEC) No 337/75 in order to maintain the efficiency and effectiveness of the Centre and of its management structures.

(3) The European Parliament has called upon the Commission to review the composition and working methods of agencies' boards and to put forward appropriate proposals.

(4) A Joint Opinion concerning the future governance and functioning of the Boards of the European Agency for Safety and Health at Work, of the Centre and of the European Foundation for the Improvement of Living and Working Conditions has been submitted to the Commission by their respective management or administrative Boards.

(5) The tripartite governance of the European Agency for Safety and Health at Work, the Centre and the European Foundation for the Improvement of Living and Working Conditions by representatives of governments, employers' organisations and employees' organisations, is fundamental to the success of those bodies.

(6) The participation of the social partners in the governance of those three Community bodies creates a specificity, which requires them to function according to common rules.

(7) The existence, within the tripartite Board, of the three groups, drawn from government, employers and employees and the designation of a coordinator for the groups of employers and employees have proved to be essential. That arrangement should therefore be formalised and also extended to the government group.

(8) The maintenance of the tripartite representation from each Member State ensures that all major stakeholders are involved and that account is taken of the diversity of systems and approaches which characterise vocational training issues.

(9) It is necessary to anticipate the practical consequences for the Centre of the forthcoming enlargement of the Union. The composition and functioning of its Board should be adjusted to take account of the accession of new Member States.

(10) The Bureau, provided for in the Rules of Procedure of the Management Board, needs to be strengthened in order to ensure continuity in the functioning of the Centre and efficiency in its decision making. The composition of the Bureau should continue to reflect the tripartite structure of the Board.

⁽¹⁾ Opinion of 31 March 2004 (not yet published in the Official Journal).

⁽²⁾ OJ C 112, 30.4.2004, p. 53.

⁽³⁾ OJ L 39, 13.2.1975, p. 1. Regulation as last amended by Regulation (EC) No 1655/2003 (OJ L 245, 29.9.2003, p. 41).

- (11) According to Article 3 of the Treaty, the Community is to aim to eliminate inequalities, and promote equality, between men and women in all its activities. It is therefore appropriate to make provision for encouraging a balanced representation of men and women in the composition of the Governing Board and the Bureau.
- (12) Regulation (EEC) No 337/75 should, therefore, be amended accordingly.
- (13) The Treaty does not provide, for the adoption of this Regulation, for powers other than those under Article 308,

- (c) one member representing the employees' organisations from each Member State;
- (d) three members representing the Commission.

The members referred to in points (a), (b) and (c) of the first subparagraph shall be appointed by the Council on the basis of lists of candidates submitted by the Member States, employers' organisations and employees' organisations.

The Commission shall appoint the members who are to represent it.

The list of members of the Governing Board shall be published by the Council in the *Official Journal of the European Union* and on the Centre's Internet site.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 337/75 is hereby amended as follows:

1. in Article 3, paragraph 2 shall be replaced by the following:

'2. In carrying out its tasks, the Centre shall establish appropriate contacts, particularly with specialised bodies, whether public or private, national or international, with public authorities and educational institutions and with workers' and employers' organisations. In particular, the Centre shall ensure appropriate cooperation with the European Training Foundation, without prejudice to its own aims.'

2. Article 4 shall be replaced by the following:

'Article 4

1. The Centre shall comprise:

- (a) a Governing Board;
- (b) a Bureau;
- (c) a Director.

2. The Governing Board shall consist of:

- (a) one member representing the Government from each Member State;
- (b) one member representing the employers' organisations from each Member State;

3. The term of office of members shall be three years. It shall be renewable. Upon the expiry of their term of office or in the event of their resignation, members shall remain in office until their appointments are renewed or until they are replaced.

4. The Governing Board shall elect its chairman and three vice-chairmen, from among the three groups referred to in paragraph 5 and the Commission, to serve for a period of two years renewable.

5. Within the Governing Board, the representatives of governments, employees' organisations and employers' organisations shall each form a group. Each group shall designate a coordinator. The coordinators of the employees' and the employers' groups shall be representatives of their respective organisations at European level and attend the Board meetings without the right to vote.

6. The chairman shall convene the Governing Board once a year. The chairman shall convene additional meetings at the request of at least one-third of the members of the Governing Board.

7. Decisions by the Governing Board shall be taken by an absolute majority of its members.

8. The Governing Board shall establish a Bureau. The Bureau shall be made up of the chairman and the three vice-chairmen of the Governing Board, one coordinator per group referred to in paragraph 5 and one more representative of the Commission services.

9. The Member States, the organisations referred to in paragraph 2, the Council, the Commission and the Governing Board shall endeavour, each according to their powers, to ensure a balanced representation of men and women in the candidacies and appointments referred to in paragraph 2, in the elections referred to in paragraph 4 and in the appointments referred to in paragraph 8.

10. Without prejudice to the responsibilities of the Director, as set out in Article 7 and 8, the Bureau shall, as delegated by the Governing Board, monitor the implementation of the decisions of the Board and take all necessary measures for the management of the Centre between the Governing Board meetings, except those referred to in Article 6(1), Article 8(1) and Article 11(1).
11. The annual schedule of meetings of the Bureau shall be decided by the Governing Board. The chairman shall convene additional meetings of the Bureau at the request of its members.
12. Decisions by the Bureau shall be taken by consensus. If no consensus can be reached, the Bureau shall refer the matter to the Governing Board for decision.;
3. in Article 7, paragraphs 1 and 2 shall be replaced by the following:
- '1. The Director shall be responsible for the management of the Centre and shall implement the decisions of the Governing Board and the Bureau. He shall be the legal representative of the Centre.
2. He shall prepare and organise the work of the Governing Board and the Bureau and provide the secretariat for their meetings.;
4. in Article 8, paragraph 1 shall be replaced by the following:
- '1. On the basis of a draft submitted by the director, the Governing Board shall adopt the medium term priorities and the annual work programme in agreement with the Commission services. The programme shall take into account the priority needs indicated by the Community institutions.;
5. each time the term 'Management Board' appears in the articles, it shall be replaced by the term 'Governing Board'.

Article 2

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

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

Done at Luxembourg, 25 October 2004.

For the Council
The President
R. VERDONK

**COUNCIL REGULATION (EC) No 2052/2004
of 22 November 2004**

extending the definitive anti-dumping duty imposed by Regulation (EC) No 964/2003 on imports of tube or pipe fittings, of iron or steel, originating in the People's Republic of China to imports of tube or pipe fittings, of iron or steel, consigned from Indonesia, whether declared as originating in Indonesia or not

THE COUNCIL OF THE EUROPEAN UNION,

ex 7307 99 30 (TARIC code 7307 99 30 98) and ex 7307 99 90 (TARIC code 7307 99 90 98) and originating in the People's Republic of China (PRC).

Having regard to the Treaty establishing the European Community,

2. Initiation

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,

- (2) The Commission had at its disposal sufficient *prima facie* evidence that the anti-dumping measures on imports of certain tube or pipe fittings originating in the PRC were being circumvented by means of transshipment and incorrect declaration of origin via Indonesia. Sufficient evidence for the opening of the proceeding concerning Indonesia could only be obtained by the Commission, by an inquiry with the customs authorities of a Member State, which showed that the goods were not originating in Indonesia. Therefore, the Commission decided to initiate on its own initiative an investigation according to Article 13 of the basic Regulation.

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

- (3) Pursuant to some investigations carried out during 2003 by the customs authorities of one Member State, *prima facie* evidence was obtained, which showed in particular that regarding imports into that Member State, practices had been detected of shipments declared as originating in Indonesia, which had in fact been shipped and originating from the PRC. According to Eurostat data, imports declared as originating from Indonesia into this Member State represented two thirds of imports declared as originating in Indonesia into the Community during 2003. The significant increase of imports, following the imposition of the anti-dumping measures on imports of tube or pipe fittings originating in the PRC appeared to constitute a change in the pattern of trade, for which there was insufficient due cause or economic justification other than the existence of the anti-dumping duties on tube or pipe fittings originating in the PRC.

Whereas:

A. PROCEDURE

1. Existing measures

- (1) Following an expiry review, by Regulation (EC) No 964/2003⁽²⁾ (the original Regulation), the Council imposed, *inter alia*, definitive anti-dumping duties of 58,6% on imports of tube or pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, falling within CN codes ex 7307 93 11 (TARIC code 7307 93 11 99), ex 7307 93 19 (TARIC code 7307 93 19 99),

- (4) Finally, it appeared that the remedial effects of the existing anti-dumping duties on imports of tube or pipe fittings originating in the PRC were being undermined both in terms of quantities and prices and that dumping was taking place in relation to the normal values previously established for the tube or pipe fittings originating in the PRC.

⁽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 139, 6.6.2003, p. 1. Regulation as last amended by Regulation (EC) No 1496/2004(OJ L 275, 25.8.2004, p. 3).

- (5) The Commission therefore initiated on its own initiative an investigation by Regulation (EC) No 396/2004⁽¹⁾ (the initiating Regulation) into the alleged circumvention of the anti-dumping measures imposed on imports of tube or pipe fittings originating in the PRC by imports of tube or pipe fittings consigned from Indonesia, whether declared as originating in Indonesia or not and pursuant to Articles 13(3) and 14(5) of the basic Regulation, directed the customs authorities to register imports of tube or pipe fittings consigned from Indonesia, whether declared as originating in Indonesia or not, under CN codes ex 7307 93 11 (TARIC code 7307 93 11 93), ex 7307 93 19 (TARIC code 7307 93 19 93), ex 7307 99 30 (TARIC code 7307 99 30 93) and ex 7307 99 90 (TARIC code 7307 99 90 93) as from 4 March 2004. The Commission advised the authorities of the PRC and Indonesia of the initiation of the investigation.

3. Investigation

- (6) Questionnaires were sent to producers and exporters in the PRC (there was no known producer in Indonesia) as well as to importers in the Community known to the Commission from the investigation which led to the imposition of the existing measures on imports of tube or pipe fittings originating in the PRC (the previous investigation). Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation.
- (7) No producer or exporter in the PRC submitted a reply to the questionnaire and no producers or exporters in Indonesia made themselves known or submitted questionnaire replies. Three replies to the questionnaire were submitted by unrelated importers in the Community. One of the importers did not further cooperate.

4. Investigation period

- (8) The investigation period covered the period from 1 January 2003 to 31 December 2003 (IP). Data from 2000 up to the IP were used to investigate the change in the pattern of trade.

B. RESULTS OF THE INVESTIGATION

1. General considerations/degree of cooperation

(a) Indonesia

- (9) No producers or exporters of tube or pipe fittings originating in Indonesia cooperated in the investigation. The authorities of Indonesia did not supply any additional information. It was made clear to the authorities of Indonesia that non-cooperation may lead to the application of Article 18 of the basic Regulation. Three unrelated importers supplied a questionnaire reply. One importer, who had submitted a response to the questionnaire where necessary information for ascertaining the existence of circumvention lacked, did not clarify the deficiencies pointed out by the Commission in a deficiency letter as a reaction to its initial questionnaire reply and was therefore declared non-cooperating. The imports of the two other importers represented 5,5% of total imports declared as originating in Indonesia during the IP. Overall, it can therefore be concluded that there was no cooperation from producers and very low cooperation from importers.

(b) PRC

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

2. Product concerned and like product

- (12) The product concerned by the alleged circumvention is tube or pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, currently classifiable within CN codes ex 7307 93 11 (TARIC code 7307 93 11 93), ex 7307 93 19 (TARIC code 7307 93 19 93), ex 7307 99 30 (TARIC code 7307 99 30 93) and ex 7307 99 90 (TARIC code 7307 99 90 93).
- (13) Given the very low level of cooperation it must be inferred that the tube or pipe fittings exported to the Community from the PRC and those consigned from Indonesia have the same basic physical and chemical characteristics and have the same uses. They are therefore to be considered as like products within the meaning of Article 1(4) of the basic Regulation.

⁽¹⁾ OJ L 65, 3.3.2004, p. 10.

3. Change in the pattern of trade

(14) As already stated the *prima facie* evidence suggested that the change in the pattern of trade stemmed from trans-shipment and an incorrect declaration of origin of the product, as imports were declared as originating in Indonesia, whereas evidence existed that the goods originated in the PRC.

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

(16) Imports of tube or pipe fittings declared as originating in Indonesia increased from 0 tonnes in 2000 to 866 tonnes in the IP. These imports from Indonesia commenced in January 2002, at a time when the previous investigation was ongoing. Imports into the Community of tube or pipe fittings from the PRC increased from 44 tonnes in 2000 to 287 tonnes in the IP. However, this increase in exports from the PRC must be read together with the level of exports achieved in the period under consideration of the original investigation⁽¹⁾. Indeed, the volume of the Chinese exports in the IP amounted to less than 10% of the volume exported in the period under consideration of the original investigation. In the light of the above, and in the absence of any contrary evidence, it was found that imports consigned from Indonesia were compensating for some of the previous imports from the PRC.

4. Insufficient due cause or economic justification

(17) In the absence of cooperation by any parties in Indonesia and the PRC, and of any contrary evidence, it is concluded that, given the coincidence in time with the previous investigation which led to the imposition of the existing measures, the change in the pattern of trade stemmed from the existence of the anti-dumping duty rather than from any other sufficient due cause or economic justification within the meaning of Article 13(1), second sentence of the basic Regulation.

(18) It is therefore concluded that no reasonable grounds other than avoiding the existing anti-dumping duties on imports of tube or pipe fittings originating in the PRC, could be established for the change in the pattern of trade observed.

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

(19) Based on the trade flow analysis made above, it was found that a change in the pattern of Community imports is linked to the fact that there were anti-dumping measures in place. Imports declared as originating in Indonesia were absent of the Community market until January 2002. After said date imports declared as originating in Indonesia substantially increased, amounting to 866 tonnes during the IP. This volume represents 1,7% of the Community consumption during the IP of the previous investigation.

(20) With regard to prices of the products consigned from Indonesia and in the absence of cooperation from exporters and of any contrary evidence, Eurostat data revealed that average export prices from Indonesia during the IP were even lower than the average export prices established for the PRC in the previous investigation and therefore lower than the prices of the Community industry. It has been established that during the IP average export prices from Indonesia were around 34% below the average export prices from the PRC.

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

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

(22) In order to determine whether evidence of dumping could be found with respect to the product concerned exported to the Community from Indonesia during the IP, export prices established on the basis of Eurostat data were used pursuant to Article 18 of the basic Regulation.

⁽¹⁾ Regulation (EC) No 584/96 (OJ L 84, 3.4.1996, p. 1). Regulation as last amended by Regulation (EC) No 778/2003 (OJ L 114, 8.5.2003, p. 1).

- (23) Article 13(1) of the basic Regulation requires evidence of dumping in relation to the normal values previously established for the like or similar products. In the previous investigation, Thailand was found to be the appropriate market economy analogue country for the PRC for the purpose of establishing normal value.
- (24) For the purpose of a fair comparison between the normal value and the export price, due allowance, in the form of adjustments, was made for differences which affect prices and price comparability. These adjustments were made in accordance with Article 2(10) of the basic Regulation in respect of transport and insurance. In the absence of other information relating to these factors, the data used in the previous investigation was used.
- (25) In accordance with Articles 2(11) and 2(12) of the basic Regulation, the comparison of a weighted average normal value as established in the previous investigation and the weighted average of export prices during this investigation's IP, expressed as a percentage of the CIF price at the Community frontier duty unpaid, showed dumping for the imports of tube or pipe fittings consigned from Indonesia. The dumping margin found, expressed as a percentage of the cif price at the Community frontier duty unpaid, was 60,5%.

C. MEASURES

- (26) In view of the above finding of circumvention within the meaning of Article 13(1), of the basic Regulation, the existing anti-dumping measures on imports of the product concerned originating in the PRC should be extended to the same product consigned from Indonesia, whether declared as originating in Indonesia or not.
- (27) The duty extended should be the one established in Article 1(2) of the original Regulation.
- (28) In accordance with Articles 13(3) and 14(5) of the basic Regulation, which provides that any extended measures shall be applied against registered imports from the date of registration, the anti-dumping duty should be collected on imports of tube or pipe fittings consigned from Indonesia which entered the Community under registration imposed by the initiating Regulation.
- (29) The circumvention takes place outside the Community. Article 13 of the basic Regulation aims to counter circumvention practices without affecting operators

which can prove that they are not involved in such practices, but it does not contain a specific provision providing for the treatment of producers which could establish that they are not involved in circumvention practices. Therefore, it appears necessary to introduce a possibility for producers which have not sold the product concerned for export during the IP and are not related to any exporters or producers subject to the extended anti-dumping duty to request an exemption from the measures on these imports. The producers concerned which would consider lodging a request for an exemption from the extended anti-dumping duty would be required to complete a questionnaire in order to enable the Commission to determine whether an exemption may be warranted. Such exemption may be granted after the assessment of, for instance, the market situation of the product concerned, production capacity and capacity utilisation, procurement and sales and the likelihood of practices for which there is insufficient due cause or economic justification and the evidence of dumping. The Commission would normally also carry out an on-spot verification visit. The request would have to be addressed to the Commission forthwith, with all relevant information, in particular any modification in the company's activities linked to production and sales.

- (30) Importers could still benefit from exemption for registration or measures to the extent that their imports are from exporters, which are granted such an exemption, and in accordance with Article 13(4) of the basic Regulation.
- (31) Where an exemption is warranted, the Commission should, after consultation of the Advisory Committee, propose the amendment of this Regulation accordingly. Subsequently, any exemptions granted should be monitored to ensure compliance with the conditions set therein.

D. PROCEDURE

- (32) 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. No comments which were of a nature to change the above-mentioned conclusions were received,

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duty imposed by Regulation (EC) No 964/2003 on imports of tube or pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, falling within CN codes ex 7307 93 11 (TARIC code 7307 93 11 99), ex 7307 93 19 (TARIC code 7307 93 19 99), ex 7307 99 30 (TARIC code 7307 99 30 98) and ex 7307 99 90 (TARIC code 7307 99 90 98) and originating in the People's Republic of China (PRC) is hereby extended to imports of tube or pipe fittings (other than cast fittings, flanges and threaded fittings), of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, currently classifiable within CN codes ex 7307 93 11 (TARIC code 7307 93 11 93), ex 7307 93 19 (TARIC code 7307 93 19 93), ex 7307 99 30 (TARIC code 7307 99 30 93) and ex 7307 99 90 (TARIC code 7307 99 90 93) consigned from Indonesia, whether declared as originating in Indonesia or not.

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 396/2004 and Articles 13(3) and 14(5) of Regulation (EC) No 384/96.

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

Article 2

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

European Commission
Directorate-General for Trade
Directorate B
J-79 5/16
B-1049 Brussels
Fax (32 2) 295 65 05
Telex COMEU B 21877.

2. The Commission, after consulting the Advisory Committee, may authorise, by decision, the exemption of imports from companies which do not circumvent the anti-dumping duty imposed by Regulation (EC) No 964/2003 from the duty extended by Article 1, and propose the amendment of the Regulation accordingly.

Article 3

Customs authorities are hereby directed to discontinue the registration of imports, established in accordance with Article 2 of Regulation (EC) No 396/2004.

Article 4

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

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

Done at Brussels, 22 November 2004.

For the Council
The President
B. R. BOT

COUNCIL REGULATION (EC) No 2053/2004

of 22 November 2004

extending the definitive anti-dumping duty imposed by Regulation (EC) No 964/2003 on imports of tube or pipe fittings, of iron or steel, originating in the People's Republic of China to imports of tube or pipe fittings, of iron or steel, consigned from Sri Lanka, whether declared as originating in Sri Lanka or not

THE COUNCIL OF THE EUROPEAN UNION,

fittings originating in the PRC. The request was submitted by the Defence Committee of the Steel Butt-Welding Fittings Industry of the European Union on behalf of four Community producers.

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,

(3) The request alleged that there had been a change in the pattern of trade following the imposition of the anti-dumping measures on imports of tube or pipe fittings originating in the PRC, as shown by a significant increase in imports of the same product from Sri Lanka.

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

(4) This change in the pattern of trade was alleged to stem from the transshipment of tube or pipe fittings originating in the PRC via Sri Lanka. It was further alleged that there was insufficient due cause or economic justification for these practices other than the existence of the anti-dumping duties on tube or pipe fittings originating in the PRC.

Whereas:

A. PROCEDURE

1. Existing measures

(1) Following an expiry review, the Council imposed by Regulation (EC) No 964/2003⁽²⁾ (the original Regulation), *inter alia*, definitive anti-dumping duties of 58,6% on imports of tube or pipe fittings (other than cast fittings, flanges and threaded fittings) of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, falling within CN codes ex 7307 93 11 (TARIC code 7307 93 11 99), ex 7307 93 19 (TARIC code 7307 93 19 99), ex 7307 99 30 (TARIC code 7307 99 30 98) and ex 7307 99 90 (TARIC code 7307 99 90 98) and originating in the People's Republic of China (PRC).

2. Request

(2) On 20 January 2004, the Commission received a request pursuant to Article 13(3) of the basic Regulation to investigate the alleged circumvention of the anti-dumping measures imposed on imports of tube or pipe

(5) Finally, the applicant alleged that the remedial effects of the existing anti-dumping duties on tube or pipe fittings originating in the PRC were being undermined both in terms of quantities and prices and that dumping was taking place in relation to the normal values previously established for the tube or pipe fittings originating in the PRC.

3. Initiation

(6) The Commission, by Regulation (EC) No 395/2004⁽³⁾ (the initiating Regulation) initiated an investigation into the alleged circumvention of the anti-dumping measures imposed on imports of tube or pipe fittings originating in the PRC by imports of tube or pipe fittings consigned from Sri Lanka, whether declared as originating in Sri Lanka or not and pursuant to Articles 13(3) and 14(5) of the basic Regulation, directed the customs authorities to register imports of tube or pipe fittings consigned from Sri Lanka, whether declared as originating in Sri Lanka or not, under CN codes ex 7307 93 11 (TARIC code 7307 93 11 94), ex 7307 93 19 (TARIC code 7307 93 19 94), ex 7307 99 30 (TARIC code 7307 99 30 94) and ex 7307 99 90 (TARIC code 7307 99 90 94) as from 4 March 2004. The Commission advised the authorities of the PRC and Sri Lanka of the initiation of the investigation.

⁽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 139, 6.6.2003, p. 1. Regulation as last amended by Regulation (EC) No 1496/2004 (OJ L 275, 25.8.2004, p. 1).

⁽³⁾ OJ L 65, 3.3.2004, p. 7.

4. Investigation

- (7) Questionnaires were sent to the producers/exporters in the PRC (there were no known producers in Sri Lanka) as well as to importers in the Community named in the request or known to the Commission from the investigation which lead to the imposition of the existing measures on imports of tube or pipe fittings originating in the PRC (the previous investigation). Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation.
- (8) No producer or exporter in the PRC submitted a reply to the questionnaire and no reply to the questionnaire was submitted by any importer in the Community. No producers or exporters in Sri Lanka made themselves known or submitted questionnaire replies.

5. Investigation period

- (9) The investigation period covered the period from 1 January 2003 to 31 December 2003 (the IP). Data from 2000 up to the end of the IP were used to investigate the change in the pattern of trade.

B. RESULTS OF THE INVESTIGATION

1. General considerations/degree of cooperation

(a) Sri Lanka

- (10) No producers or exporters of tube or pipe fittings originating in Sri Lanka cooperated in the investigation. In fact, the authorities of Sri Lanka informed the Commission that no Sri Lankan companies were registered as manufacturers of tube or pipe fittings as defined in the initiating Regulation. The only feedback received from importers was statements that they did not import tube or pipe fittings from Sri Lanka. It was made clear to importers and to the authorities of Sri Lanka that non-cooperation might lead to the application of Article 18 of the basic Regulation. These parties were also made aware of the consequences of non-cooperation.

(b) PRC

- (11) No Chinese producers or exporters cooperated in the investigation.
- (12) It was made clear to these companies that non-cooperation might lead to the application of Article 18 of the basic Regulation. These parties were also made aware of the consequences of non-cooperation.

2. Product concerned and like product

- (13) The product concerned by the alleged circumvention is tube or pipe fittings (other than cast fittings, flanges and threaded fittings) of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, currently classifiable within CN codes ex 7307 93 11 (TARIC code 7307 93 11 94), ex 7307 93 19 (TARIC code 7307 93 19 94), ex 7307 99 30 (TARIC code 7307 99 30 94) and ex 7307 99 90 (TARIC code 7307 99 90 94).
- (14) In the absence of cooperation by any parties in Sri Lanka and considering the change in the pattern of trade as described in the following section, it must be inferred, in the absence of any contrary evidence, that the tube or pipe fittings exported to the Community from the PRC and those consigned from Sri Lanka have the same basic physical and chemical characteristics and have the same uses. They are therefore to be considered as like products within the meaning of Article 1(4) of the basic Regulation.

3. Change in the pattern of trade

- (15) As stated in recital 4, the change in the pattern of the trade was alleged to stem from transshipment via Sri Lanka.
- (16) As no Sri Lankan company cooperated in the investigation, exports from Sri Lanka to the Community had to be established on the basis of the facts available, pursuant to Article 18 of the basic Regulation. Eurostat data, which were the most appropriate information available, were therefore used to establish the export prices and quantities from Sri Lanka to the Community.
- (17) Imports of tube or pipe fittings from Sri Lanka increased from 0 tonnes in 2000 to 302 tonnes in the IP. These imports from Sri Lanka commenced in July 2002, at a time when the previous investigation was ongoing. Imports into the Community of tube or pipe fittings from the PRC increased from 44 tonnes in 2000 to 287 tonnes in the IP. However, this increase in exports from the PRC must be read together with the level of exports achieved in the period under consideration in the original investigation pursuant to Regulation (EC) No 584/96⁽¹⁾. Indeed, the volume of the Chinese exports in the IP amounted to less than 10% of the volume exported in the period under consideration in the original investigation. In the light of the above, and in the absence of any contrary evidence, it was found that imports consigned from Sri Lanka were compensating for some of the previous imports from the PRC.

⁽¹⁾ OJ L 84, 3.4.1996, p. 1. Regulation as last amended by Regulation (EC) No 778/2003 (OJ L 114, 8.5.2003, p. 1).

- (18) From the figures above, it is concluded that there has been a clear change in the pattern of trade which started with the previous investigation leading to the imposition of the existing measures on imports of the product concerned originating in the PRC and developed rapidly after the imposition of these measures.

4. Insufficient due cause or economic justification

- (19) In the absence of cooperation by any parties in Sri Lanka or the PRC and of any contrary evidence, it is concluded that, given the coincidence in time with the previous investigation which led to the imposition of the existing measures, the change in the pattern of trade stemmed from the existence of the anti-dumping duty imposed on imports of the product concerned originating in the PRC rather than from any other sufficient due cause or economic justification within the meaning of Article 13(1) of the basic Regulation.
- (20) It is therefore concluded that no reasonable grounds other than avoiding the existing anti-dumping duties on imports of tube or pipe fittings originating in the PRC can be established for the change in the pattern of trade observed.

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

- (21) Based on the trade flow analysis made above, it was found that a change in the pattern of Community imports was linked to the fact that there were anti-dumping measures in place. Imports declared as originating in Sri Lanka were absent from the Community market until June 2002. After said date imports declared as originating in Sri Lanka substantially increased, amounting to 302 tonnes during the IP. This volume represents 0,6% of the Community consumption during the IP of the previous investigation. Attention must be paid to the fact that imports of the product concerned into the Community are very fragmented among a number of different exporting countries. In particular, for the IP, Sri Lanka held 2,5% of total import volumes of the product concerned into the Community, whereas the largest exporting country during said year (the Slovak Republic) held 12%. In addition, Sri Lanka is the 12th largest exporter of the product concerned to the Community, out of a list of 36 exporting countries.

- (22) With regard to prices of the products consigned from Sri Lanka and in the absence of cooperation and of any contrary evidence, Eurostat data revealed that average export prices of imports from Sri Lanka during the IP were lower than (i) the average export prices established for the PRC in the previous investigation; and (ii) the

prices of the Community industry. It has been established that prices of imports from Sri Lanka were more than 12% lower than the Chinese export prices during the IP.

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

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

- (24) In order to determine whether evidence of dumping could be found with respect to the product concerned exported to the Community from Sri Lanka during the IP, export prices established on the basis of Eurostat data were used pursuant to Article 18 of the basic Regulation.

- (25) Article 13(1) of the basic Regulation requires evidence of dumping in relation to the normal values previously established for the like or similar products. In the previous investigation, Thailand was found to be an appropriate market economy analogue country for the PRC for the purpose of establishing normal value.

- (26) For the purpose of a fair comparison between the normal value and the export price, due allowance, in the form of adjustments, was made for differences which affect prices and price comparability. These adjustments were made in accordance with Article 2(10) of the basic Regulation in respect of transport and insurance. In the absence of other information relating to these factors, the data contained in the request was used.

- (27) In accordance with Articles 2(11) and 2(12) of the basic Regulation, the comparison of a weighted average normal value as established in the previous investigation and the weighted average of export prices during this investigation's IP, expressed as a percentage of the cif price at the Community frontier, duty unpaid, showed dumping for the imports of tube or pipe fittings consigned from Sri Lanka. The dumping margin found, expressed as a percentage of the cif price at the Community frontier, duty unpaid, was 34,3%.

C. MEASURES

- (28) In view of the above finding of circumvention within the meaning of Article 13(1) of the basic Regulation, the existing anti-dumping measures on imports of the product concerned originating in the PRC should be extended to the same product consigned from Sri Lanka, whether declared as originating in Sri Lanka or not.

- (29) The duty extended should be the one established in Article 1(2) of the original Regulation.
- (30) In accordance with Articles 13(3) and 14(5) of the basic Regulation, which provides that any extended measures are to be applied against registered imports from the date of registration, the anti-dumping duty should be collected on imports of tube or pipe fittings consigned from Sri Lanka which entered the Community under registration imposed by Article 2 of the initiating Regulation.
- (31) The circumvention takes place outside the Community. Article 13 of the basic Regulation aims to counter circumvention practices without affecting operators which can prove that they are not involved in such practices, but it does not contain a specific provision providing for the treatment of producers which could establish that they are not involved in circumvention practices. Therefore, it appears necessary to introduce a possibility for producers which have not sold the product concerned for export during the IP and are not related to any exporters or producers subject to the extended anti-dumping duty to request an exemption from the measures on these imports. The producers concerned which might consider lodging a request for an exemption from the extended anti-dumping duty would be required to complete a questionnaire in order to enable the Commission to determine whether an exemption may be warranted. Such exemption may be granted after the assessment of, for instance, the market situation of the product concerned, production capacity and capacity utilisation, procurement, sales, the likelihood of practices for which there is insufficient due cause or economic justification and the evidence of dumping. The Commission would normally also carry out an on-spot verification visit. The request would have to be addressed to the Commission forthwith, with all relevant information, in particular any modification in the company's activities linked to production and sales.
- (32) Importers could still benefit from exemption for registration or measures to the extent that their imports are from exporters which are granted such an exemption, and in accordance with Article 13(4) of the basic Regulation.
- (33) Where an exemption is warranted, the Commission will, after consultation of the Advisory Committee, propose the amendment of this Regulation accordingly. Subsequently, any exemptions granted will be monitored to ensure compliance with the conditions set therein.
- (34) 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. No comments which were of a nature to change the above-mentioned conclusions were received,

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duty imposed by Regulation (EC) No 964/2003 on imports of tube or pipe fittings (other than cast fittings, flanges and threaded fittings) of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, falling within CN codes ex 7307 93 11 (TARIC code 7307 93 11 99), ex 7307 93 19 (TARIC code 7307 93 19 99), ex 7307 99 30 (TARIC code 7307 99 30 98) and ex 7307 99 90 (TARIC code 7307 99 90 98) and originating in the People's Republic of China is hereby extended to imports of tube or pipe fittings (other than cast fittings, flanges and threaded fittings) of iron or steel (not including stainless steel), with a greatest external diameter not exceeding 609,6 mm, of a kind used for butt-welding or other purposes, currently classifiable within CN codes ex 7307 93 11 (TARIC code 7307 93 11 94), ex 7307 93 19 (TARIC code 7307 93 19 94), ex 7307 99 30 (TARIC code 7307 99 30 94) and ex 7307 99 90 (TARIC code 7307 99 90 94) consigned from Sri Lanka, whether declared as originating in Sri Lanka or not.

2. The duty extended by paragraph 1 shall be collected on imports registered in accordance with Article 2 of Regulation (EC) No 395/2004 and Articles 13(3) and 14(5) of Regulation (EC) No 384/96.

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

Article 2

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

European Commission
 Directorate-General for Trade
 Directorate B
 J-79 5/16
 B-1049 Brussels
 Fax (32-2) 295 65 05
 Telex COMEU B 21877.

2. The Commission, after consulting the Advisory Committee, may authorise, by decision, the exemption of imports which are shown not to circumvent the anti-dumping duty imposed by Regulation (EC) No 964/2003 from the duty extended by Article 1 of this Regulation.

Article 3

Customs authorities are hereby directed to discontinue the registration of imports established in accordance with Article 2 of Regulation (EC) No 395/2004.

Article 4

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

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

Done at Brussels, 22 November 2004.

For the Council

The President

B. R. BOT

COMMISSION REGULATION (EC) No 2054/2004**of 29 November 2004****amending Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards the lists of countries and territories****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC⁽¹⁾, and in particular Articles 10 and 21 thereof,

Whereas:

- (1) Regulation (EC) No 998/2003 lays down the animal health requirements applicable to the non-commercial movement of pet animals and the rules applying to checks on such movement. Part C of Annex II to that Regulation contains a list of third countries where the risk of rabies entering the Community as a result of movements from their territories of pet animals has been found to be no higher than the risk associated with such movements between Member States.
- (2) Under Regulation (EC) No 998/2003 a list of third countries was to be drawn up before 3 July 2004. To be included on that list, a third country should demonstrate its rabies status and that it complies with certain conditions relating to notification, monitoring, veterinary services, prevention and control of rabies and regulation of vaccines.
- (3) In order to avoid any unnecessary disturbance in the movements of pet animals, and to allow time for the third countries to provide where necessary additional guarantees, it is appropriate to establish a provisional list of third countries. That list should be based on the data available through the International Office of Epizootic Diseases (OIE - World Organisation for Animal Health), the results of inspections carried out by the Commission's Food and Veterinary Office in the third countries concerned and information gathered by Member States.

- (4) The list should also be based on the data provided by the World Health Organisation (WHO), the WHO Collaborating Centre for Rabies Surveillance and Research in Wusterhausen and the Rabies Bulletin.
- (5) The provisional list of third countries should include countries which are free of rabies and countries in respect of which the risk of rabies entering the Community as a result of movements from their territories has been found to be no higher than the risk associated with movements between Member States.
- (6) Following requests of the competent authorities of the Russian Federation to be included in the list in Part C of Annex II to Regulation (EC) No 998/2003, it appears appropriate to modify the provisional list established in accordance with Article 10.
- (7) In the interest of clarity of Community legislation, it is appropriate to replace Annex II to Regulation (EC) No 998/2003 in its entirety.
- (8) Regulation (EC) No 998/2003 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 998/2003 is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 3 December 2004.

⁽¹⁾ OJ L 146, 13.6.2003, p. 1. Regulation as last amended by Council Decision 2004/650/EC (OJ L 298, 23.9.2004, p. 22.)

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

Done at Brussels, 29 November 2004.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

ANNEX II

LIST OF COUNTRIES AND TERRITORIES

PART A

- IE — Ireland
- MT — Malta
- SE — Sweden
- UK — United Kingdom

PART B

Section 1

- (a) DK — Denmark, including GL — Greenland and FO — Faeroes Islands
- (b) ES — Spain, including the continental territory, Balearic Islands, Canary Islands, Ceuta and Melilla
- (c) FR — France, including GF — French Guiana, GP — Guadeloupe, MQ — Martinique and RE — Réunion
- (d) GI — Gibraltar
- (e) PT — Portugal, including the continental territory, Azores Islands and Madeira Islands
- (f) Member States other than those listed in Part A and points (a), (b), (c) and (e) of this Section.

Section 2

- AD — Andorra
- CH — Switzerland
- IS — Iceland
- LI — Liechtenstein
- MC — Monaco
- NO — Norway
- SM — San Marino
- VA — Vatican City State

PART C

- AC — Ascension Island
- AE — United Arab Emirates
- AG — Antigua and Barbuda
- AN — Netherlands Antilles
- AU — Australia
- AW — Aruba
- BB — Barbados
- BH — Bahrain
- BM — Bermuda
- CA — Canada

CL — Chile
FJ — Fiji
FK — Falkland Islands
HK — Hong Kong
HR — Croatia
JM — Jamaica
JP — Japan
KN — Saint Kitts and Nevis
KY — Cayman Islands
MS — Montserrat
MU — Mauritius
NC — New Caledonia
NZ — New Zealand
PF — French Polynesia
PM — Saint Pierre et Miquelon
RU — Russian Federation
SG — Singapore
SH — Saint Helena
US — United States of America
VC — Saint Vincent and the Grenadines
VU — Vanuatu
WF — Wallis and Futuna
YT — Mayotte'

COMMISSION REGULATION (EC) No 2055/2004
of 30 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 1 December 2004.

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

Done at Brussels, 30 November 2004.

For the Commission
J. M. SILVA RODRÍGUEZ
*Director-General for Agriculture and
Rural Development*

⁽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 30 November 2004 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	90,5
	070	81,3
	204	97,7
	999	89,8
0707 00 05	052	73,6
	204	32,5
	999	53,1
0709 90 70	052	89,0
	204	62,5
	999	75,8
0805 20 10	052	59,1
	204	55,4
	999	57,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	052	73,8
	204	45,9
	624	79,4
	720	30,1
	999	57,3
0805 50 10	052	46,8
	388	41,4
	528	25,4
	999	37,9
0808 10 20, 0808 10 50, 0808 10 90	052	95,1
	388	136,3
	400	85,5
	404	91,4
	512	104,7
	720	60,1
	800	194,0
	804	107,6
	999	109,3
0808 20 50	052	120,9
	400	96,5
	720	54,0
	999	90,5

⁽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 2056/2004**of 30 November 2004****fixing the import duties in the cereals sector applicable from 1 December 2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 10 of Regulation (EC) No 1784/2003 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation. However, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.
- (2) Pursuant to Article 10(3) of Regulation (EC) No 1784/2003, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market.

(3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Regulation (EC) No 1784/2003 as regards import duties in the cereals sector.

(4) The import duties are applicable until new duties are fixed and enter into force.

(5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.

(6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in Annex I to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10(2) of Regulation (EC) No 1784/2003 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 December 2004.

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

Done at Brussels, 30 November 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 161, 29.6.1996, p. 125. Regulation as last amended by Regulation (EC) No 1110/2003 (OJ L 158, 27.6.2003, p. 12).

ANNEX I

**Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from
1 December 2004**

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	33,78
1005 10 90	Maize seed other than hybrid	52,00
1005 90 00	Maize other than seed ⁽²⁾	52,00
1007 00 90	Grain sorghum other than hybrids for sowing	33,78

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:
— EUR 3/t, where the port of unloading is on the Mediterranean Sea, or
— EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flat-rate reduction of EUR 24/t, where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties

period from 15.11.2004-29.11.2004

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2 (14 %)	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	114,08 (***)	60,17	156,32 (****)	146,32 (****)	126,32 (****)	81,79 (****)
Gulf premium (EUR/t)	—	13,01	—	—	—	—
Great Lakes premium (EUR/t)	17,47	—	—	—	—	—

(*) A discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(**) A discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

(***) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

(****) Fob Duluth.

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight/cost: Gulf of Mexico–Rotterdam: 33,28 EUR/t; Great Lakes–Rotterdam: 42,90 EUR/t.

3. Subsidy within the meaning of the third paragraph of Article 4(2) of Regulation (EC) No 1249/96: 0,00 EUR/t (HRW2)
0,00 EUR/t (SRW2).

COMMISSION REGULATION (EC) No 2057/2004**of 30 November 2004****fixing the production refund on white sugar used in the chemical industry for the period from 1 to 31 December 2004**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector⁽¹⁾, and in particular the fifth indent of Article 7(5) thereof,

Whereas:

- (1) Pursuant to Article 7(3) of Regulation (EC) No 1260/2001, production refunds may be granted on the products listed in Article 1(1)(a) and (f) of that Regulation, on syrups listed in Article 1(1)(d) thereof and on chemically pure fructose covered by CN code 1702 50 00 as an intermediate product, that are in one of the situations referred to in Article 23(2) of the Treaty and are used in the manufacture of certain products of the chemical industry.
- (2) Commission Regulation (EC) No 1265/2001 of 27 June 2001 laying down detailed rules for the application of

Council Regulation (EC) No 1260/2001 as regards granting the production refund on certain sugar products used in the chemical industry⁽²⁾ provides that these refunds shall be determined according to the refund fixed for white sugar.

- (3) Article 9 of Regulation (EC) No 1265/2001 provides that the production refund on white sugar is to be fixed at monthly intervals commencing on the first day of each month.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

The production refund on white sugar referred to in Article 4 of Regulation (EC) No 1265/2001 shall be equal to 39,481 EUR/100 kg net for the period from 1 to 31 December 2004.

Article 2

This Regulation shall enter into force on 1 December 2004.

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

Done at Brussels, 30 November 2004.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

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

⁽²⁾ OJ L 178, 30.6.2001, p. 63.

COMMISSION REGULATION (EC) No 2058/2004
of 30 November 2004
determining the world market price for ungin­ned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001⁽¹⁾,

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton⁽²⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for ungin­ned cotton is to be determined periodically from the price for gin­ned cotton recorded on the world market and by reference to the historical relationship between the price recorded for gin­ned cotton and that calculated for ungin­ned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme⁽³⁾. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.
- (2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for ungin­ned cotton is to be determined in respect of a product of specific characteristics and by reference to the most

favourable offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for gin­ned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

- (3) The application of the above criteria gives the world market price for ungin­ned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for ungin­ned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 16,679 EUR/100 kg.

Article 2

This Regulation shall enter into force on 1 December 2004.

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

Done at Brussels, 30 November 2004.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 148, 1.6.2001, p. 1.

⁽²⁾ OJ L 148, 1.6.2001, p. 3.

⁽³⁾ OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).