

Official Journal

of the European Union

L 189

Volume 48

21 July 2005

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1174/2005 of 18 July 2005 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of hand pallet trucks and their essential parts originating in the People's Republic of China** 1
- ★ **Council Regulation (EC) No 1175/2005 of 18 July 2005 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of barium carbonate originating in the People's Republic of China** 15
- Commission Regulation (EC) No 1176/2005 of 20 July 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables 24
- ★ **Commission Regulation (EC) No 1177/2005 of 20 July 2005 amending Regulation (EC) No 1238/95 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards the fees payable to the Community Plant Variety Office** 26
- ★ **Commission Regulation (EC) No 1178/2005 of 20 July 2005 establishing a fishing prohibition for Blue Ling in ICES zones II, IV, V, by vessels flying the flag of France** 28
- Commission Regulation (EC) No 1179/2005 of 20 July 2005 correcting Regulation (EC) No 990/2005 establishing the standard import values for determining the entry price of certain fruit and vegetables 30
- Commission Regulation (EC) No 1180/2005 of 20 July 2005 fixing for the 2004/2005 marketing year the specific agricultural conversion rate applicable to the minimum sugarbeet prices and the production levy and additional levy in the sugar sector for the currencies of those Member States which have not adopted the single currency 32
- Commission Regulation (EC) No 1181/2005 of 20 July 2005 determining the world market price for unginned cotton 34

Price: EUR 18

(Continued overleaf)



Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

Commission

2005/558/EC:

- ★ **Decision No 1/2005 of the EC-EFTA Joint Committee on common transit of 17 June 2005 amending the Convention of 20 May 1987 on a common transit procedure** 35

2005/559/EC:

- ★ **Decision No 2/2005 of the EC-EFTA Joint Committee on common transit of 17 June 2005 amending the Convention of 20 May 1987 on a common transit procedure** 59

2005/560/EC:

- ★ **Decision No 3/2005 of the EC-EFTA Joint Committee on common transit of 17 June 2005 amending the Convention of 20 May 1987 on a common transit procedure** 61

Acts adopted under Title V of the Treaty on European Union

- ★ **Council Joint Action 2005/561/CFSP of 18 July 2005 regarding a further contribution of the European Union to the conflict settlement process in Georgia/South Ossetia** 69

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1174/2005**of 18 July 2005****imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of hand pallet trucks and their essential parts originating in the People's Republic of China**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

A. PROVISIONAL MEASURES

- (1) The Commission, by Regulation (EC) No 128/2005 ⁽²⁾ (hereafter the provisional Regulation) imposed a provisional anti-dumping duty on imports of hand pallet trucks and their essential parts, i.e. the chassis and hydraulics, of CN codes ex 8427 90 00 and ex 8431 20 00, originating in the People's Republic of China (hereafter PRC).
- (2) It is recalled that the investigation of dumping and injury covered the period from 1 April 2003 to 31 March 2004 (hereafter IP). The examination of trends relevant for the injury analysis covered the period from 1 January 2000 to the end of the IP (hereafter period considered).

B. SUBSEQUENT PROCEDURE

- (3) Following the imposition of a provisional anti-dumping duty on imports of hand pallet trucks and their essential parts originating in the PRC, some interested parties submitted comments in writing. The parties who so requested were also granted an opportunity to be heard orally.
- (4) The Commission continued to seek and verify all information it deemed necessary for its definitive findings. After the imposition of provisional measures, an on-spot verification visit was carried out at the premises of the importers Jungheinrich AG in Germany and TVH Handling Equipment N.V. in Belgium.
- (5) All interested parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive anti-dumping duty and the definitive collection of the amounts secured by way of the provisional duty. They were also granted a period within which they could make representations, subsequent to this disclosure.

⁽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 25, 28.1.2005, p. 16.

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

C. PRODUCT CONCERNED AND LIKE PRODUCT

1. Product concerned

- (7) The product concerned is hand pallet trucks, not self propelled, used for the handling of materials normally placed on pallets, and their essential parts, i.e. chassis and hydraulics, originating in the PRC (hereafter the 'product concerned'), normally declared within CN codes ex 8427 90 00 and ex 8431 20 00.
- (8) Some interested parties reiterated their comments, set out in recital (11) of the provisional Regulation, regarding the inclusion of chassis and hydraulics under the scope of the 'product concerned' without, however, providing any additional information or justification. These comments have already been replied to in recitals (12) to (14) of the provisional Regulation. No additional points were raised by the parties concerned to these parts of the provisional Regulation.
- (9) They further argued that: (a) chassis and hydraulics, on the one hand, and hand pallet trucks, on the other hand, are different products and that for chassis and hydraulics no dumping and injury assessment was carried out and, therefore, no anti-dumping duty can be imposed; (b) the inclusion of parts without following the procedure of Article 13 of the basic Regulation would unduly penalise assemblers of hand pallet trucks in the Community and (c) chassis and hydraulics are also imported for servicing purposes and the imposition of a duty on chassis and hydraulics would unduly penalise current users.
- (10) As regards the argument that chassis and hydraulics are different products than hand pallet trucks and that no dumping and injury assessment was carried out for chassis and hydraulics, it is noted that for the purposes of this investigation all types of hand pallet trucks and their essential parts are considered as one product for the reasons set out in recital (10) of the provisional Regulation, i.e. all types have the same basic physical characteristics and uses. No compelling evidence has been submitted against these findings. As to the argument that no dumping and injury calculation was made for chassis and hydraulics, it is recalled that these essential parts fall within the definition of the 'product concerned', for which dumping and injury to the Community industry of the like product were properly established. With respect to the assessment of dumping in particular, it was found that the imports of chassis and hydraulics during the period of investigation were made in too small quantities to be representative. In consequence, it was considered appropriate to determine the margin of dumping of the 'product concerned', on the basis of hand pallet trucks, for which representative and reliable data were available.
- (11) As regards the argument that the inclusion of essential parts could only be pursued via the provisions of Article 13 of the basic Regulation so as to avoid undue difficulties for assemblers of hand pallet trucks in the Community, it is noted that Article 13 is irrelevant when defining the 'product concerned'. Instead, Article 13 of the basic Regulation refers to various circumvention practices, including the assembly of parts which are not falling within the definition of the 'product concerned', an issue not present in this case. Therefore, the argument cannot be accepted.
- (12) As regards the argument that chassis and hydraulics are also imported for servicing purposes and the imposition of a duty on chassis and hydraulics would unduly penalise current users, it is noted that no user complained in the course of the investigation that any measures would have such effects. Furthermore, it is noted that the volume of chassis and hydraulics imported from the PRC during the IP is insignificant in relation to the volume of imported Chinese hand pallet trucks. Therefore, the effect on servicing old hand pallet trucks, if any, would be minor and the argument cannot be accepted.
- (13) In the absence of any other comments, the conclusions on the definition of the 'product concerned' set out in recitals (10) to (15) of the provisional Regulation are hereby confirmed.

2. Like product

- (14) In the absence of any comments, recitals (16) to (18) of the provisional Regulation concerning the 'like product' are hereby confirmed.

D. DUMPING

1. Market economy treatment (MET)

- (15) Following the imposition of provisional measures, three cooperating exporting producers claimed that they should have been granted MET. Two of them simply reiterated the arguments they had previously submitted and which have already been replied to by the Commission in recitals (19) to (34) of the provisional Regulation.
- (16) It is recalled that for one of these two exporting producers, which in fact comprises two related companies, the investigation established that certain assets were booked into the accounts of one of the companies at significantly higher value than the actually paid purchase price. This was found to be in breach of IAS 1 (fair presentation of financial statements) and IAS 16 (measurement at recognition of property plant and equipment). Furthermore, the other company was found in breach of IAS 21 (recording at initial recognition of foreign currency transactions) and IAS 32 (disclosure and presentation of financial instruments). Moreover, the auditors of the companies did not address these issues in the financial accounts, which strengthens the case for finding that the audits were not carried out in line with IAS. No new evidence was provided which could alter the above findings and, therefore, it is hereby confirmed that this exporting producer does not meet the requirements of the second criterion of Article 2(7)(c) of the basic Regulation.
- (17) For another exporting producer, the investigation established that a write-off of a loan was not properly booked in the accounts of the company, thus affecting significantly its financial results. This was found to be in breach of IAS 1 (fair presentation of financial statements). Furthermore, the company changed the accounting method concerning bad debt provisions without applying that change retrospectively, thus again affecting significantly the financial results. This was found to be in breach of IAS 8 (changes in accounting policies). The auditor, whilst highlighting the inconsistency even in relation to Chinese accounting standards of the change in the bad debt provision method, didn't give an answer to the problem with the loan. No evidence was provided which could alter the above findings and, therefore, it is hereby also confirmed that this exporting producer does not meet the requirements of the second criterion of Article 2(7)(c) of the basic Regulation.
- (18) The third exporting producer which continued requesting MET after the imposition of provisional measures, Zhejiang Noblelift Equipment Joint Stock Co. Ltd, submitted evidence that its practice with regard to recording at initial recognition of foreign currency transactions, although in certain cases not fully formally in line with IAS 21, has not affected its financial results. No other problem of compliance with the IAS was established for the accounts of the company. It was therefore considered appropriate in these circumstances to revise the conclusions concerning the compliance of this exporting producer with the second criterion set out in Article 2(7)(c) of the basic Regulation and thus to grant it MET. For the rest, the findings set out in recitals (19) to (34) of the provisional Regulation are hereby confirmed.
- (19) It is noted that following the imposition of provisional measures, a non-cooperating Chinese exporting producer and its related importer in the Community submitted certain comments on the provisional findings and claimed MET or, in the event it did not receive MET, individual treatment. The companies were informed that non-cooperating exporting producers, i.e. exporting producers which have not made themselves known, present their views in writing and submit information within the set periods, cannot claim MET or individual treatment in accordance with the provisions of Articles 2(7), 5(10), 9(5) and 18(1) of the basic Regulation.

2. Individual treatment

- (20) In the absence of any comments, the contents of recitals (35) to (37) of the provisional Regulation concerning individual treatment are hereby confirmed.

3. Normal value

3.1. Determination of normal value for exporting producers not granted MET

- (21) Canada had provisionally been chosen as the analogue market economy third country for the purpose of establishing normal value for exporting producers not granted MET. Following the imposition of provisional measures, two exporting producers and one importer reiterated their arguments against this choice, as set out in recital (41) of the provisional Regulation. However, they did not provide any additional verifiable evidence supporting their arguments.
- (22) They further argued that the choice of Canada as an analogue market economy third country was inappropriate because the Canadian manufactures of hand pallet trucks bear much higher costs than Chinese counterparts, in particular in relation to labour costs. In this respect, one exporting producer has claimed an additional adjustment for differences in the cost of production between its own costs in the PRC and the cost of production in Canada, whilst the other exporting producer argued that the very high adjustments already made is an indication that the Canadian and Chinese hand pallet trucks are not comparable.
- (23) In this respect, it is recalled that the investigation established that Canada has a competitive and representative market for hand pallet trucks, that the production facilities and methods of the Chinese and the Canadian producers are similar and that overall the Chinese and Canadian hand pallet trucks are comparable on the basis of the criteria established for the purposes of this investigation, as set out in recitals (40), (43) and (44) of the provisional Regulation. Furthermore, the investigation established that the production of hand pallet trucks is not labour intensive (the cost of labour in Canada is not more than 15 % of the total cost of production) and, therefore, any differences in labour cost between Canada and the PRC would not affect significantly the total cost of production. Therefore, the argument that cost differences mainly due to labour render the choice of Canada as an analogue country inappropriate cannot be accepted.
- (24) As regards the argument that Canadian manufacturers produce hand pallet trucks at significantly higher costs than Chinese counterparts, and that an adjustment, based on the cost difference between Canada and the exporting producer's own costs in the PRC should be made to the normal value, it should be noted that the production cost information of the exporting producer which made the argument was not accepted since its request for MET had been rejected. This significantly undermines the argument on comparison of costs. Consequently, the claim should be rejected.
- (25) As to the argument that the high adjustments already granted are an indication that the Canadian and Chinese hand pallet trucks are not comparable, it is noted that the product types to be compared to each other were selected on the basis of criteria which are considered reasonable within the industry concerned. The comparison of product types were made on the basis of certain basic technical characteristics used by all operators in the market and no evidence was provided that this method of comparison was not appropriate, as set out in recital (43) of the provisional Regulation. The argument, therefore, cannot be accepted.
- (26) No other arguments were raised concerning the determination of the normal value in the analogue country and thus the findings set out in recitals (38) to (48) of the provisional Regulation are hereby confirmed.

3.2. Determination of normal value for exporting producers granted MET

- (27) Given that MET was granted to one exporting producer (see recital (18) above) the normal value was established as set out below in accordance with Article 2(1) to 2(6) of the basic Regulation.

3.2.1. Overall representativity of domestic sales

- (28) In accordance with Article 2(2) of the basic Regulation, it was first examined whether the domestic sales of hand pallet trucks to independent customers were representative, i.e. whether the total volume of such sales was at least 5 % of the total volume of its corresponding export sales to the Community. This was the case for the exporting producer concerned.

3.2.2. Product type specific representativity

- (29) Subsequently, it was examined whether the domestic sales of product types comparable to the exported product types could be considered as representative. For this purpose, the comparable types sold on the domestic market were first identified. The investigation considered those product types of hand pallet trucks sold domestically as being identical or directly comparable with the types sold for export to the Community when they had the same lifting capacity, chassis material, size of forks, type of hydraulics and type of wheels.
- (30) Domestic sales of a particular product type were considered sufficiently representative when the total domestic sales volume of that type sold to independent customers during the IP represented at least 5 % of the total sales volume of the comparable product type exported to the Community. This was the case for some of the product types exported.

3.2.3. Ordinary course of trade test

- (31) It was first examined whether the domestic sales of the above product types made by the exporting producer could be considered as being made in the ordinary course of trade pursuant to Article 2(4) of the basic Regulation.
- (32) This was done by establishing the proportion of domestic sales to independent customers, of each exported product type, not sold at a loss on the domestic market during the IP:
- (a) for those product types where more than 80 % by volume of sales on the domestic market were not below unit costs and where the weighted average sales price was equal to or higher than the weighted average production cost, normal value, by product type, was calculated as the weighted average of all domestic sales prices during the IP, paid or payable to independent customers, of the type in question irrespective of whether these sales were profitable or not;
 - (b) for those product types where at least 10 %, but not more than 80 %, by volume, of sales on the domestic market were not below unit costs, normal value, by product type, was calculated as the weighted average of domestic sales prices which were made at prices equal to or above unit costs only, of the type in question;
 - (c) for those product types where less than 10 %, by volume, was sold on the domestic market at a price not below unit costs, it was considered that the product type concerned was not sold in the ordinary course of trade and, therefore, normal value was constructed.

3.2.4. Normal value based on actual domestic price

- (33) When the requirements set out in recitals (29) to (31) and in recital (32)(a) and (b) of this Regulation were met, normal value was based for the corresponding product type on the actual prices paid or payable, by independent customers in the domestic market of the exporting country during the IP, as set out in Article 2(1) of the basic Regulation.

3.2.5. Normal value based on constructed value

- (34) For types falling under recital (32)(c) of this Regulation, as well as for those product types which were not sold in representative quantities on the domestic market, as mentioned in recital (30) of this Regulation, normal value had to be constructed.
- (35) The selling, general and administrative (SG&A) expenses incurred and the weighted average profit realised by the exporting producer concerned on domestic sales of the like product, in the ordinary course of trade, during the IP, were added to the manufacturing cost in order to determine constructed normal value pursuant to Article 2(6) of the basic Regulation.

4. Export price

- (36) Following the imposition of provisional measures, no comments were submitted concerning the determination of the export price for sales made directly to independent customers in the Community. Therefore, the findings set out in recital (49) of the provisional Regulation concerning the establishment of the export price pursuant to Article 2(8) of the basic Regulation are hereby confirmed.
- (37) For two exporting producers, the export price has been provisionally constructed for their sales to importers with which they were found to have a compensatory arrangement pursuant to Article 2(9) of the basic Regulation, as set out in recital (49) of the provisional Regulation.
- (38) One of the exporting producers and its importer, for which certain export prices were constructed, argued that the relationship between them did not warrant construction of export prices and that the actual prices from the exporting producer to the importer should form the basis for establishing export prices. However, the investigation showed that these export prices were affected by an agreement between the parties, further to which certain product development costs had to be borne by the importer. Due to this compensatory arrangement, average export prices to the importer were significantly higher than to other independent customers in the Community. Therefore, the prices from the exporting producer to the importer were not accepted as the basis for establishing the export prices. Furthermore, before the end of the IP the exporting producer and the importer became associated. Normally, in these circumstances, the export prices would be constructed based on resale prices to independent buyers in the Community. However, in this case the number of resale transactions made in the IP was very small and actual transaction prices were not supplied by the importer in good time and they were not verifiable. In these circumstances, these sales were not taken into account in the definitive calculation of export prices.
- (39) In fact, this exporting producer had significant direct sales to independent customers in the Community which have been used to establish the export price, as set out in recital (36) of this Regulation.
- (40) The other exporting producer for which certain export prices were constructed and the importer concerned submitted comments on the provisional findings arguing that there was no arrangement or agreement between them within the meaning of an association or a compensatory arrangement as set out in Article 2(9) of the basic Regulation and Article 2.3 of the WTO ADA. Therefore, the construction of export prices, using resale prices of the importer to independent customers as a basis, is incorrect.
- (41) This argument could not be accepted because the information given by the exporter and the importer was not reconcilable. During the on-spot verification visit at the premises of the exporting producer, the investigators were informed that the reason why export prices between the parties are much higher than normal is that a special arrangement or agreement exists between the exporting producer and the importer. In addition, all export invoices referred for details to this agreement. The exporting producer denied the existence of a written agreement, but explained that the importer concerned was prepared to pay such higher prices in order to obtain and maintain the exclusivity of sales of certain products of the exporting producer for certain markets. The importer also denied the existence of any special relationship and explained during the on-spot verification visit that the prices paid to the exporting producer are higher because of the high quality of the products in question. It is considered that in these circumstances, the export prices were unreliable and have to be adjusted either because of the existence of some form of compensatory arrangement in the light of the provisions of Article 2(9) of the basic Regulation, or for differences in physical characteristics reflecting the alleged higher quality of the products in the light of Article 2(10)(a) of the basic Regulation. However, the claim on quality was not supported by any evidence and was indeed contradicted by the findings of the investigation. In the absence of any other information, the export prices were constructed as set out in recital (49) of the provisional Regulation.

- (42) The same exporting producer and the importer also claimed that the calculation of constructed export prices was incorrect because the profit margin used in the calculation was significantly higher than the profit margins used for the same purposes in other cases in the past and, therefore, it was unreasonable. In this respect, it is noted that every case is considered on its own merits and the findings of one investigation cannot be simply transposed to another. In this case, the profit margin used in the calculation was the weighted average of the actual net profits on sales of the 'product concerned' reported by eleven unrelated importers in the course of the investigation. No evidence has been submitted which could challenge these data. Therefore, the claim should be rejected.
- (43) However, it should be noted that following the verification visit at the premises of the importer concerned, the calculation of the constructed export prices has been revised in order to take into account necessary corrections on certain resale prices and the SG&A expenses of the importer.

5. Comparison

- (44) Following the imposition of provisional measures, one exporting producer requested an adjustment on certain export prices for differences in levels of trade between direct export sales to the Community and sales for export to the Community via traders in the PRC, in accordance with Article 2(10)(d)(i) of the basic Regulation. It argued that export sales via Chinese traders involve further sales to traders, which normally are not necessary in cases of direct exports to the Community. In this respect, it is noted that the abovementioned Article of the basic Regulation provides that an adjustment for differences in levels of trade may be granted where it is demonstrated that consistent and distinct differences exist in functions and prices of the seller for the different levels of trade in the domestic market of the exporting country. In this case, the exporting producer claimed and tried to demonstrate the need for an adjustment by reference to the circumstances of its export sales, rather than its domestic sales. This is not a sufficient basis for claiming a level of trade adjustment. Furthermore, the investigation established that all exports of the exporting producer concerned, as well as the domestic sales in the analogue country, were made to traders, i.e. no different levels of trade existed between export price and normal value.

6. Dumping margins

- (45) In calculating the dumping margin for all other exporting producers, as set out in recital (53) of the provisional Regulation, the exporting producer which was granted MET was no longer taken into account. No other comments were submitted on the findings set out in recitals (52) and (53) of the provisional Regulation which are hereby confirmed. However, for the exporting producer which was granted MET, the dumping margin was established by comparing the weighted average normal value for each type exported to the Community as determined in recitals (28) to (35) of this Regulation to the weighted average export price of the corresponding type, in accordance with Article 2(11) of the basic Regulation. The dumping margins finally determined following the amendments set out above, expressed as a percentage of the net, free-at-Community-frontier price, duty unpaid, are:

Ningbo Liftstar Material Transport Equipment Factory	32,2 %
Ningbo Ruyi Joint Stock Co. Ltd	28,5 %
Ningbo Tailong Machinery Co. Ltd	39,9 %
Zhejiang Noblelift Equipment Joint Stock Co. Ltd	7,6 %
All other companies	46,7 %

E. COMMUNITY INDUSTRY

1. Community production

- (46) In the absence of any comments, the provisional findings concerning the Community production, as set out in recitals (55) and (56) of the provisional Regulation are hereby confirmed.

2. Definition of the Community industry

- (47) In the absence of any comments, the provisional findings concerning the definition of the Community industry, as set out in recital (57) of the provisional Regulation are hereby confirmed.

F. INJURY

1. Community consumption

- (48) In the absence of any comments, the provisional findings concerning the Community consumption, as set out in recitals (58) and (59) of the provisional Regulation are hereby confirmed.

2. Imports of hand pallet trucks from the PRC into the Community

- (49) In the absence of any comments, the provisional findings concerning imports of hand pallet trucks from the PRC into the Community, as set out in recitals (60) to (64) of the provisional Regulation are hereby confirmed.

3. Situation of the Community industry

- (50) Following the imposition of the provisional measures, one exporting producer questioned the injurious situation of the Community industry by pointing out that the production capacity of the Community industry has increased during the period considered, the development of stocks after 2001 cannot be regarded as a sign of injury but a sign of improvement of the Community industry, the sales price of the hand pallet trucks sold by the Community producers and their market share remained stable in 2003 and during the IP, the profitability of the Community industry increased between 2000 and 2001, the level of investments of the Community industry has more than doubled indicating that it had no problem to raise capital and the stability of wages must be perceived as a positive indicator.
- (51) As regards the argument that the production capacity of the Community industry has increased and this does not indicate injury, it should be noted that whilst the overall increase of production capacity during the period considered was 3 %, it decreased by almost 2 % between 2002 and the IP. In fact, the production capacity increased only in the years 2001 and 2002 when investments were made. This development cannot be considered as indicating the absence of injury to the Community industry, in particular when the consumption increased by 17 % during the same period.
- (52) As regards the argument that the development of stocks after 2001 cannot be regarded as a sign of injury but a sign of improvement of the Community industry, it should be noted that in addition to the explanation provided in recital (67) of the provisional Regulation as to why this factor is not regarded as a particularly relevant indicator of the economic situation of the Community industry, it should be recalled that stocks increased overall by 14 % during the period considered. The fact that there was a peak in 2001 does not alter the finding that stocks may have at least contributed to the injurious situation of the Community industry.
- (53) As regards the argument that the sales price and the market share of the hand pallet trucks sold by the Community producers remained stable in 2003 and during the IP, it should be noted that the IP includes nine months of 2003. It should be noted that the injury analysis covers a period of several years and that both the market share and the sales price of the Community industry declined significantly during the period considered. This has not been challenged.
- (54) As regards the argument that the increase in the profitability of the Community industry between 2000 and 2001 does not indicate injury, it should be noted that the profitability increased marginally from 0,28 % in 2000 to 0,51 % in 2001 and then decreased constantly to reach - 2,31 % during the IP. This is a clear indicator of injury.

- (55) As regards the argument that the level of investments of the Community industry has more than doubled and thus it had no problem to raise capital, it is recalled, as explained in recital (76) of the provisional Regulation, that major investments were made in 2001 and 2002 to replace worn-out production facilities in order to allow the Community industry to remain competitive. Investments dropped by 40 % between 2002 and the IP, in parallel with the worsening profitability and this indicated problems in raising capital. This again clearly indicates a state of injury.
- (56) As regards the argument that the stability of wages must be perceived as a positive indicator, it should be noted that this factor should be analysed in the context of development of wages and employment. The impairment of the industry can be clearly seen in the reduction of number of employees. The fact that the Community producers could not increase wages in line with inflation during the period considered due to unfair competition must be considered a negative indicator.
- (57) The arguments of this exporting producer analysed in recitals (50) to (56) of this Regulation should, therefore, be rejected.
- (58) Certain importers argued that the Community industry has offered hand pallet trucks for sale at prices much lower than any Chinese-made hand pallet trucks and this indicates that it is not being injured. This argument is not supported by the finding of significant price undercutting of over 55 % as set out in recital (64) of the provisional Regulation and, therefore, cannot be accepted.
- (59) In the absence of any other comments, the provisional findings concerning the situation of the Community industry, as set out in recitals (65) to (84) of the provisional Regulation are hereby confirmed.

4. Conclusion on injury

- (60) In conclusion, as already set out in the provisional Regulation, all relevant injury indicators showed negative trends. In the absence of any other comments, the provisional findings concerning the conclusion on injury set out in recitals (85) to (87) of the provisional Regulation are hereby confirmed.

G. CAUSATION OF INJURY

1. Introduction

- (61) In the absence of any comment concerning the introduction on causation of injury, as set out in recital (88) of the provisional Regulation, the statement is hereby confirmed.

2. Effect of the dumped imports

- (62) One exporting producer and certain importers alleged that the use of Eurostat import data are inappropriate in determining the volume and market share of imports of the product concerned since there is no separate CN code for it. They argued that other products are also covered by the two CN codes in question, one covering the complete product and the other parts, and thus such Eurostat data cannot give an accurate picture of the effect of the dumped imports. It is noted that no evidence has been submitted indicating that any significant quantities of other products may have been classified under the CN code 8427 90 00, which covers the complete product and which was used to determine the dumped imports volume. In fact, the same interested parties used Eurostat import data from the same CN code to substantiate their claim concerning the trends of imports of hand pallet trucks from other third countries. It is also considered, that given the narrow definition of the CN code, the vast majority of products entering the Community under this heading are imports of the product concerned. As to other CN code 8431 20 00 covering parts for use solely or principally with the machinery of heading 8427, it is noted that the imports reported by Eurostat for this code are small and have not been taken into account when establishing the volume and the market share of the imports of the product concerned. Therefore, the argument cannot be accepted.

- (63) In the absence of any other comment, the provisional findings concerning the effect of the dumped imports, set out in recitals (89) to (91) of the provisional Regulation are hereby confirmed.

3. The effects of other factors

(a) *The export performance of the Community industry*

- (64) Following the imposition of provisional measures, one exporting producer argued that the export performance of the Community industry had been wrongly evaluated. Export sales were found to have fallen by nearly 50 % between 2000 and the IP, having a significant impact on the Community industry's performance. It should be noted that even if the exports have declined in absolute terms, they represented on average only 11 % of the total sales of the Community industry during the period considered. Furthermore, whilst sales in the Community were loss making, exports were still earning some profits during the IP. Therefore, the decline of the exports cannot be considered as a factor causing any significant injury to the Community industry. Consequently, the argument should be rejected and the findings set out in recitals (92) and (93) of the provisional Regulation confirmed.

(b) *Investments of the Community industry*

- (65) In the absence of any comment, the provisional findings concerning the investments of the Community industry, as set out in recital (94) of the provisional Regulation are hereby confirmed.

(c) *Imports from other third countries*

- (66) Two exporting producers and certain importers claimed that contrary to the findings in recital (95) of the provisional Regulation, countries other than the PRC, in particular Brazil and India, have taken advantage of the strength of the euro in order to significantly increase their sales on the Community market. Given the fact that imports from third countries, such as Brazil and India, represent only approximately 1 % of the Chinese imports of the product concerned, their impact on causality, if any, can be considered insignificant. The claim should, therefore, be rejected.

- (67) In the absence of any other comment, the provisional findings concerning imports from other third countries as set out in recitals (95) and (96) of the provisional Regulation are hereby confirmed.

(d) *Euro/US dollar exchange rate*

- (68) One exporting producer and certain importers claimed that a share of the price undercutting established is attributable to the weakness of the US dollar against the euro and not to dumped import prices. However, these parties have not submitted any evidence indicating the volume of imports from the PRC invoiced in US dollar, which could allow an overall assessment of any impact of exchange rates on prices. In any event, even if all imports from the PRC had been made in US dollar, something which cannot be supported by the findings of the investigation, import prices of the product concerned should have dropped by 25 % (loss of US dollar value against the euro) instead of 34 % experienced during the period considered. Finally, it should be noted that with the exception of two individual cases with clearly negligible import volumes, imports from all countries other than the PRC, taken together, which also benefited from the appreciation of the euro, decreased. This indicates that currency fluctuations cannot have been a substantial cause of the surge of dumped imports from the PRC. The claim should therefore be rejected and the findings set out in recital (98) of the provisional Regulation confirmed.

(e) *Selling behaviour*

- (69) One exporting producer and certain importers reiterated their argument that the complainants are large companies active in the material handling sector, for which hand pallet trucks are only an accessory product, often used as a selling tool for bigger, more expensive products. Since no new evidence has been submitted, the findings set out in recitals (99) and (100) of the provisional Regulation are hereby confirmed and the claim rejected.

- (f) *Strategic mistakes made by the EC producers, such as a low quality products and production of own parts*
- (70) One exporting producer reiterated the claim that Community producers suffered self-inflicted injury by focusing on the production of low quality products and outsourcing the production of parts. However, no new evidence was submitted in support of this claim. It is noted that this claim has already been examined and explicitly addressed in recitals (101) to (103) of the provisional Regulation, which are hereby confirmed.

4. Conclusion on causation

- (71) In the absence of any other comments which could alter the provisional determination, the conclusion on causation as set out in recitals (104) and (105) of the provisional Regulation is hereby confirmed.

H. COMMUNITY INTEREST

1. General remarks

- (72) In the absence of any comment, the general remarks on Community interest as set out in recital (106) of the provisional Regulation are hereby confirmed.

2. Interest of Community industry

- (73) Following the imposition of provisional measures, one importer claimed that previously closed production plants in the Community will not be reopened, thus will not offer new employment opportunities because of the imposition of anti-dumping measures. Firstly, the claim was not supported by any evidence. Secondly, even if no closed plants were to reopen, it must be noted that the Community industry's capacity utilisation during the IP was only 46 %. This is a clear indication of the potential for increase in production and sales of the Community industry should fair competition prevail in the Community market. The claim, therefore, should be rejected.
- (74) One exporting producer and certain importers argued that the hand pallet activities of the Community industry in particular in terms of employment is negligible in relation to their total activities and, therefore, their interest in such measures is limited when compared to that of other operators in the market. First of all it is recalled that exporting producers have no standing to bring claims regarding the examination of the interest of the Community industry. The same applies with regard to the interest of suppliers, traders or users examined below. The arguments brought were nevertheless examined. In this respect, it is recalled that the Community industry employed for hand pallet trucks some 434 people during the IP, whilst, for example, the cooperating importers employed around 74. It is further noted that certain Community producers rely almost exclusively on production and sales of hand pallet trucks. Therefore, this argument cannot be accepted.
- (75) In the absence of any other comment, the provisional findings concerning the interest of the Community industry, as set out in recitals (107) to (109) of the provisional Regulation, are hereby confirmed.

3. Interest of Community suppliers

- (76) One exporting producer alleged that the lack of any representation from Community suppliers is an indication that imports from the PRC did not negatively affect their business. This allegation cannot be accepted. The Community industry relies on Community suppliers for certain parts of hand pallet trucks, and it is not reasonable to assume that there are no negative effects on their business. Further closures of Community plants could further affect their business. In the absence of any new comments, the provisional finding concerning the interest of Community suppliers, as set out in recital (110) of the provisional Regulation, is hereby confirmed.

4. Interest of unrelated importers/traders

- (77) One exporting producer claimed that the investigation ignored the interests of small importers, which mostly focus their activities on hand pallet trucks. It should be noted that submissions from importers, which made themselves known in due time and provided sufficient information, were fully taken into account in this investigation. Among the cooperating unrelated importers were companies with two and three employees. Furthermore, it is noted that the cooperating importers reported a very good profitability on their hand pallet trucks business (net profits of up to 50 % on turnover). Therefore, it is reasonable to consider that the impact on their business of the imposition of the anti-dumping measures will be relatively small. Consequently, the claim should be rejected and the findings set out in recitals (111) to (114) of the provisional Regulation confirmed.

5. Interest of users

- (78) Two exporting producers and certain importers claimed that the increase in the price of Chinese hand pallet trucks following the imposition of measures is having an immediate and disproportionate effect on hundreds of thousands of shops, stores and factories using hand pallet trucks in the Community. However, it is noted that no such Community user of hand pallet trucks has submitted any comments on the findings set out in the provisional Regulation. Since this claim has not been supported by any evidence, it should be rejected.
- (79) In the absence of any other comment, the provisional findings concerning the interest of Community users, as set out in recitals (115) and (116) of the provisional Regulation, are hereby confirmed.

6. Conclusion on Community interest

- (80) Following the above, the conclusions on Community interest drawn in recitals (117) to (119) of the provisional Regulation are hereby confirmed.

I. DEFINITIVE ANTI-DUMPING MEASURES

1. Injury elimination level

- (81) In the absence of any substantiated comments, the methodology used for establishing the injury elimination level, as described in recitals (120) to (123) of the provisional Regulation is hereby confirmed.
- (82) Based on this methodology, an injury elimination level has been calculated for the purposes of establishing the level of measures to be definitely imposed.

2. Form and level of the duty

- (83) In the light of the foregoing and in accordance with Article 9(4) of the basic Regulation, a definitive anti-dumping duty should be imposed at the level of the dumping margins found, since for all the exporting producers concerned the injury elimination level was found to be higher than the dumping margins.
- (84) On the basis of the above, the definitive duty rates are as follows:

Company	Duty rate
Ningbo Liftstar Material Transport Equipment Factory	32,2 %
Ningbo Ruyi Joint Stock Co. Ltd	28,5 %
Ningbo Tailong Machinery Co. Ltd	39,9 %
Zhejiang Noblelift Equipment Joint Stock Co. Ltd	7,6 %
All other companies	46,7 %

- (85) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of the present investigation. Therefore, they reflect the situation found during that investigation with respect to these companies. These duty rates (as opposed to the country-wide duty applicable to 'all other companies') are thus exclusively applicable to imports of products originating in the country concerned and produced by the companies and thus by the specific legal entities mentioned. Imported products produced by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.
- (86) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission ⁽¹⁾ forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for example, that name change or that change in the production and sales entities. If appropriate, the Regulation will then be amended accordingly by updating the list of companies benefiting from individual duty rates.

3. Collection of provisional duty

- (87) In view of the magnitude of the dumping margins found and in the light of the level of the injury caused to the Community industry, it is considered necessary that the amounts secured by way of the provisional anti-dumping duty imposed by the provisional Regulation be collected definitively to the extent of the amount of the duty definitively imposed by the present Regulation. Where the definitive duty is higher than the provisional duty, only the amounts secured at the level of the provisional duty should be collected definitively.

4. Undertakings

- (88) Subsequent to the imposition of provisional anti-dumping measures, two exporting producers expressed their willingness to offer undertakings in accordance with Article 8 of the basic Regulation. The possibility of contractive remedies in the form of price undertakings has been explored. However, it is noted that one of these exporting producers has not cooperated with the investigation and, therefore, since no MET or individual treatment was granted to it, as set out in recital (19) of this Regulation, no minimum prices could be established. Furthermore, it was found that the 'product concerned' exists in hundreds of types, that are regularly upgraded or otherwise modified. In addition, the exporting producers were also selling either directly or via their affiliated importers other products to the same customers. In such circumstances, the monitoring of price undertakings would be virtually impossible. It was therefore considered that the acceptance of undertakings was impractical in this particular case and the offers had to be rejected. The exporting producers were informed accordingly and given an opportunity to comment. Their comments have not altered the above conclusion,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of hand pallet trucks and their essential parts, i.e. chassis and hydraulics, of CN codes ex 8427 90 00 and ex 8431 20 00 (TARIC codes 8427 90 00 10 and 8431 20 00 10), originating in the People's Republic of China.

⁽¹⁾ European Commission, Directorate-General for Trade, Directorate B, J-79 5/17, Rue de la Loi/Wetstraat 200, B-1049 Brussels.

2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Community frontier price, before duty, shall be as follows:

The People's Republic of China	Rate of duty (%)	TARIC additional code
Ningbo Liftstar Material Transport Equipment Factory, Zhouyi Village, Zhanqi Town, Yin Zhou District, Ningbo City, Zhejiang Province, 315144, PRC	32,2	A600
Ningbo Ruyi Joint Stock Co. Ltd, 656 North Taoyuan Road, Ninghai, Zhejiang Province, 315600, PRC	28,5	A601
Ningbo Tailong Machinery Co. Ltd, Economic Developing Zone, Ninghai, Ningbo City, Zhejiang Province, 315600, PRC	39,9	A602
Zhejiang Noblelift Equipment Joint Stock Co. Ltd, 58, Jing Yi Road, Economy Development Zone, Changxin, Zhejiang Province, 313100, PRC	7,6	A603
All other companies	46,7	A999

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

Article 2

Amounts secured by way of the provisional anti-dumping duty pursuant to Commission Regulation No 128/2005 on imports of hand pallet trucks and their essential parts falling within CN codes ex 8427 90 00 and ex 8431 20 00 (TARIC codes 8427 90 00 10 and 8431 20 00 10) originating in the People's Republic of China shall be definitively collected, in accordance with the rules set out below. The amounts secured in excess of the amount of the definitive anti-dumping duty shall be released. Where the definitive duty is higher than the provisional duty, only the amounts secured at the level of the provisional duty shall be definitively collected.

Article 3

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, 18 July 2005.

For the Council
The President
J. STRAW

COUNCIL REGULATION (EC) No 1175/2005**of 18 July 2005****imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of barium carbonate originating in the People's Republic of China**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

A. PROVISIONAL MEASURES

- (1) On 29 January 2005, the Commission, by Regulation (EC) No 145/2005 of 28 January 2005 imposing a provisional anti-dumping duty on imports of barium carbonate originating in the People's Republic of China ⁽²⁾ (hereinafter 'the provisional Regulation'), imposed provisional anti-dumping duties on imports into the Community of barium carbonate originating in the People's Republic of China ('the PRC').

B. SUBSEQUENT PROCEDURE

- (2) Subsequently to the disclosure of the essential facts and considerations on the basis of which it was decided to impose the said provisional anti-dumping measures, several interested parties made written submissions containing their views on the provisional findings. No parties requested to be heard.
- (3) The Commission continued to seek and verify all information it deemed necessary for the definitive findings. Verification visits were carried out at the premises of the following companies:
 - (a) *unrelated importer*:
 - Castle Colours Ltd, UK;
 - (b) *Community users*:
 - Terreal SA, France,
 - Torrecid SA, Spain.
- (4) All parties were informed of the essential facts and considerations, on the basis of which it was intended to recommend the imposition of a definitive anti-dumping duty on imports of barium carbonate originating in the PRC and the definitive collection of the amounts secured by way of the provisional duty. The parties were also granted a period to make representations, subsequent to the disclosure of the essential facts and considerations.
- (5) The oral and written comments submitted by the interested parties were considered and, where appropriate, the findings have been modified accordingly.

C. PRODUCT CONCERNED AND LIKE PRODUCT

- (6) Since no new comments were received regarding the 'product concerned' and the 'like product', as defined in recitals 11 and 12 of the provisional Regulation, their contents are hereby confirmed.

⁽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 27, 29.1.2005, p. 4.

D. DUMPING

1. Market Economy Treatment ('MET')

- (7) In the absence of any comments, the contents of recitals 13 to 23 of the provisional Regulation concerning MET is hereby confirmed.

2. Individual Treatment ('IT')

- (8) In the absence of any comments, the contents of recitals 24 to 29 of the provisional Regulation concerning individual treatment is hereby confirmed.

3. Normal value

(a) *Determination of normal value for cooperating producers granted MET*

- (9) For one exporting producer, in determining whether domestic sales were in the ordinary course of trade and also when constructing normal value for certain types of the product concerned, incorrect financing costs were used in calculating the provisional dumping margin. Therefore, for the calculation of the definitive dumping margin, the necessary corrections were made.
- (10) For the other exporting producer, the sales value of waste was provisionally deducted from the cost of production. However, after having reviewed the appropriate information, it was not certain whether the amount could be considered as deductible as waste. In this regard, and on the basis of the information available, it appeared that the 'waste' had actually a significant separate commercial value. Moreover, in the absence of any inventories kept, it was not possible to properly quantify the amount under consideration. Finally, even in the event that this amount had to be deducted, the company attributed the whole amount to the product concerned whereas it also affected other products produced by this company. Therefore, at the definitive stage, the deduction for waste was reversed. For the same exporting producer the value of the by-product was adjusted.
- (11) The exporting producer concerned contested the approach taken and argued that waste, in the form of slag and lime, is disposed through synergy with an adjacent plant in a manner that reduced its total cost. It has to be noted that the said producer also claimed in its questionnaire that these sales should be considered as sales of a 'by-product'. In this regard, it is reiterated that the quantity of the product in question that was sold could not be established during the investigation. Furthermore, this revealed that sales to the neighbouring factory were of the by-product H₂S only. In this regard, it was considered that contradictory information was submitted, which could not be clarified after definitive disclosure. Secondly, this same producer claimed that the value of the by-product H₂S, deducted from the cost of production, should have been higher. However, the evidence collected during the investigation showed that this claim was overstated and had therefore to be rejected.
- (12) Apart from the adjustments made, as set out in recitals 9 and 10 of this Regulation, and in the absence of any further comments, the contents of recitals 43 to 59 of the provisional Regulation concerning normal value is hereby confirmed.

(b) *Determination of normal value for all cooperating producers not granted MET*

- (13) One user-organisation objected to the use of the United States of America ('USA') as analogue country, in the meaning of recital 12 of the provisional Regulation. This interested party did not substantiate its claim or provide any evidence, but referred rather generally to an alleged lack of competition on the USA market, due to anti-dumping measures in force there. However, it is noted that the level of competition in the domestic market of the USA was investigated for the provisional determination. As mentioned in recital 37 of the provisional Regulation, it was found that there was indeed a fair level of competition on the USA domestic market.

- (14) One unrelated importer objected to the use of the USA as analogue country since the producer in the USA, whose data have been used for the determination of normal value, was related to a Community producer. It should be noted that during the investigation period ('IP'), no such relationship existed. Furthermore, this importer did not submit any information or evidence that this relationship which started only after the IP had an influence on the domestic costs and prices in the USA during the IP. The unrelated importer's argument had therefore to be rejected.
- (15) Given the above, the choice of the USA as an analogue country is hereby confirmed.

4. Export price

- (16) In the absence of any comments, the contents of recital 60 of the provisional Regulation, concerning the determination of the export price, is hereby confirmed.

5. Comparison

- (17) The exporting producers noted that for the calculation of the provisional dumping margin, ocean freight and insurance costs were erroneously deducted from the export sales transactions made on a free on board (fob) or cost and freight (cfr) basis, whereas the sales price of these transactions did not include such costs. These export sales transactions were corrected accordingly.
- (18) Furthermore, it was found that one exporting producer did not report commissions paid to traders for export sales of the product concerned to the Community. The export prices were therefore adjusted accordingly.
- (19) Apart from the adjustments made, as set out in recitals 9, 10 and 18 of this Regulation, and in the absence of any further comments, the contents of recitals 61 to 66 of the provisional Regulation in relation to the comparison of normal value and export prices, is hereby confirmed.

6. Dumping margins

- (20) In the light of the above corrections, the dumping margins finally determined, expressed as a percentage of the cost, insurance and freight (cif) Community frontier price, duty unpaid, are:

Hubei Jingshan Chutian Barium Salt Corp. Ltd	3,4 %
Zaozhuang Yongli Chemical Co.	4,6 %
All other companies	31,7 %

E. INJURY

1. Community industry and Community consumption

- (21) In the absence of any comments in this particular respect, the contents of recitals 72 to 74 of the provisional Regulation are hereby confirmed.

2. Imports from the country concerned

- (22) Following the provisional disclosure, one cooperating exporting producer reiterated its claim that the higher prices charged by the Community industry are due to the higher reactivity of its products. This request for an adjustment to the prices of the Community industry in respect of differences in reactivity had been rejected at the provisional stage, as indicated in recital 80 of the provisional Regulation.

- (23) Although the claim was not sufficiently substantiated by the submission of new information, the issue was further examined, since the exporting producer claimed that differences in reactivity, alleged to be a characteristic present in all grades of the barium carbonate, should not have been assessed only in respect of the most reactive grades sold by the Community industry, as was done at the provisional stage.
- (24) Since reactivity is a property of barium carbonate which is not shown as such on the producers' production specification sheets, but can be inferred on the basis of the particle size and density of the 'product concerned', it is normal practice in the different end-use sectors to carry out control tests upon the delivery of the product to verify its properties. The fact that end-users in a sector such as the bricks and tiles industry, where reactivity is crucial, increase the quantity of barium carbonate they would normally need for their production process when they are using the product imported from the PRC, as opposed to that sourced from the Community industry, indicates that end-users attribute higher reactivity to the barium carbonate produced by the Community industry. Moreover, a further analysis of the products sold in the Community market has shown that, in addition to the most reactive grades which represent less than 5 % of its sales in the EC, as referred to in recital 80 of the provisional Regulation, the Community industry in fact sold additional grades with considerably high reactivity, which accounted for about a further 20 % of its total sales in the Community. The balance of the Community industry's sales are accounted for by sales of lower reactivity grades. It was therefore concluded that, under these circumstances and contrary to the contents of recital 80 of the provisional Regulation, an adjustment for differences in reactivity was warranted.
- (25) For the purpose of analysing price undercutting, the selling price of the Community industry's grades of barium carbonate with high reactivity was reduced by 14 %. This adjustment was based on the price difference between higher and lower reactivity grades sold by the Community industry. The comparison showed that, during the IP, the product concerned originating in the PRC was sold in the Community at prices which undercut those of the Community industry by 20 to 26 %, when expressed as a percentage of the latter.
- (26) Apart from the adjustments made as set out in recital 25 of this Regulation, and in the absence of any other comments, the contents of recitals 75 to 81 of the provisional Regulation concerning imports from the country concerned is confirmed.

3. Situation of the Community industry and conclusion on injury

- (27) It was submitted by one cooperating exporter that the economic indicators analysed in recitals 84 to 94 of the provisional Regulation did not show material injury. However, no substantially new element or evidence was submitted which would necessitate a reassessment of such indicators and, consequently, a change in the conclusion reached at the provisional stage.
- (28) This claim was reiterated after definitive disclosure, especially as regards the evolution of production, capacity utilisation, market share, stocks and employment. As already explained in recitals 84 to 88 of the provisional Regulation, these indicators clearly showed a negative evolution, which contributed to deteriorate the situation of the Community industry. Thus, the claim was rejected.
- (29) Therefore, the contents of recitals 82 to 97 of the provisional Regulation concerning the situation of the Community industry and the conclusion on injury is hereby confirmed.

F. CAUSALITY

1. Effect of the dumped imports

- (30) In the absence of any substantially new information or argument, the contents of recital 100 of the provisional Regulation are hereby confirmed.

2. Effect of other factors

- (31) One cooperating exporter reiterated that injury could have also been caused by imports from other third countries which increased significantly before the IP, including imports from India and Brazil, in particular. As regards India, it cannot be considered a relevant source of supply during the period of analysis 2000 to 2003, given the negligible quantities imported. As a matter of fact, the market share of Indian imports was below 1 % in the IP and practically non-existent before. As far as Brazil is concerned, imports were limited both in comparison to imports from the PRC and total imports during the whole period considered. Therefore, it is concluded that these imports did not break the causal link as set out in recital 103 of the provisional Regulation.
- (32) One exporter and a number of importers and users claimed that the Community industry has enjoyed a dominant position in the Community market for barium carbonate and that this factor has allowed the industry to increase its prices in the Community. The exporter stressed the fact that the group, to which the sole Community producer belongs, had been investigated for abuse of dominant position in the past.
- (33) First of all, it should be noted that during the period 2000 to 2003, the market share of the Community industry was, on average, around 10 percentage points higher than that of the Chinese exporting producers, whilst during the IP it was comparable to that of imports from the PRC. It cannot therefore be concluded that the Community industry has enjoyed a dominant position over the period considered, given the reduction of its market share against imports from the PRC and the equal market share of imports from the PRC in the IP. In any case, no evidence has been provided by any interested party to substantiate a possible abuse of dominant position of the Community industry as regards the 'like product'. Even in cases where a company is the sole producer in a given market, this fact alone cannot be taken as an indication that such producer has abused its market position by way of artificially increasing the prices on such market. Moreover, should the Community industry have indeed enjoyed a dominant position, let alone abused it, it would be difficult to understand how the Community industry's prices could have dropped by 7 % as indicated in recital 86 of the provisional Regulation, while the Chinese exporters have increased their market share so substantially. Furthermore, it cannot be inferred that the Community producer abused a possible dominant position merely on the basis of the existence of an investigation not covering the like product, or investigations in the past in respect of some company of the group to which it belongs. Therefore, the claim is rejected.
- (34) As regards the information contained in recitals 110 and 111 of the provisional Regulation, several users and importers claimed that the imposition of definitive measures would penalise the bricks and tiles manufacturers, which prefer to use the water suspended barium carbonate (slurry) made out of the barium carbonate imported from the PRC, rather than using the barium carbonate in powder form, supplied by the Community industry. These parties alleged that the Community industry does not sell slurry and refuses to supply barium carbonate powder to importers producing the slurry. Contrary to this claim, it has been confirmed that the Community industry supplies barium carbonate to at least one importer producing slurry out of it. Therefore, there is indeed an alternative source of supply of slurry produced out of the Community industry's barium carbonate. Furthermore, as stated in recital 43 of this Regulation, the purpose of the imposition of anti-dumping measures is by no means to stop access to the Community market for products from the PRC, but rather to restore fair competition and to maintain alternative sources of supply in the Community.
- (35) In view of the above and in the absence of any supporting evidence provided by the users and importers to substantiate their preference for the slurry or for the barium carbonate imported from the PRC to the competitive product offered by the Community industry, the claim is rejected.

3. Conclusion on causation

- (36) Based on the above considerations and other elements contained in recitals 98 to 111 of the provisional Regulation, it is concluded that imports from the PRC have caused material injury to the Community industry within the meaning of Article 3(6) of the basic Regulation.

G. COMMUNITY INTEREST

- (37) Two associations representing end-users, some importers and end-users themselves, reiterated their main concern that the imposition of any measures would reduce the overall competition on the Community market for this particular product and therefore inevitably lead to an increase in prices, which would reduce their level of competitiveness. These parties did not provide any additional evidence to substantiate their claim.
- (38) In addition, 20 users which had not made themselves known to the Commission before the imposition of the provisional measures, petitioned against the imposition of definitive anti-dumping duties. These parties were given the opportunity to substantiate their claims, but failed to do so. Nevertheless, their arguments were further examined through verification of the data already submitted before the imposition of provisional measures by one cooperating importer and two cooperating users.
- (39) Indeed, following the additional verification, visits to a company operating in the ceramics (frits) industry and another one operating in the bricks and tiles industry (the two companies representing together over 20 % of the imports of barium carbonate from the PRC as reported by cooperating users), it is confirmed, as mentioned in recital 127 of the provisional Regulation, that the share of barium carbonate in the total cost of production of users is, on average, below 8 %.
- (40) In line with the findings in recital 128 of the provisional Regulation, it was therefore concluded that, given the level of the measures, and the existence of alternative sources of supply from exporters not subject to duties, the impact of any increase in the price of the 'like product' for users appears to be minimal.
- (41) Further to definitive disclosure, two associations of users and one exporting producer claimed that the possible impact of the definitive measures on users would be higher than mentioned in recitals 39 and 40 of this Regulation. In this respect, it should be noted that the findings therein are based on verified data of cooperating users. The said claims referred to information on companies which did not cooperate in the investigation and could not be verified. The claim was therefore rejected.
- (42) The exporting producer mentioned above claimed that only a limited number of users, not representative of the whole market, had served as the basis for the findings. In this respect, it should be noted that the users verified at both provisional and definitive stage represent over 90 % of the imports of barium carbonate from the PRC made by cooperating users during the IP. Therefore, the validity of the findings is considered appropriate and the claim is rejected.
- (43) It is further recalled that the purpose of any anti-dumping measure is by no means to stop access to the Community market for products from the PRC, but rather to restore a level playing field that had been distorted by unfair trade practices. Thus, measures would enable the continuation of activity of the sole Community producer, and would promote overall competition in the Community market.
- (44) In the absence of any substantially new information or argument in this particular respect, the contents of recitals 114 to 132 of the provisional Regulation is hereby confirmed.

H. INJURY ELIMINATION LEVEL

- (45) Further to the disclosure of provisional findings, an exporter claimed that the profit level of 7,2 % deemed to represent the profit that could be achieved by the Community industry in the absence of injurious dumping from the PRC, is not realistic, since, due to the alleged dominant position of the sole Community producer, its profitability in the past was artificially high.

- (46) As already mentioned in recital 33 of this Regulation, the fact that, during a certain period of time, there is only one Community producer, does not imply that this producer has a dominant position in the market and abuses this situation, for example, by making use of its position in order to obtain abnormally high profit margins from its activity. As explained in recital 135 of the provisional Regulation, the profit margin of 7,2 % was calculated as the weighted average profit margin of the 'like product' during the years 1996 to 1998. Account was taken of the Community industry's profit levels when it was not suffering from injurious dumping, that is to say, before the period of analysis for the assessment of injury. As the exporter in question has not provided any evidence showing that the said profit is to be considered as abnormally high, the claim is rejected and the contents of recital 135 as regards the calculation of the injury margin is hereby confirmed.

I. DEFINITIVE MEASURES

- (47) In view of the conclusions reached with regard to dumping, injury, causation and Community interest, and in accordance with Article 9(4) of the basic Regulation, definitive anti-dumping duties should be imposed on imports originating in the PRC at the level of the lower of the dumping and the injury margins, in accordance with the 'lesser duty' rule. In this case, the individual duty rates, as well as the country-wide duty, should accordingly be set at the level of the dumping margins found.

On the basis of the above, the definitive duties are as follows:

Hubei Jingshan Chutian Barium Salt Corp. Ltd	3,4 %
Zaozhuang Yongli Chemical Co.	4,6 %
All others	31,7 %

- (48) Regarding the form of the measures, no comments were received and therefore the imposition of the duty in the form of a specific amount per tonne, as contained in recital 138 of the provisional Regulation, is confirmed.

J. UNDERTAKINGS

- (49) Following the disclosure of the definitive findings, two exporting producers expressed an interest in offering a price undertaking. However, for one which was not granted either MET or IT, it is the Commission's practice not to accept undertakings in such a case, since no individual determination of dumping can be established. On this basis, the offer could not be taken into consideration. The other exporting producer which received market economy treatment, withdrew its offer subsequently.

K. DEFINITIVE COLLECTION OF THE PROVISIONAL DUTY

- (50) In view of the magnitude of the dumping margins found for the exporting producers in the PRC and given the level of the injury caused to the Community industry, it is considered necessary that the amounts secured by way of provisional anti-dumping duty imposed by the provisional Regulation should be definitively collected to the extent of the amount of the definitive duties imposed. As definitive duties are lower than the provisional duties, amounts provisionally secured in excess of the definitive rate of anti-dumping duties shall be released.
- (51) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of the present investigation. Therefore, they reflect the situation found during that investigation with respect to these companies. These duty rates (as opposed to the country-wide duty applicable to 'all others') are thus exclusively applicable to imports of products originating in the country concerned and produced by the companies and thus by the specific legal entities mentioned. Imported products produced by any other company not specifically mentioned in Article 1 of this Regulation with its name and address, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all others'.

- (52) Any claim requesting the application of these individual company anti-dumping duty rates (for instance, following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic sales and export sales associated with e.g. that name change or that change in the production and sales entities. If appropriate, this Regulation will accordingly be amended by updating the list of companies benefiting from individual duties.
- (53) The 'product concerned' is fungible, as explained above, and not branded. The variance of the individual duty rates is significant and there are a number of exporting producers. All these elements may facilitate attempts to re-channel the export flows through the traditional exporters benefiting from the lowest duty rates.
- (54) Consequently, should the exports by one of the companies benefiting from lower individual duty rates increase by more than 30 % in volume, the individual measures concerned might be considered as being likely to be insufficient to counteract the injurious dumping found. Consequently, and provided that the requisite elements are met, an investigation may be initiated in order to correct appropriately the measures in their form or level,

HAS ADOPTED THIS REGULATION:

Article 1

1. Definitive anti-dumping duties are hereby imposed on imports of barium carbonate with a strontium content of more than 0,07 % by weight and a sulphur content of more than 0,0015 % by weight, whether in powder, pressed granular or calcined granular form, falling within CN code ex 2836 60 00 (TARIC code 2836 60 00 10), originating in the People's Republic of China.

2. The amount of the definitive anti-dumping duty shall be equal to a fixed amount as specified below for products produced by the following manufacturers:

Country	Manufacturer	Rate of duty (EUR/t)	TARIC additional code
People's Republic of China	Hubei Jingshan Chutian Barium Salt Corp. Ltd, 62, Qinglong Road, Songhe Town, Jingshan County, Hubei Province, PRC	6,3	A606
	Zaozhuang Yongli Chemical Co., South Zhuzibukuang Qichun, Zaozhuang City Center District, Shangdong Province, PRC	8,1	A607
	All other companies	56,4	A999

3. In cases where the goods have been damaged before entry into free circulation and, therefore, the price actually paid or payable is apportioned for the determination of the customs value pursuant to Article 145 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Customs Community Code ⁽¹⁾, the amount of the anti-dumping duty, calculated on the basis of the fixed amounts set above, shall be reduced by a percentage which corresponds to the apportioning of the price actually paid or payable.

⁽¹⁾ OJ L 253, 11.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 883/2005 (OJ L 148, 11.6.2005, p. 5).

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

Article 2

Amounts secured by way of provisional anti-dumping duties pursuant to Regulation (EC) No 145/2005 on imports of barium carbonate falling within CN code ex 2836 60 00 and originating in the People's Republic of China, shall be definitively collected in accordance with the following rules:

- (a) the amounts secured in excess of the amount of the definitive anti-dumping duties shall be released;
- (b) where the definitive duties are higher than the provisional duties, only the amounts secured at the level of the provisional duties shall be definitively collected.

Article 3

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, 18 July 2005

For the Council
The President
J. STRAW

COMMISSION REGULATION (EC) No 1176/2005
of 20 July 2005
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 21 July 2005.

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

Done at Brussels, 20 July 2005.

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 20 July 2005 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	74,2
	096	42,0
	999	58,1
0707 00 05	052	77,3
	999	77,3
0709 90 70	052	76,0
	999	76,0
0805 50 10	388	63,9
	508	58,8
	524	73,5
	528	62,0
	999	64,6
0808 10 80	388	82,1
	400	102,5
	404	86,2
	508	60,9
	512	67,8
	528	49,6
	720	57,8
	804	79,9
	999	73,4
0808 20 50	388	77,7
	512	53,4
	528	49,1
	999	60,1
0809 10 00	052	159,3
	999	159,3
0809 20 95	052	301,0
	400	309,8
	404	385,7
	999	332,2
0809 30 10, 0809 30 90	052	147,0
	999	147,0
0809 40 05	624	87,5
	999	87,5

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1177/2005

of 20 July 2005

amending Regulation (EC) No 1238/95 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards the fees payable to the Community Plant Variety Office

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights⁽¹⁾, and in particular Article 113 thereof,

After consulting the Administrative Council,

Whereas:

(1) Commission Regulation (EC) No 1238/95 of 31 May 1995 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards the fees payable to the Community Plant Variety Office⁽²⁾, fixes the fees charged by the Community Plant Variety Office (the Office), and the levels of those fees.

(2) It is expected that, at least until the end of 2005, the financial reserve of the Office will exceed the amount necessary to safeguard the continuity of its operations. The annual fee to be paid to the Office by holders of Community plant variety rights for the years 2006 and 2007 and the fees relating to technical examinations in the year 2006 should therefore not be increased as provided for in Regulation (EC) No 1238/95.

(3) The provision of Regulation (EC) No 1238/95 concerning fees for issuing copies should be amended, to take into account the amendment of Commission Regulation (EC) No 1239/95 of 31 May 1995 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards proceedings before the Community Plant Variety Office⁽³⁾, by Regulation (EC) No 1002/2005.

(4) Regulation (EC) No 1238/95 should therefore be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Community Plant Variety Rights,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1238/95 is amended as follows:

1. Article 9(1) is replaced by the following:

'1. The Office shall charge a holder of a Community plant variety right (hereinafter referred to as the holder) a fee for each year of the duration of a Community plant variety right (annual fee) of EUR 300 for the years 2003 to 2007 and of EUR 435 for the year 2008 and the following years.'

2. Article 12(1)(b) is replaced by the following:

'(b) fees for issuing certified copies of documents; and'

3. in Annex I, the table is amended as follows:

(a) the heading of the second column is replaced by the following:

'Fee in years 2003 to 2006';

(b) the heading of the third column is replaced by the following:

'Fee in year 2007 and seq.'

⁽¹⁾ OJ L 227, 1.9.1994, p. 1. Regulation as last amended by Regulation (EC) No 873/2004 (OJ L 162, 30.4.2004, p. 38).

⁽²⁾ OJ L 121, 1.6.1995, p. 31. Regulation as last amended by Regulation (EC) No 569/2003 (OJ L 82, 29.3.2003, p. 13).

⁽³⁾ OJ L 121, 1.6.1995, p. 37. Regulation as last amended by Regulation (EC) No 1002/2005 (OJ L 170, 1.7.2005, p. 7).

Article 2

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

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

Done at Brussels, 20 July 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

COMMISSION REGULATION (EC) No 1178/2005
of 20 July 2005
establishing a fishing prohibition for Blue Ling in ICES zones II, IV, V, by vessels flying the flag of France

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 27/2005 of 22 December 2004 fixing for 2005 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required ⁽³⁾.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2005.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2005 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. It shall be prohibited to retain on board, tranship or land such stock caught by those vessels after that date.

Article 3

Entry into force

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, 20 July 2005.

For the Commission

Jörgen HOLMQUIST

Director-General for Fisheries and Maritime Affairs

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1. Regulation as last amended by Regulation (EC) No 768/2005 (OJ L 128, 21.5.2005, p. 1).

⁽³⁾ OJ L 12, 14.1.2005, p. 1. Regulation as last amended by Regulation (EC) No 860/2005 (OJ L 144, 8.6.2005, p. 1).

ANNEX

Member State	France
Stock	BLI/245-
Species	Blue Ling (<i>Molva dypterygia</i>)
Zone	II, IV, V (Community waters and International waters)
Date	27.6.2005

COMMISSION REGULATION (EC) No 1179/2005
of 20 July 2005
correcting Regulation (EC) No 990/2005 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 Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾,

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 ⁽²⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 990/2005 ⁽³⁾ established, *inter alia*, the standard import values for determining the entry price of lemons.
- (2) A check has revealed an error in the Annex to Regulation (EC) No 990/2005 concerning lemons originating in Argentina. The Regulation in question should therefore be corrected.
- (3) Article 4(3) of Regulation (EC) No 3223/94 specifies that, where no standard import value is in force for a product for a given origin, the average of standard import values in force for that product shall apply. That average should therefore be recalculated if one of its component standard import values is corrected.

- (4) Application of the corrected standard import value must be requested by the party concerned so that they are not placed retroactively at a disadvantage,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 990/2005 is hereby amended in accordance with the Annex hereto.

Article 2

At the request of the affected parties, the customs office where the import was recorded shall refund part of the customs duties for the lemons originating in the third countries concerned and released for free circulation during the period of application of the standard import values established by Regulation (EC) No 990/2005 with effect from 30 June 2005.

Refund applications shall be lodged no later than 31 October 2005, accompanied by the declaration of release for free circulation for the import concerned.

Article 3

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

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

Done at Brussels, 20 July 2005.

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

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

⁽³⁾ OJ L 168, 30.6.2005, p. 8.

ANNEX

In the Annex to Regulation (EC) No 990/2005 the standard import values applicable to lemons (CN code 0805 50 10) shall be replaced by the following:

(EUR/100 kg)

CN code	Third country code	Standard import value
0805 50 10	382	71,1
	388	65,3
	528	55,5
	624	71,1
	999	65,8'

COMMISSION REGULATION (EC) No 1180/2005

of 20 July 2005

fixing for the 2004/2005 marketing year the specific agricultural conversion rate applicable to the minimum sugarbeet prices and the production levy and additional levy in the sugar sector for the currencies of those Member States which have not adopted the single currency

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⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽²⁾, and in particular Article 1(3) thereof,

Whereas:

- (1) Pursuant to Article 1(1) of Regulation (EEC) No 1713/93, the minimum sugarbeet prices referred to in Article 4 of Council Regulation (EC) No 1260/2001 and the production levy and additional levy referred to, respectively, in Articles 15 and 16 of that Regulation are to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conversion rates applicable during the marketing year in question.
- (2) Since 1 January 1999, pursuant to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽³⁾, the fixing

of conversion rates should be restricted to the specific agricultural conversion rates between the euro and the national currencies of those Member States which have not adopted the single currency.

- (3) The specific agricultural conversion rate for the minimum sugarbeet prices and the production levy and the additional levy for the 2004/2005 marketing year should therefore be fixed in the various national currencies,

HAS ADOPTED THIS REGULATION:

Article 1

The specific agricultural conversion rate to be used for the conversion of the minimum sugarbeet prices as referred to in Article 4 of Regulation (EC) No 1260/2001, and of the production levy and, where appropriate, the additional levy referred to in Articles 15 and 16 respectively of that Regulation, into each of the national currencies of the Member States which have not adopted the single currency shall be fixed, for the 2004/2005 marketing year, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 July 2005.

It shall apply from 1 July 2004.

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

Done at Brussels, 20 July 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 987/2005 (OJ L 167, 29.6.2005, p. 12).

⁽²⁾ OJ L 159, 1.7.1993, p. 94. Regulation as last amended by Regulation (EC) No 1509/2001 (OJ L 200, 25.7.2001, p. 19).

⁽³⁾ OJ L 349, 24.12.1998, p. 1.

ANNEX

to the Commission Regulation of 20 July 2005 fixing for the 2004/2005 marketing year the specific agricultural conversion rate applicable to the minimum sugarbeet prices and the production levy and additional levy in the sugar sector for the currencies of those Member States which have not adopted the single currency

Specific exchange rate		
1 euro =	30,7292	Czech koruna
	7,44005	Danish krone
	15,6466	Estonian kroon
	0,579427	Cyprus pound
	0,682632	Latvian lats
	3,45280	Lithuanian litas
	247,437	Hungarian forint
	0,429756	Maltese lira
	4,20824	Polish zloty
	239,768	Slovenian tolar
	39,1877	Slovak koruna
	9,11296	Swedish krona
	0,684821	Pound sterling

COMMISSION REGULATION (EC) No 1181/2005
of 20 July 2005
determining the world market price for unginmed 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 unginmed 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 unginmed 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 unginmed

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 unginmed cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginmed cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling 20,876 EUR/100 kg.

Article 2

This Regulation shall enter into force on 21 July 2005.

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

Done at Brussels, 20 July 2005.

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).

II

(Acts whose publication is not obligatory)

COMMISSION

DECISION No 1/2005 OF THE EC-EFTA JOINT COMMITTEE ON COMMON TRANSIT

of 17 June 2005

amending the Convention of 20 May 1987 on a common transit procedure

(2005/558/EC)

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on a common transit procedure⁽¹⁾, and in particular Article 15(3)(a) thereof,

Whereas:

(1) The Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Republic of Slovakia (hereinafter referred to as the new Member States) have acceded to the European Union on 1 May 2004.

(2) Accordingly, the Czech, Estonian, Latvian, Lithuanian, Hungarian, Maltese, Polish, Slovak and Slovenian language versions of the references used in the Convention should be inserted into the Convention in the appropriate order.

(3) In order to take into account all the situations relating to guarantees and guarantee waivers, it is necessary to provide for these situations by means of codification which needs to be alphanumeric owing to the large number of situations to be addressed.

(4) Because of the introduction of alphanumeric codification of the guarantee codes, it is necessary to amend the data concerning the New Computerised Transit System.

(5) The application of this Decision should be linked to the date of accession of new Member States to the European Union.

(6) In order to allow the use of guarantee forms printed in accordance with the criteria in force prior to the date of accession of the new Member States to the European Union, a transitional period should be established during which the printed form, with some adaptations, may be used.

(7) The Convention should accordingly be amended,

HAS DECIDED AS FOLLOWS:

Article 1

The Convention of 20 May 1987 on a common transit procedure is amended as follows:

1. Appendix I shall be amended as set out in Annex A to this Decision.
2. Appendix II shall be amended as set out in Annex B to this Decision.
3. Appendix III shall be amended as set out in Annex C to this Decision.

Article 2

1. This Decision shall enter into force on the date of its adoption.

⁽¹⁾ OJ L 226, 13.8.1987, p. 2. Convention as last amended by Decision No 2/2002 (OJ L 4, 9.1.2003, p. 18).

It shall be applicable from 1 May 2004.

2. The forms based on the specimen forms in Annexes B1, B2, B4, B5 and B6 to Appendix III to the Convention may continue to be used, subject to the necessary adaptations to the geographical and residential references, until stocks are exhausted or until 1 March 2005 at the latest.

Done at Bern, 17 June 2005.

For the Joint Committee

The President

Rudolf DIETRICH

ANNEX A

Appendix I is amended as follows:

1. The first indent of Article 3(g) is replaced by the following:

‘— the customs office at the point of entry into a Contracting Party, or’

2. In the second paragraph of Article 14(3), the list of entries is replaced by the following list:

- CS Omezená platnost
- DA Begrænset gyldighed
- DE Beschränkte Geltung
- ET Piiratud kehtivus
- EL Περιορισμένη ισχύς
- ES Validez limitada
- FR Validité limitée
- IT Validità limitata
- LV Ierobežots derīgums
- LT Galiojimas apribotas
- HU Korlátozott érvényű
- MT Validità limitata
- NL Beperkte geldigheid
- PL Ograniczona ważność
- PT Validade limitada
- SL Omejena veljavnost
- SK Obmedzená platnosť
- FI Voimassa rajoitetusti
- SV Begränsad giltighet
- EN Limited validity
- IS Takmarkað gildissvið
- NO Begrenset gyldighet

3. In the second paragraph of Article 28(7), the list of entries is replaced by the following list:

- CS Zproštění povinnosti
- DA Fritaget
- DE Befreiung

- ET Loobumine
- EL Απαλλαγή
- ES Dispensa
- FR Dispense
- IT Dispensa
- LV Derīgs bez zīmoga
- LT Leista neplombuoti
- HU Mentesség
- MT Tnehhija
- NL Vrijstelling
- PL Zwolnienie
- PT Dispensa
- SL Opustitev
- SK Oslobodenie
- FI Vapautettu
- SV Befrielse
- EN Waiver
- IS Undanþegið
- NO Fritak'

4. Article 34 is amended as follows:

(a) In paragraph 3 the list of entries is replaced by the following list:

- CS Alternativní důkaz
- DA Alternativt bevis
- DE Alternativnachweis
- ET Alternatiivsed tõendid
- EL Εναλλακτική απόδειξη
- ES Prueba alternativa
- FR Preuve alternative
- IT Prova alternativa
- LV Alternatīvs pierādījums
- LT Alternatyvusis įrodymas
- HU Alternatív igazolás

- MT Prova alternattiva
- NL Alternatief bewijs
- PL Alternatywny dowód
- PT Prova alternativa
- SL Alternativno dokazilo
- SK Alternatívny dôkaz
- FI Vaihtoehtoinen todiste
- SV Alternativt bevis
- EN Alternative proof
- IS Önnur sönnun
- NO Alternativt bevis

(b) In the second subparagraph of paragraph 4, the list of entries is replaced by the following list:

- CS Nesrovnalosti: úřad, kterému bylo zboží předloženo (název a země)
- DA Forskelle: det sted, hvor varenne blev frembudt (navn og land)
- DE Unstimmigkeiten: Stelle, bei der die Gestellung erfolgte (Name und Land)
- ET Erinevused: asutus, kuhu kaup esitati (nimi ja riik)
- EL Διαφορές: εμπορεύματα προσκομισθέντα στο τελωνείο (Όνομα και χώρα)
- ES Diferencias: mercancías presentadas en la oficina (nombre y país)
- FR Différences: marchandises présentées au bureau (nom et pays)
- IT Differenze: ufficio al quale sono state presentate le merci (nome e paese)
- LV Atšķirības: muitas iestāde, kurā preces tika uzrādītas (nosaukums un valsts)
- LT Skirtumai: įstaiga, kuriai pateiktos prekės (pavadinimas ir valstybė)
- HU Eltérések: hivatal, ahol az áruk bemutatása megtörtént (név és ország)
- MT Differenzi: ufficcju fejn l-oġġetti kienu pprezentati (isem u pajjiż)
- NL Verschillen: kantoor waar de goederen zijn aangebracht (naam en land)
- PL Niezgodności: urząd w którym przedstawiono towar (nazwa i kraj)
- PT Diferenças: mercadorias apresentadas na estância (nome e país)
- SL Razlike: urad, pri katerem je bilo blago predloženo (naziv in država)
- SK Nezrovnalosti: úrad, ktorému bol tovar dodaný (názov a krajina).
- FI Muutos: toimipaikka, jossa tavarat esitetty (nimi ja maa)
- SV Avvikelse: tullkontor där varorna anmäldes (namn och land)
- EN Differences: office where goods were presented (name and country)

- IS Breying: tollstjórnaskrifstofa þar sem vörum var framvísað (nafn og land)
- NO Forskjell: det tollsted hvor varene ble fremlagt (navn og land)

(c) Paragraph 5 is replaced by the following text:

'5. Where paragraph 4, second subparagraph applies and if the transit declaration bears one of the following statements, the new office of destination shall keep the goods under its control and not allow their removal other than to the Contracting Party having jurisdiction over the office of departure, unless specifically authorised by the latter:

- CS Výstup ze podléhá omezením nebo dávkám podle nařízení/směrnice/rozhodnutí č. ...
- DA Udpassage fra undergivet restriktioner eller afgifter i henhold til forordning/direktiv/afgørelse nr. ...
- DE Ausgang aus- gemäß Verordnung/Richtlinie/Beschluss Nr. ... Beschränkungen oder Abgaben unterworfen.
- ET Ühenduse territooriumilt väljumine on aluseks piirangutele ja maksudele vastavalt määrusele/direktiivile/otsusele nr ...
- EL Η έξοδος από υποβάλλεται σε περιορισμούς ή σε επιβαρύνσεις από τον Κανονισμό/την Οδηγία/την Απόφαση αριθ. ...
- ES Salida de sometida a restricciones o imposiciones en virtud del (de la) Reglamento/Directiva/Decisión nº ...
- FR Sortie de soumise à des restrictions ou à des impositions par le règlement ou la directive/décision nº ...
- IT Uscita dalla soggetta a restrizioni o ad imposizioni a norma del(la) regolamento/direttiva/decisione n. ...
- LV Izvešana no , piemērojot ierobežojumus vai maksājumus saskaņā ar Regulu/Direktīvu/Lēmumu Nr.
- LT Išvežimui iš taikomi apribojimai arba mokesčiai, nustatyti Reglamentu/Direktyva/Sprendimu Nr.
- HU A kilépés területéről ... a rendelet/irányelv/határozat szerinti korlátozás vagy teher megfizetésének kötelezettsége alá esik
- MT Hruġ mill-..... suġġett għall-restrizzjonijiet jew hlasijiet taħt Regola/Direttiva/Deċiżjoni Nru ...
- NL Bij uitgang uit de zijn de beperkingen of heffingen van Verordening/Richtlijn/Besluit nr. ... van toepassing.
- PL Wyprowadzenie z podlega ograniczeniom lub opłatom zgodnie z rozporządzeniem/dyrektywą/decyzją nr ...
- PT Saída da sujeita a restrições ou a imposições pelo(a) Regulamento/Directiva/Decisão nº ...
- SL Iznos iz zavezan omejitvam ali obveznim dajatvam na podlagi uredbe/direktive/odločbe št. ...
- SK Výstup z podlieha obmedzeniam alebo platbám podľa nariadenia/smernice/rozhodnutia č. ...
- FI vientiin sovelletaan asetuksen/direktiivin/päätöksen N:o ... mukaisia rajoituksia tai maksuja
- SV Utförsel från underkastad restriktioner eller avgifter i enlighet med förordning/direktiv/beslut nr ...
- EN Exit from subject to restrictions or charges under Regulation/Directive/Decision No ...

- IS Útflutningur frá háð takmörkunum eða gjöldum samkvæmt reglugerð/fyrirmælu-
m/ákvörðun nr.
- NO Utførsel fra underlagt restriksjoner eller avgifter i henhold til forordning/direktiv/vedtak nr. ...'

(d) Paragraph 6 is replaced by the following text:

'6. The name of the Contracting Party to this Convention and the number of the act of law in question must be inserted, in the language of the declaration, in the sentence given in paragraph 5.'

5. In Article 64(2), the list of entries is replaced by the following list:

- '— CS Zproštění povinnosti závazné trasy
- DA fritaget for bindende transportrute
- DE Befreiung von der verbindlichen Beförderungsrouten
- ET Ettenähtud marsruudist loobutud
- EL Απαλλαγή από την υποχρέωση τήρησης συγκεκριμένης διαδρομής
- ES Dispensa de itinerario obligatorio
- FR Dispense d'itinéraire contraignant
- IT Dispensa dall'itinerario vincolante
- LV Atļauts novirzīties no noteiktā maršruta
- LT Leista nenustatyti maršruto
- HU Előírt útvonal alól mentesítve
- MT Tnehhija ta' l-itinerarju preskitt
- NL Geen verplichte route
- PL Zwolniony z wiążącej trasy przewozu
- PT Dispensa de itinerário vinculativo
- SL Opustitev predpisane poti
- SK Oslobodenie od predpisanej trasy
- FI Vapautettu sitovan kuljetusreitien noudattamisesta
- SV Befrielse från bindande färdväg
- EN Prescribed itinerary waived
- IS Undanþága frá bindandi flutningsleið
- NO Fritak for bindende reiserute'

6. In Article 69(1), the list of entries is replaced by the following list:

- '— CS Schválený odesílatel
- DA Godkendt afsender
- DE Zugelassener Versender

- ET Volitatud kaubasaatja
- EL Εγκριμένος αποστολέας
- ES Expedidor autorizado
- FR Expéditeur agréé
- IT Speditore autorizzato
- LV Atzītais nosūtītājs
- LT Įgaliotas siuntėjas
- HU Engedélyezett feladó
- MT Awtorizzat li jibghat
- NL Toegelaten afzender
- PL Upoważniony nadawca
- PT Expedidor autorizado
- SL Pooblaščeni pošiljatelj
- SK Schválený odosielateľ
- FI Valtuutettu lähettäjä
- SV Godkänd avsändare
- EN Authorised consignor
- IS Viðurkenndur sendandi
- NO Autorisert avsender

7. In Article 70(2), the list of entries is replaced by the following list:

- CS Podpis se nevyžaduje
- DA Fritaget for underskrift
- DE Freistellung von der Unterschriftsleistung
- ET Allkirjanõudest loobutud
- EL Δεν απαιτείται υπογραφή
- ES Dispensa de firma
- FR Dispense de signature
- IT Dispensa dalla firma
- LV Derīgs bez paraksta
- LT Leista nepasirašyti
- HU Aláírás alól mentesítve
- MT Firma mhux meħtieġa

- NL Van ondertekening vrijgesteld
- PL Zwolniony ze składania podpisu
- PT Dispensada a assinatura
- SL Opustitev podpisa
- SK Oslobodenie od podpisu
- FI Vapautettu allekirjoituksesta
- SV Befrielse från underskrift
- EN Signature waived
- IS Undanþegið undirskrift
- NO Fritatt for underskrift'

8. Annex IV is amended as follows:

(a) In the first indent of point 2.8, the list of entries is replaced by the following list:

- '— CS ZÁKAZ SOUBORNÉ JISTOTY
- DA FORBUD MOD SAMLET KAUTION
- DE GESAMTBÜRGSCHAFT UNTERSAGT
- ET ÜLDTAGATISE KASUTAMINE KEELATUD
- EL ΑΠΑΓΟΡΕΥΕΤΑΙ Η ΣΥΝΟΛΙΚΗ ΕΠΙΤΥΗΣΗ
- ES GARANTÍA GLOBAL PROHIBIDA
- FR GARANTIE GLOBALE INTERDITE
- IT GARANZIA GLOBALE VIETATA
- LV VISPĀRĒJS GALVOJUMS AIZLIEGTS
- LT NAUDOTI BENDRAJĄ GARANTIJĄ UŽDRAUSTA
- HU ÖSSZKEZESSÉG TILALMA
- MT MHUX PERMESSA GARANZIJA KOMPENSIVA
- NL DOORLOPENDE ZEKERHEID VERBODEN
- PL ZAKAZ KORZYSTANIA Z GWARANCJI GENERALNEJ
- PT GARANTIA GLOBAL PROIBIDA
- SL PREPOVEDANO SKUPNO ZAVAROVANJE
- SK ZÁKAZ CELKOVEJ ZÁRUKY
- FI YLEISVAKUUDEN KÄYTTÖ KIELLETTY
- SV SAMLAD SÄKERHET FÖRBJUDEN
- EN COMPREHENSIVE GUARANTEE PROHIBITED

- IS ALLSHERJARTRYGGING BÖNNUÐ
- NO FORBUD MOT BRUK AV UNIVERSALGARANTI'

(b) In point 4.3, the list of entries is replaced by the following list:

- CS NEOMEZENÉ POUŽITÍ
 - DA UBEGRÆNSET ANVENDELSE
 - DE UNBESCHRÄNKTE VERWENDUNG
 - ET PIIRAMATU KASUTAMINE
 - EL ΑΠΕΡΙΟΡΙΣΤΗ ΧΡΗΣΗ
 - ES UTILIZACIÓN NO LIMITADA
 - FR UTILISATION NON LIMITÉE
 - IT UTILIZZAZIONE NON LIMITATA
 - LV NEIEROBEŽOTS IZMANTOJUMS
 - LT NEAPRIBOTAS NAUDOJIMAS
 - HU KORLÁTOZÁS ALÁ NEM ESŐ HASZNÁLAT
 - MT UŻU MHUX RISTRETT
 - NL GEBRUIK ONBEPERKT
 - PL NIEOGRANICZONE KORZYSTANIE
 - PT UTILIZAÇÃO ILIMITADA
 - SL NEOMEJENA UPORABA
 - SK NEOBMEDZENÉ POUŽITIE
 - FI KÄYTTÖÄ EI RAJOITETTU
 - SV OBEGRÄNSAD ANVÄNDNING
 - EN UNRESTRICTED USE
 - IS ÓTAKMÖRKUÐ NOTKUN
 - NO UBEGRENSET BRUK'
-

ANNEX B

Appendix II is amended as follows:

1. In Article 4(2), the list of entries is replaced by the following list:

- CS Vystaveno dodatečně
- DA Udstedt efterfølgende
- DE Nachträglich ausgestellt
- ET Välja antud tagasiulatuvalt
- EL Εκδοθέν εκ των υστέρων
- ES Expedido *a posteriori*
- FR Délivré *a posteriori*
- IT Rilasciato *a posteriori*
- LV Izsniegts retrospektīvi
- LT Retrospektyvusis išdavimas
- HU Kiadva visszamenőleges hatállyal
- MT Maħruġ b'mod retrospettiv
- NL Achteraf afgegeven
- PL Wystawione retrospektywnie
- PT Emitido *a posteriori*
- SL Izdano naknadno
- SK Vyhotovené dodatočne
- FI Annettu jälkikäteen
- SV Utfärdat i efterhand
- EN Issued retroactively
- IS Útgefið eftir á
- NO Utstedt i etterhånd

2. In Article 16(2), the list of entries is replaced by the following list:

- CS Schválený odesílatel
- DA Godkendt afsender
- DE Zugelassener Versender
- ET Volitatud kaubasaatja
- EL Εγκριμένος αποστολέας

- ES Expedidor autorizado
- FR Expéditeur agréé
- IT Speditore autorizzato
- LV Atzītais nosūtītājs
- LT Įgaliotas siuntėjas
- HU Engedélyezett feladó
- MT Awtorizzat li jibgħat
- NL Toegelaten afzender
- PL Upoważniony nadawca
- PT Expedidor autorizado
- SL Pooblaščeni pošiljatelj
- SK Schválený odosielateľ
- FI Valtuutettu lähettäjä
- SV Godkänd avsändare
- EN Authorised consignor
- IS Viðurkenndur sendandi
- NO Autorisert avsender

3. In Article 17(2), the list of entries is replaced by the following list:

- CS Podpis se nevyžaduje
- DA Fritaget for underskrift
- DE Freistellung von der Unterschriftenleistung
- ET Allkirjanõudest loobutud
- EL Δεν απαιτείται υπογραφή
- ES Dispensa de firma
- FR Dispense de signature
- IT Dispensa dalla firma
- LV Derīgs bez paraksta
- LT Leista nepasirašyti
- HU Aláírás alól mentesítve
- MT Firma mhux meħtieġa
- NL Van ondertekening vrijgesteld

-
- PL Zwolniony ze składania podpisu
 - PT Dispensada a assinatura
 - SL Opustitev podpisa
 - SK Oslobodenie od podpisu
 - FI Vapautettu allekirjoituksesta
 - SV Befrielse från underskrift
 - EN Signature waived
 - IS Undanþegið undirskrift
 - NO Fritatt for underskrift
-

ANNEX C

Appendix III is amended as follows:

1. The following paragraph is added to Article 8:

'5. The language to be used for individual guarantee vouchers shall be specified by the competent authorities of the country of the office of guarantee.'

2. In Annex A7, Title Two, Section I is amended as follows:

(a) Under Box 2, the list of entries in the third paragraph is replaced by the following list:

- '— CS Různé
- DA Diverse
- DE Verschiedene
- ET Erinevad
- EL διάφορα
- ES Varios
- FR Divers
- IT Vari
- LV Dažādi
- LT Įvairūs
- HU Többféle
- MT Diversi
- NL Diverse
- PL Różne
- PT Diversos
- SL Razno
- SK Rôzni
- FI Useita
- SV Flera
- EN Various
- IS Ýmis
- NO Diverse'

(b) Under Box 31, the list of entries in the first paragraph is replaced by the following list:

- '— CS Volně loženo
- DA Bulk
- DE Lose
- ET Pakendamata
- EL χύμα
- ES A granel
- FR Vrac
- IT Alla rinfusa
- LV Berams
- LT Nesupakuota
- HU Ömlesztett
- MT Bil-kwantitá

- NL Los gestort
- PL Luzem
- PT A granel
- SL Razsuto
- SK Voľne
- FI Irtotavaraa
- SV Bulk
- EN Bulk
- IS Vara í lausu
- NO Bulk'

(c) Under Box 40, the list of entries is replaced by the following list:

- CS Různé
- DA Diverse
- DE Verschiedene
- ET Erinevad
- EL διάφορα
- ES Varios
- FR Divers
- IT Vari
- LV Dažādi
- LT Įvairūs
- HU Többféle
- MT Diversi
- NL Diverse
- PL Różne
- PT Diversos
- SL Razno
- SK Rôzne
- FI Useita
- SV Flera
- EN Various
- IS Ýmis
- NO Diverse'

3. In Annex A8, Part (B) is amended as follows:

(a) Under Box 2, the list of entries is replaced by the following list:

- CS Různé
- DA Diverse
- DE Verschiedene
- ET Erinevad
- EL διάφορα
- ES Varios
- FR Divers
- IT Vari

- LV Dažādi
- LT Įvairūs
- HU Többféle
- MT Diversi
- NL Diverse
- PL Różne
- PT Diversos
- SL Razno
- SK Rôzni
- FI Useita
- SV Flera
- EN Various
- IS Ýmis
- NO Diverse'

(b) Under Box 14, the list of entries in the first paragraph is replaced by the following list:

- CS Odesílatel
- DA Afsender
- DE Versender
- ET Saatja
- EL αποστολέας
- ES Expedidor
- FR Expéditeur
- IT Speditore
- LV Nosūtītājs
- LT Siuntėjas
- HU Feladó
- MT Min jikkonsenja
- NL Afzender
- PL Nadawca
- PT Expedidor
- SL Pošiljatelj
- SK Odosielateľ
- FI Lähetittäjä
- SV Avsändare
- EN Consignor
- IS Sendandi
- NO Avsender'

(c) Under Box 31, the list of entries in the first paragraph is replaced by the following list:

- CS Volně loženo
- DA Bulk
- DE Lose
- ET Pakendamata
- EL χύμα

— ES	A granel
— FR	Vrac
— IT	Alla rinfusa
— LV	Berams
— LT	Nesupakuota
— HU	Ömlesztett
— MT	Bil-kwantitá
— NL	Los gestort
— PL	Luzem
— PT	A granel
— SL	Razsuto
— SK	Volne
— FI	Irtotavaraa
— SV	Bulk
— EN	Bulk
— IS	Vara í lausu
— NO	Bulk'

4. In Annex A9, under box 51, the list of codes applicable is replaced by the following list:

'Belgium	BE
The Czech Republic	CZ
Denmark	DK
Germany	DE
Estonia	EE
Greece	GR
Spain	ES
France	FR
Ireland	IE
Italy	IT
Cyprus	CY
Latvia	LV
Lithuania	LT
Hungary	HU
Luxembourg	LU
Malta	MT
Netherlands	NL
Austria	AT
Poland	PL
Portugal	PT
Slovenia	SI
Slovakia	SK
Finland	FI
Sweden	SE
United Kingdom	GB
Iceland	IS
Norway	NO
Switzerland	CH'

5. In Annex A9, under box 52, the list of codes applicable is replaced by the following list:

'Situation	Code	Other entries
For guarantee waiver (Article 57 of Appendix I)	0	— guarantee waiver certificate number
For comprehensive guarantee	1	— comprehensive guarantee certificate number — office of guarantee
For individual guarantee by a guarantor	2	— reference for the guarantee undertaking — office of guarantee
For individual guarantee in cash	3	
For individual guarantee in the form of vouchers	4	— individual guarantee voucher number
For guarantee waiver (Article 7 of Appendix I)	6	
For guarantee waiver by agreement (Article 10(2)(a) of the Convention)	A	
For guarantee waiver for the journey between the office of departure and the office of transit (Article 10(2)(b) of the Convention)	7	
For individual guarantee of the type under point 3 of Annex IV to Appendix I	9	— reference for the guarantee undertaking — office of guarantee'

6. Annex B1 is replaced by the following text:

‘ANNEX B1
COMMON/COMMUNITY TRANSIT PROCEDURE
GUARANTEE DOCUMENT
INDIVIDUAL GUARANTEE

I. Undertaking by the guarantor

1. The undersigned ⁽¹⁾.....
resident at ⁽²⁾
hereby jointly and severally guarantees, at the office of guarantee of
up to a maximum amount of
.....

⁽¹⁾ Surname and forenames, or name of firm.

⁽²⁾ Full address.

in favour of the European Community comprising the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland, and of the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation, the Principality of Andorra and the Republic of San Marino ⁽¹⁾, any amount of principal, further liabilities, expenses and incidentals — but not fines — for which the principal ⁽²⁾,

may be or become liable to the abovementioned countries for debt in the form of duty and other charges applicable to the goods described below placed under the Community or common transit procedure from the office of departure of

to the office of destination of

.....

Goods description:

.....

2. The undersigned undertakes to pay upon the first application in writing by the competent authorities of the countries referred to in point 1 and without being able to defer payment beyond a period of 30 days from the date of application the sums requested unless he or she or any other person concerned establishes before the expiry of that period, to the satisfaction of the competent authorities, that the operation has ended.

At the request of the undersigned and for any reasons recognised as valid, the competent authorities may defer beyond a period of 30 days from the date of application for payment the period within which he or she is obliged to pay the requested sums. The expenses incurred as a result of granting this additional period, in particular any interest, must be so calculated that the amount is equivalent to what would be charged under similar circumstances on the money market or financial market in the country concerned.

3. This undertaking shall be valid from the day of its acceptance by the office of guarantee. The undersigned shall remain liable for payment of any debt arising during the Community or common transit operation covered by this undertaking and commenced before any revocation or cancellation of the guarantee took effect, even if the demand for payment is made after that date.
4. For the purpose of this undertaking the undersigned gives his or her address for service ⁽³⁾ in each of the other countries referred to in paragraph 1 as:

Country	Surname and forenames, or name of firm, and full address
.....
.....
.....
.....
.....

⁽¹⁾ Delete the name of the Contracting Party or Parties or States (Andorra or San Marino) whose territory is not transited. The references to the Principality of Andorra and the Republic of San Marino shall apply solely to Community transit operations.

⁽²⁾ Surname and forename, or name of firm and full address of the principal.

⁽³⁾ If, in the law of the country, there is no provision for address for service the guarantor shall appoint, in this country, an agent authorised to receive any communications addressed to him and the acknowledgement in the second subparagraph and the undertaking in the fourth subparagraph of paragraph 4 must be made to correspond. The courts of the places in which the addresses for service of the guarantor or of his agents are situated shall have jurisdiction in disputes concerning this guarantee.

The undersigned acknowledges that all correspondence and notices and any formalities or procedures relating to this undertaking addressed to or effected in writing at one of his or her addresses for service shall be accepted as duly delivered to him or her.

The undersigned acknowledges the jurisdiction of the courts of the places where he or she has an address for service.

The undersigned undertakes not to change his or her addresses for service or, if he or she has to change one or more of those addresses, to inform the office of guarantee in advance.

Done at, on

.....
(Signature) ⁽¹⁾

II. Acceptance by the office of guarantee

Office of guarantee

Guarantor's undertaking accepted on to cover the Community/common transit operation effected under transit declaration No of ⁽²⁾

.....
(Stamp and signature)

⁽¹⁾ The person signing the document must enter the following by hand before his or her signature: "Guarantee for the amount of ...", the amount being written out in letters.

⁽²⁾ To be completed by the office of departure.

7. Annex B2 is replaced by the following text:

'ANNEX B2

COMMON/COMMUNITY TRANSIT PROCEDURE

GUARANTEE DOCUMENT

INDIVIDUAL GUARANTEE IN THE FORM OF VOUCHERS

I. Undertaking by the guarantor

1. The undersigned ⁽¹⁾.....

resident at ⁽²⁾

hereby jointly and severally guarantees, at the office of guarantee of

in favour of the European Community comprising the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland, and of the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation, the Principality of Andorra ⁽³⁾ and the Republic of San Marino ⁽³⁾,

⁽¹⁾ Surname and forenames, or name of firm.

⁽²⁾ Full address.

⁽³⁾ Only for Community transit operations.

any amount of principal, further liabilities, expenses and incidentals — but not fines — for which a principal may be or become liable to the above mentioned States for debt in the form of duty and other charges applicable to the goods placed under the Community or common transit procedure, in respect of which the undersigned has undertaken to issue individual guarantee vouchers up to a maximum of EUR 7 000 per voucher.

2. The undersigned undertakes to pay upon the first application in writing by the competent authorities of the countries referred to in paragraph 1 and without being able to defer payment beyond a period of 30 days from the date of application the sums requested, up to EUR 7 000 per individual guarantee voucher, unless he or she or any other person concerned establishes before the expiry of that period, to the satisfaction of the competent authorities, that the operation has ended.

At the request of the undersigned and for any reasons recognised as valid, the competent authorities may defer beyond a period of 30 days from the date of application for payment the period within which he or she is obliged to pay the requested sums. The expenses incurred as a result of granting this additional period, in particular any interest, must be so calculated that the amount is equivalent to what would be charged under similar circumstances on the money market or financial market in the country concerned.

3. This undertaking shall be valid from the day of its acceptance by the office of guarantee. The undersigned shall remain liable for payment of any debt arising during any Community or common transit operations covered by this undertaking and commenced before any revocation or cancellation of the guarantee took effect, even if the demand for payment is made after that date.
4. For the purpose of this undertaking the undersigned gives his or her address for service ⁽¹⁾ in each of the other countries referred to in paragraph 1 as:

Country	Surname and forenames, or name of firm, and full address
.....
.....
.....
.....
.....

The undersigned acknowledges that all correspondence and notices and any formalities or procedures relating to this undertaking addressed to or effected in writing at one of his or her addresses for service shall be accepted as duly delivered to him or her.

The undersigned acknowledges the jurisdiction of the courts of the places where he or she has an address for service.

The undersigned undertakes not to change his or her addresses for service or, if he or she has to change one or more of those addresses, to inform the office of guarantee in advance.

Done at, on

.....
(Signature) ⁽²⁾

⁽¹⁾ If, in the law of the country, there is no provision for address for service the guarantor shall appoint, in this country, an agent authorised to receive any communications addressed to him and the acknowledgement in the second subparagraph and the undertaking in the fourth subparagraph of paragraph 4 must be made to correspond. The courts of the places in which the addresses for service of the guarantor or of his agents are situated shall have jurisdiction in disputes concerning this guarantee.
⁽²⁾ The signature must be preceded by the following in the signatory's own handwriting: "Guarantee",

II. Acceptance by the office of guarantee

Office of guarantee

Guarantor's undertaking accepted on

.....

.....
(Stamp and signature)

8. Annex B4 is replaced by the following text:

'ANNEX B4

COMMON/COMMUNITY TRANSIT PROCEDURE**GUARANTEE DOCUMENT****COMPREHENSIVE GUARANTEE****I. Undertaking by the guarantor**1. The undersigned ⁽¹⁾.....resident at ⁽²⁾

hereby jointly and severally guarantees, at the office of guarantee of

up to a maximum amount of

.....

being 100/50/30 % ⁽³⁾ of the reference amount, in favour of the European Community comprising the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland, and of the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation, the Principality of Andorra and the Republic of San Marino ⁽⁴⁾,

any amount of principal, further liabilities, expenses and incidentals — but not fines — for which the principal ⁽⁵⁾,

may be or become liable to the abovementioned countries for debt in the form of duty and other charges applicable to the goods placed under the Community or common transit procedure.

2. The undersigned undertakes to pay upon the first application in writing by the competent authorities of the countries referred to in paragraph 1 and without being able to defer payment beyond a period of 30 days from the date of application the sums requested up to the limit of the abovementioned maximum amount, unless he or she or any other person concerned establishes before the expiry of that period, to the satisfaction of the competent authorities, that the operation has ended.

⁽¹⁾ Surname and forenames, or name of firm.⁽²⁾ Full address.⁽³⁾ Delete what does not apply.⁽⁴⁾ Delete the name of the Contracting Party or Parties or States (Andorra or San Marino) whose territory is not transited. The references to the Principality of Andorra and the Republic of San Marino shall apply solely to Community transit operations.⁽⁵⁾ Surname and forename, or name of firm and full address of the principal.

At the request of the undersigned and for any reasons recognised as valid, the competent authorities may defer beyond a period of 30 days from the date of application for payment the period within which he or she is obliged to pay the requested sums. The expenses incurred as a result of granting this additional period, in particular any interest, must be so calculated that the amount is equivalent to what would be charged under similar circumstances on the money market or financial market in the country concerned.

This amount may not be reduced by any sums already paid under the terms of this undertaking unless the undersigned is called upon to pay a debt arising during a Community or common transit operation commenced before the preceding demand for payment was received or within 30 days thereafter.

3. This undertaking shall be valid from the day of its acceptance by the office of guarantee. The undersigned shall remain liable for payment of any debt arising during any Community or common transit operations covered by this undertaking and commenced before any revocation or cancellation of the guarantee took effect, even if the demand for payment is made after that date.
4. For the purpose of this undertaking the undersigned gives his or her address for service ⁽¹⁾ in each of the other countries referred to in paragraph 1 as:

Country	Surname and forenames, or name of firm, and full address
.....
.....
.....
.....
.....

The undersigned acknowledges that all correspondence and notices and any formalities or procedures relating to this undertaking addressed to or effected in writing at one of his or her addresses for service shall be accepted as duly delivered to him or her.

The undersigned acknowledges the jurisdiction of the courts of the places where he or she has an address for service.

The undersigned undertakes not to change his or her addresses for service or, if he or she has to change one or more of those addresses, to inform the office of guarantee in advance.

Done at, on

.....
(Signature) ⁽²⁾

II. Acceptance by the office of guarantee

Office of guarantee

Guarantor's undertaking accepted on
.....

.....
(Stamp and signature)

⁽¹⁾ If, in the law of the country, there is no provision for address for service the guarantor shall appoint, in this country, an agent authorised to receive any communications addressed to him and the acknowledgement in the second subparagraph and the undertaking in the fourth subparagraph of paragraph 4 must be made to correspond. The courts of the places in which the addresses for service of the guarantor or of his agents are situated shall have jurisdiction in disputes concerning this guarantee.

⁽²⁾ The signature must be preceded by the following in the signatory's own handwriting: "Guarantee for the amount of ..." with the amount written out in full.

9. In Annex B5, the words 'Hungary', 'Poland', 'Slovakia' and 'Czech Republic' are deleted from Box 7.

10. In Annex B6, the words 'Hungary', 'Poland', 'Slovakia' and 'Czech Republic' are deleted from Box 6.

11. In Annex B7, the list of entries in point 1.2.1 is replaced by the following list:

- '— CS Omezená platnost
- DA Begrænset gyldighed
- DE Beschränkte Geltung
- ET Piiratud kehtivus
- EL Περιορισμένη ισχύς
- ES Validez limitada
- FR Validité limitée
- IT Validità limitata
- LV Ierobežots derīgums
- LT Galiojimas apribotas
- HU Korlátozott érvényű
- MT Validità limitata
- NL Beperkte geldigheid
- PL Ograniczona ważność
- PT Validade limitada
- SL Omejena veljavnost
- SK Obmedzená platnosť
- FI Voimassa rajoitetusti
- SV Begränsad giltighet
- EN Limited validity
- IS Takmarkað gildissvið
- NO Begrenset gyldighet

12. Annex D1 is amended as follows:

- (a) The Explanatory Note concerning the attribute 'Identification number' (TIN) of the data group 'TRADER principal' is replaced by the following:

'The attribute shall be used where the data group "CONTROL RESULT" contains the code A3 or where the attribute "GRN" is used.'

- (b) Type/Length of the attribute 'Guarantee type' of the data group GUARANTEE is replaced by the following

'Type/Length: an1'

- (c) Type/Length of the attribute 'GRN' of the data group 'GUARANTEE REFERENCE' is replaced by the following:

'Type/Length: an ..24'

DECISION No 2/2005 OF THE EC-EFTA JOINT COMMITTEE ON COMMON TRANSIT
of 17 June 2005
amending the Convention of 20 May 1987 on a common transit procedure
(2005/559/EC)

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on a common transit procedure ⁽¹⁾, and in particular Article 15(3)(a) thereof,

Whereas:

- (1) The identity and nationality of means of transport at departure is regarded as mandatory information that has to be entered in box 18 of a transit declaration.
- (2) At container terminals that have high levels of traffic it may occur that the details of the road means of transport to be used for the transport are unknown at the time when the transit formalities are carried out. Nevertheless, the identification of the container in which the goods subject to the transit declaration will be carried is available and is already indicated in box 31 of the transit declaration.
- (3) Under these circumstances and considering that the goods can be controlled on this basis, an appropriate degree of flexibility should be offered by allowing the box 18 of the transit declaration not to be completed, in so far as it can be ensured that the proper details will be subsequently entered in the relevant box.
- (4) The Convention should therefore be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

Annex A7 of Appendix III to the Convention of 20 May 1987 on a common transit procedure shall be amended in accordance with the Annex to this Decision.

Article 2

This decision shall enter into force on the day it is adopted.

It shall apply from 1 July 2005.

Done at Bern, 17 June 2005.

For the Joint Committee
The Chairman
Rudolf DIETRICH

⁽¹⁾ OJ L 226, 13.8.1987, p. 2. Convention as last amended by Decision No 2/2002 (OJ L 4, 9.1.2003, p. 18).

ANNEX

In Annex A7 to Appendix III, Title II, Point I of the Convention of 20 May 1987 on a common transit procedure, the following shall be inserted as a second subparagraph in the explanatory note for box 18:

'However, where goods are carried in containers that are to be transported by road vehicles, competent authorities may authorise the principal to leave this box blank where the logistical pattern at the point of departure may prevent the identity and nationality of the means of transport to be provided at the time of establishment of the transit declaration, and where they can ensure that the proper information concerning the means of transport shall be subsequently entered in box 55.'

DECISION No 3/2005 OF THE EC-EFTA JOINT COMMITTEE ON COMMON TRANSIT
of 17 June 2005
amending the Convention of 20 May 1987 on a common transit procedure
(2005/560/EC)

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on a common transit procedure ⁽¹⁾ (hereinafter referred to as the Convention), and in particular Article 15(3)(a) thereof,

Whereas:

- (1) Annex D2 to Appendix III of the Convention contains the list of the package codes based on Annex V of the United Nations Economic Commission for Europe Recommendation No 21/rev 1 of August 1994 (hereinafter referred to as the Recommendation).
- (2) Annex V of the Recommendation concerning the list of the package codes has been revised several times since its introduction in order to better meet the requirements of the development of practices in trade and transport.
- (3) The latest revision (revision 4) of the Recommendation was published in May 2002.
- (4) In order to allow economic operators to use the most updated information and, therefore, to harmonise as far as possible the commercial and administrative practices in the countries applying the Convention, it is important to ensure that the package codes which are used to represent the packages in a transit declaration should correspond to the latest version of Annex V of the Recommendation.
- (5) Annex D2 to Appendix III of the Convention also contains the reference to the ISO alpha-2 country codes as specified in ISO-3166 of 1 January 1996, which has been updated on several occasions, and it should therefore be ensured that the list of country codes used in a transit declaration corresponds to the latest version of the ISO-3166 available.
- (6) The provisions concerned should therefore be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

Annexes D1 and D2 to Appendix III of the Convention of 20 May 1987 on a common transit procedure are amended in accordance with the Annex to this Decision.

Article 2

1. This Decision shall enter into force on the date of its adoption.
2. It shall be applicable from 1 July 2005.

Done at Bern, 17 June 2005.

For the Joint Committee
The President
Rudolf DIETRICH

⁽¹⁾ OJ L 226, 13.8.1987, p. 2. Convention as last amended by Decision No 2/2002 (OJ L 4, 9.1.2003, p. 18).

ANNEX

Appendix III of the Convention of 20 May 1987 on a common transit procedure is amended as follows:

1. In Annex D1, title II, section B the explanatory text of the attribute 'Kind of packages' is replaced by the following:

'Type/length: an2

The package code presented in Annex D2 shall be used.'

2. Annex D2, Section 1 is replaced by the following:

'1. COUNTRY CODES (CNT)

The "ISO alpha-2 Country Code" as specified in ISO-3166-1 of 1997 and subsequent updates shall apply.'

3. Annex D2, Section 5 is replaced by the following:

'5. PACKAGE CODE

(UNECE Recommendation No 21/Rev. 4 of May 2002)

Aerosol	AE
Ampoule, non-protected	AM
Ampoule, protected	AP
Atomiser	AT
Bag	BG
Bag, flexible container	FX
Bag, large	ZB
Bag, multiply	MB
Bag, paper	5M
Bag, paper, multi-wall	XJ
Bag, paper, multi-wall, water resistant	XK
Bag, plastic	EC
Bag, plastics film	XD
Bag, super bulk	43
Bag, textile	5L
Bag, textile, sift proof	XG
Bag, textile, water resistant	XH
Bag, textile, without inner coat/liner	XF
Bag, woven plastic	5H
Bag, woven plastic, sift proof	XB
Bag, woven plastic, water resistant	XC
Bag, woven plastic, without inner coat/liner	XA
Bale, compressed	BL
Bale, non-compressed	BN
Balloon, non-protected	BF
Balloon, protected	BP
Bar	BR
Barrel	BA
Barrel, wooden	2C
Barrel, wooden, bung type	QH
Barrel, wooden, removable head	QJ
Bars, in bundle/bunch/truss	BZ
Basin	BM
Basket	BK
Basket, with handle, cardboard	HC
Basket, with handle, plastic	HA

Basket, with handle, wooden	HB
Bin	BI
Board	BD
Board, in bundle/bunch/truss	BY
Bobbin	BB
Bolt	BT
Bottle, gas	GB
Bottle, non-protected, bulbous	BS
Bottle, non-protected, cylindrical	BO
Bottle, protected bulbous	BV
Bottle, protected cylindrical	BQ
Bottlecrate/bottlerack	BC
Box	BX
Box, aluminium	4B
Box, Commonwealth Handling Equipment Pool (CHEP), Eurobox	DH
Box, fibreboard	4G
Box, for liquids	BW
Box, natural wood	4C
Box, plastic	4H
Box, plastic, expanded	QR
Box, plastic, solid	QS
Box, plywood	4D
Box, reconstituted wood	4F
Box, steel	4A
Box, wooden, natural wood, ordinary	QP
Box, wooden, natural wood, with sift proof walls	QQ
Bucket	BJ
Bulk, gas (at 1 031 mbar and 15 °C)	VG
Bulk, liquified gas (at abnormal temperature/pressure)	VQ
Bulk, liquid	VL
Bulk, solid, fine particles (powders)	VY
Bulk, solid, granular particles (grains)	VR
Bulk, solid, large particles (nodules)	VO
Bunch	BH
Bundle	BE
Butt	BU
Cage	CG
Cage, Commonwealth Handling Equipment Pool (CHEP)	DG
Cage, roll	CW
Can, cylindrical	CX
Can, rectangular	CA
Can, with handle and spout	CD
Canister	CI
Canvas	CZ
Capsule	AV
Carboy, non-protected	CO
Carboy, protected	CP
Card	CM
Carton	CT
Cartridge	CQ
Case	CS
Case, isothermic	EI
Case, skeleton	SK
Case, steel	SS
Case, with pallet base	ED

Case, with pallet base, cardboard	EF
Case, with pallet base, metal	EH
Case, with pallet base, plastic	EG
Case, with pallet base, wooden	EE
Cask	CK
Chest	CH
Churn	CC
Clamshell	AI
Coffer	CF
Coffin	CJ
Coil	CL
Composite packaging, glass receptacle	6P
Composite packaging, glass receptacle in aluminium crate	YR
Composite packaging, glass receptacle in aluminium drum	YQ
Composite packaging, glass receptacle in expandable plastic pack	YY
Composite packaging, glass receptacle in fibre drum	YW
Composite packaging, glass receptacle in fibreboard box	YX
Composite packaging, glass receptacle in plywood drum	YT
Composite packaging, glass receptacle in solid plastic pack	YZ
Composite packaging, glass receptacle in steel crate box	YP
Composite packaging, glass receptacle in steel drum	YN
Composite packaging, glass receptacle in wickerwork hamper	YV
Composite packaging, glass receptacle in wooden box	YS
Composite packaging, plastic receptacle	6H
Composite packaging, plastic receptacle in aluminium crate	YD
Composite packaging, plastic receptacle in aluminium drum	YC
Composite packaging, plastic receptacle in fibre drum	YJ
Composite packaging, plastic receptacle in fibreboard box	YK
Composite packaging, plastic receptacle in plastic drum	YL
Composite packaging, plastic receptacle in plywood box	YH
Composite packaging, plastic receptacle in plywood drum	YG
Composite packaging, plastic receptacle in solid plastic box	YM
Composite packaging, plastic receptacle in steel crate box	YB
Composite packaging, plastic receptacle in steel drum	YA
Composite packaging, plastic receptacle in wooden box	YF
Cone	AJ
Container, not otherwise specified as transport equipment	CN
Cover	CV
Crate	CR
Crate, beer	CB
Crate, bulk, cardboard	DK
Crate, bulk, plastic	DL
Crate, bulk, wooden	DM
Crate, framed	FD
Crate, fruit	FC
Crate, milk	MC
Crate, multiple layer, cardboard	DC
Crate, multiple layer, plastic	DA
Crate, multiple layer, wooden	DB
Crate, shallow	SC
Creel	CE
Cup	CU
Cylinder	CY
Demijohn, non-protected	DJ
Demijohn, protected	DP

Dispenser	DN
Drum	DR
Drum, aluminium	1B
Drum, aluminium, non-removable head	QC
Drum, aluminium, removable head	QD
Drum, fibre	1G
Drum, iron	DI
Drum, plastic	IH
Drum, plastic, non-removable head	QF
Drum, plastic, removable head	QG
Drum, plywood	1D
Drum, steel	1A
Drum, steel, non-removable head	QA
Drum, steel, removable head	QB
Drum, wooden	1W
Envelope	EN
Envelope, steel	SV
Filmpack	FP
Firkin	FI
Flask	FL
Foodtainer	FT
Footlocker	FO
Frame	FR
Girder	GI
Girders, in bundle/bunch/truss	GZ
Hamper	HR
Hogshead	HG
Ingot	IN
Ingots, in bundle/bunch/truss	IZ
Intermediate bulk container	WA
Intermediate bulk container, aluminium	WD
Intermediate bulk container, aluminium, liquid	WL
Intermediate bulk container, aluminium, pressurised > 10 kpa	WH
Intermediate bulk container, composite	ZS
Intermediate bulk container, composite, flexible plastic, liquids	ZR
Intermediate bulk container, composite, flexible plastic, pressurised	ZP
Intermediate bulk container, composite, flexible plastic, solids	ZM
Intermediate bulk container, composite, rigid plastic, liquids	ZQ
Intermediate bulk container, composite, rigid plastic, pressurised	ZN
Intermediate bulk container, composite, rigid plastic, solids	ZL
Intermediate bulk container, fibreboard	ZT
Intermediate bulk container, flexible	ZU
Intermediate bulk container, metal	WF
Intermediate bulk container, metal, liquid	WM
Intermediate bulk container, metal, other than steel	ZV
Intermediate bulk container, metal, pressure 10 kpa	WJ
Intermediate bulk container, natural wood	ZW
Intermediate bulk container, natural wood, with inner liner	WU
Intermediate bulk container, paper, multi-wall	ZA
Intermediate bulk container, paper, multi-wall, water resistant	ZC
Intermediate bulk container, plastic film	WS
Intermediate bulk container, plywood	ZX
Intermediate bulk container, plywood, with inner liner	WY
Intermediate bulk container, reconstituted wood	ZY
Intermediate bulk container, reconstituted wood, with inner liner	WZ

Intermediate bulk container, rigid plastic	AA
Intermediate bulk container, rigid plastic, freestanding, liquids	ZK
Intermediate bulk container, rigid plastic, freestanding, pressurised	ZH
Intermediate bulk container, rigid plastic, freestanding, solids	ZF
Intermediate bulk container, rigid plastic, with structural equipment, solids	ZD
Intermediate bulk container, rigid plastic, with structural equipment, liquids	ZJ
Intermediate bulk container, rigid plastic, with structural equipment, pressurised	ZG
Intermediate bulk container, steel	WC
Intermediate bulk container, steel, liquid	WK
Intermediate bulk container, steel, pressurised > 10 kpa	WG
Intermediate bulk container, textile with out coat/liner	WT
Intermediate bulk container, textile, coated	WV
Intermediate bulk container, textile, coated and liner	WX
Intermediate bulk container, textile, with liner	WW
Intermediate bulk container, woven plastic, coated	WP
Intermediate bulk container, woven plastic, coated and liner	WR
Intermediate bulk container, woven plastic, with liner	WQ
Intermediate bulk container, woven plastic, without coat/liner	WN
Jar	JR
Jerrican, cylindrical	JY
Jerrican, plastic	3H
Jerrican, plastic, non-removable head	QM
Jerrican, plastic, removable head	QN
Jerrican, rectangular	JC
Jerrican, steel	3A
Jerrican, steel, non-removable head	QK
Jerrican, steel, removable head	QL
Jug	JG
Jutebag	JT
Keg	KG
Liftvan	LV
Log	LG
Logs, in bundle/bunch/truss	LZ
Lot	LT
Mat	MT
Matchbox	MX
Mutually defined	ZZ
Nest	NS
Net	NT
Net, tube, plastic	NU
Net, tube, textile	NV
Not available	NA
Package	PK
Package, cardboard, with bottle grip-holes	IK
Package, display, cardboard	IB
Package, display, metal	ID
Package, display, plastic	IC
Package, display, wooden	IA
Package, flow	IF
Package, paper wrapped	IG
Package, show	IE
Packet	PA
Pail	PL
Pallet	PX
Pallet, 100 cms × 110 cms	AH

Pallet, box	PB
Pallet, modular, collars 80 cms × 100 cms	PD
Pallet, modular, collars 80 cms × 120 cms	PE
Pallet, modular, collars 80 cms × 60 cms	AF
Pallet, shrinkwrapped	AG
Parcel	PC
Pen	PF
Pipe	PI
Pipes, in bundle/bunch/truss	PV
Pitcher	PH
Plank	PN
Planks, in bundle/bunch/truss	PZ
Plate	PG
Plates, in bundle/bunch/truss	PY
Pot	PT
Pouch	PO
Punnet	PJ
Rack	RK
Rack, clothing hanger	RJ
Receptacle, fibre	AB
Receptacle, glass	GR
Receptacle, metal	MR
Receptacle, paper	AC
Receptacle, plastic	PR
Receptacle, plastic wrapped	MW
Receptacle, wooden	AD
Rednet	RT
Reel	RL
Ring	RG
Rod	RD
Rods, in bundle/bunch/truss	RZ
Roll	RO
Sachet	SH
Sack	SA
Sack, multi-wall	MS
Sea-chest	SE
Set	SX
Sheet	ST
Sheet, plastic wrapping	SP
Sheetmetal	SM
Sheets, in bundle/bunch/truss	SZ
Shrinkwrapped	SW
Skid	SI
Slab	SB
Sleeve	SY
Slipsheet	SL
Spindle	SD
Spool	SO
Suitcase	SU
Tank, cylindrical	TY
Tank, rectangular	TK
Tea-chest	TC
Tierce	TI
Tin	TN
Tray	PU

Tray, one layer no cover, cardboard	DV
Tray, one layer no cover, plastic	DS
Tray, one layer no cover, polystyrene	DU
Tray, one layer no cover, wooden	DT
Tray, two layers no cover, cardboard	DY
Tray, two layers no cover, plastic tray	DW
Tray, two layers no cover, wooden	DX
Trunk	TR
Truss	TS
Tub	TB
Tub, with lid	TL
Tube	TU
Tube, collapsible	TD
Tube, with nozzle	TV
Tubes, in bundle/bunch/truss	TZ
Tun	TO
Uncaged	UC
Unpacked or unpackaged	NE
Unpacked or unpackaged, multiple units	NG
Unpacked or unpackaged, single unit	NF
Vacuum-packed	VP
Vanpack	VK
Vat	VA
Vial	VI
Wickerbottle	WB'

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

COUNCIL JOINT ACTION 2005/561/CFSP

of 18 July 2005

regarding a further contribution of the European Union to the conflict settlement process in Georgia/South Ossetia

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS JOINT ACTION:

Having regard to the Treaty on European Union and in particular Article 14 thereof,

Article 1

Whereas:

1. The European Union shall contribute to strengthening the conflict settlement process in South Ossetia.

(1) On 25 June 2003, the Council adopted Joint Action 2003/473/CFSP⁽¹⁾ regarding a contribution of the European Union to the conflict settlement process in Georgia/South Ossetia, which expired on 30 June 2005.

2. For this purpose, the European Union shall provide a contribution to the OSCE to finance meetings of the JCC and other mechanisms within the JCC framework, to provide for organisation of conferences under the aegis of the JCC, for furniture and computer and other equipment for the two Secretariats as well as to provide certain costs for the running of the two Secretariats for one year.

(2) The EU contribution under that Joint Action to the OSCE Mission to Georgia has been effective in ensuring the functioning of permanent Secretariats for the Georgian and the South Ossetian sides, under the aegis of the OSCE, and in facilitating meetings within the framework of the Joint Control Commission (JCC) which is the main forum of the conflict settlement process.

Article 2

(3) The OSCE and the co-Chairs of the JCC have appealed for follow-up assistance from the EU, and the EU has agreed to offer further financial assistance to the conflict settlement process.

The Presidency, assisted by the Secretary-General of the Council/High Representative for the CFSP, shall be responsible for the implementation of this Joint Action, with a view to the fulfilment of its objectives as set out in Article 1.

(4) The EU considers that its assistance has reinforced the effectiveness of its role, as well as that of the OSCE, in the settlement of the conflict and that it should be continued.

Article 3

(5) Adequate visibility of the EU contribution to the project should be ensured.

1. Disbursement of financial aid provided under this Joint Action shall be conditional upon the holding of regular meetings of the JCC and the other mechanisms in the JCC framework within twelve months of the starting date of the financing agreement to be concluded between the Commission and the OSCE Mission to Georgia. Both the Georgian and South Ossetian sides should make demonstrable efforts to achieve real political progress towards a lasting and peaceful settlement of their differences.

(6) On 8 December 2003, the Council adopted Joint Action 2003/872/CFSP⁽²⁾ extending and amending the mandate of the Special Representative of the European Union for the South Caucasus. Pursuant to this Joint Action, the mandate of the EUSR for the South Caucasus should be, *inter alia*, to contribute to the prevention of conflicts, to assist in conflict resolution and to intensify the European Union's dialogue with the main interested actors concerning the region,

2. The Commission shall be entrusted with the task of controlling and evaluating the implementation of the EU's financial contribution, in particular with regard to the conditions set out in paragraph 1. To that end, the Commission shall conclude a financing agreement with the Mission to Georgia on the use of the EU contribution, which shall take the form of a grant. The Commission shall also ensure the correct use of the grant for the purposes set out in Article 1(2).

⁽¹⁾ OJ L 157, 26.6.2003, p. 72.

⁽²⁾ OJ L 326, 13.12.2003, p. 44. Joint Action as last amended by Joint Action 2005/330/CFSP (OJ L 106, 27.4.2005, p. 36).

3. The OSCE Mission to Georgia shall be responsible for reimbursing mission expenses, for the organisation of conferences under the aegis of the JCC, and for the correct purchase and handing over of the equipment. The financing agreement will stipulate that the OSCE Mission to Georgia shall ensure visibility of the EU contribution to the project and shall provide the Commission with regular reports on its implementation.

4. The Commission, in close cooperation with the EUSR for South Caucasus, shall liaise closely with the OSCE Mission to Georgia in order to monitor and evaluate the impact of the EU contribution.

5. The Commission shall report in writing on the implementation of this Joint Action to the Council, under the responsibility of the Presidency, assisted by the Secretary General of the Council/High Representative for the CFSP. This report will in particular be based on regular reports to be provided by the OSCE Mission to Georgia, as stipulated in paragraph 3.

Article 4

1. The financial reference amount for the EU contribution referred to in Article 1(2) shall be EUR 133 000.

2. The management of the expenditure financed by the amount specified in paragraph 1 shall be subject to the European Community procedures and rules applicable to the general budget of the European Communities, with the exception that any pre-financing shall not remain the property of the European Community.

3. Expenditure shall be eligible as of 1 July 2005.

Article 5

1. This Joint Action shall enter into force on the day of its adoption.

It shall apply from 1 July 2005 to 30 June 2006.

2. This Joint Action shall be reviewed ten months after entering into force. To that end, the EUSR for the South Caucasus, in association with the Commission, shall assess the need for further support to the settlement process in Georgia/South Ossetia and make recommendations to the Council, as appropriate.

Article 6

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

Done at Brussels, 18 July 2005.

For the Council
The President
J. STRAW