

# Official Journal

## of the European Union

L 121

English edition

### Legislation

Volume 49

6 May 2006

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<sup>(1)</sup> Text with EEA relevance

## I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 694/2006****of 27 April 2006****amending the lists of insolvency proceedings, winding-up proceedings and liquidators in Annexes A, B and C to Regulation (EC) No 1346/2000 on insolvency proceedings**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

Having regard to the proposal from the Commission,

Having regard to the initiative of the Slovak Republic <sup>(2)</sup>,

Whereas:

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

(2) Annexes A, B and C to Regulation (EC) No 1346/2000 were amended by the 2003 Act of Accession so as to include the insolvency proceedings, the winding-up proceedings and the liquidators of the new Member States, and by Council Regulation (EC) No 603/2005 <sup>(3)</sup> in order to modify the said Annexes as regards several Member States.

(3) On 29 November 2005 the French Republic notified the Commission, pursuant to Article 45 of Regulation (EC) No 1346/2000, of amendments to the lists set out in Annexes A and C to that Regulation.

(4) On 6 March 2006 the Slovak Republic notified the Council General Secretariat, pursuant to Article 45 of Regulation (EC) No 1346/2000, of amendments to the lists set out in Annexes A, B and C to that Regulation.

(5) The United Kingdom and Ireland, in accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and the Treaty establishing the European Community, have given notice of their wish to take part in the adoption and application of this Regulation.

(6) Denmark, in accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, is not participating in the adoption of this Regulation, and is therefore not bound by it nor subject to its application.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

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

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

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

<sup>(1)</sup> OJ L 160, 30.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 603/2005 (OJ L 100, 20.4.2005, p. 1).

<sup>(2)</sup> Not yet published in the Official Journal.

<sup>(3)</sup> OJ L 100, 20.4.2005, p. 1.

*Article 2*

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

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

Done at Luxembourg, 27 April 2006.

*For the Council*

*The President*

L. PROKOP

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## ANNEX I

## ‘ANNEX A

**Insolvency proceedings referred to in Article 2(a)**

## BELGIË/BELGIQUE

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

## ČESKÁ REPUBLIKA

- Konkurs
- Nucené vyrovnání
- Vyrovnání

## DEUTSCHLAND

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

## EESTI

- Pankrotimenetlus

## ΕΛΛΑΔΑ

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

## ESPAÑA

- Concurso

## FRANCE

- Sauvegarde
- Redressement judiciaire
- Liquidation judiciaire

## IRELAND

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

## ITALIA

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

## ΚΥΠΡΟΣ

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

## LATVIJA

- Bankrots
- Izlīgums
- Sanācija

## LIETUVA

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

## LUXEMBOURG

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

## MAGYARORSZÁG

- Csődeljárás
- Felszámolási eljárás

## MALTA

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

## NEDERLAND

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

## ÖSTERREICH

- Das Konkursverfahren
- Das Ausgleichsverfahren

## POLSKA

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

## PORTUGAL

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

## SLOVENIJA

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

## SLOVENSKO

- Konkurzné konanie
- Reštrukturalizačné konanie

## SUOMI/FINLAND

- Konkursi/konkurs
- Yrityssaneeraus/företagssanering

## SVERIGE

- Konkurs
- Företagsrekonstruktion

## UNITED KINGDOM

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

## ANNEX II

## ‘ANNEX B

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

## BELGIË/BELGIQUE

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

## ČESKÁ REPUBLIKA

- Konkurs
- Nucené vyrovnání

## DEUTSCHLAND

- Das Konkursverfahren
- Das Gesamtvollstreckungsverfahren
- Das Insolvenzverfahren

## EESTI

- Pankrotimenetlus

## ΕΛΛΑΔΑ

- Η πτώχευση
- Η ειδική εκκαθάριση

## ESPAÑA

- Concurso

## FRANCE

- Liquidation judiciaire

## IRELAND

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

## ITALIA

- Fallimento
- Liquidazione coatta amministrativa
- Concordato preventivo con cessione dei beni

## ΚΥΠΡΟΣ

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

## LATVIJA

- Bankrots

## LIETUVA

- įmonės bankroto byla
- įmonės bankroto procesas ne teismo tvarka

## LUXEMBOURG

- Faillite
- Régime spécial de liquidation du notariat

## MAGYARORSZÁG

- Felszámolási eljárás

## MALTA

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

## NEDERLAND

- Het faillissement
- De schuldsaneringsregeling natuurlijke personen

## ÖSTERREICH

- Das Konkursverfahren

## POLSKA

- Postępowanie upadłościowe
- Upadłość obejmująca likwidację

## PORTUGAL

- O processo de insolvência
- O processo de falência

## SLOVENIJA

- Stečajni postopek
- Skrajšani stečajni postopek

## SLOVENSKO

- Konkurzné konanie

## SUOMI/FINLAND

- Konkurssi/konkurs

## SVERIGE

- Konkurs

## UNITED KINGDOM

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

## ANNEX III

## 'ANNEX C

**Liquidators referred to in Article 2(b)**

## BELGIË/BELGIQUE

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

## ČESKÁ REPUBLIKA

- Správce podstaty
- Předběžný správce
- Vyrovnací správce
- Zvláštní správce
- Zástupce správce

## DEUTSCHLAND

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

## EESTI

- Pankrotihaldur
- Ajutine pankrotihaldur
- Usaldusisik

## ΕΛΛΑΔΑ

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

## ESPAÑA

- Administradores concursales

## FRANCE

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

## IRELAND

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

## ITALIA

- Curatore
- Commissario
- Liquidatore giudiziale

## ΚΥΠΡΟΣ

- Εκκαθαριστής και προσωρινός εκκαθαριστής
- Επίσημος παραλήπτης
- Διαχειριστής της πτώχευσης
- Εξεταστής

## LATVIJA

- Maksātnespējas procesa administrators

## LIETUVA

- Bankrutuojančių įmonių administratorius
- Restruktūrizuojamų įmonių administratorius

## LUXEMBOURG

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

## MAGYARORSZÁG

- Vagyongfelügyelő
- Felszámoló

## MALTA

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

## NEDERLAND

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

## ÖSTERREICH

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

## POLSKA

- Syndyk
- Nadzorca sądowy
- Zarządca

## PORTUGAL

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

## SLOVENIJA

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

## SLOVENSKO

- Predbežný správca
- Správca

## SUOMI/FINLAND

- Pesänohittaja/boförvaltare
- Selvittäjä/utredare

## SVERIGE

- Förvaltare
- God man
- Rekonstruktör

## UNITED KINGDOM

- Liquidator
  - Supervisor of a voluntary arrangement
  - Administrator
  - Official receiver
  - Trustee
  - Provisional liquidator
  - Judicial factor'
-

**COUNCIL REGULATION (EC) No 695/2006****of 5 May 2006****amending Regulation (EC) No 397/2004 imposing a definitive anti-dumping duty on imports of cotton-type bedlinen originating in Pakistan**

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<sup>(1)</sup> (the basic Regulation), and in particular Article 11(3) thereof,

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

Whereas:

**A. PROCEDURE****1. Previous investigation**

- (1) By Regulation (EC) No 397/2004<sup>(2)</sup> (the definitive Regulation), the Council imposed a definitive anti-dumping duty of 13,1 % on imports of bedlinen of cotton fibres, pure or mixed with man-made fibres or flax (flax not being the dominant fibre), bleached, dyed or printed, originating in Pakistan.
- (2) This measure had been imposed on the basis of facts available since it had been impossible to verify on spot the highly implausible figures reported in the questionnaires of the six sampled companies, due to the following circumstances. During the verification of the second company, the Commission received a life threatening letter addressed personally to the officials carrying out the verifications. With regard to the specific, personal nature of this letter, the Commission considered that the necessary conditions to carry out the verifications were not met and that these circumstances significantly impeded the investigation. Consequently, the verification visits had to be interrupted.

- (3) In the period following the imposition of the anti-dumping measures, sufficient information was received by the Commission indicating that the security circumstances had changed, i.e. that the impediment to the conduct of verification visits had been removed. Under these circumstances, the Commission decided to initiate an interim review limited to dumping aspects in order to review the findings on the basis of data that have been fully verified and better reflect the situation of Pakistani exporters.

**2. Initiation**

- (4) On 3 August 2004, the Commission announced, after having consulted the Advisory Committee<sup>(3)</sup>, the initiation pursuant to Article 11(3) of the basic Regulation of an *ex officio* partial interim review, limited to dumping, of the anti-dumping measures imposed by the definitive Regulation.
  - (5) The Commission officially advised the exporting producers and importers known to be concerned as well as their known associations, the Pakistani authorities and the associations of Community producers of the initiation of the investigation. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limits set in the notice of initiation.
  - (6) A number of exporting producers and the Pakistan Bedwear Exporters Association, one of several bedlinen producers associations in Pakistan, as well as the association of the Community producers (Eurocoton), which was the complainant in the original investigation, made their views known in writing. A hearing was granted to all parties who so requested within the established time limits and showed that there were reasons why they should be heard.
- 3. Sampling**
- (7) In view of the large number of exporting producers and importers involved in this investigation, sampling was envisaged in the notice of initiation, in accordance with Article 17 of the basic Regulation.

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

<sup>(2)</sup> OJ L 66, 4.3.2004, p. 1.

<sup>(3)</sup> OJ C 196, 3.8.2004, p. 2.

- (8) In order to enable the Commission to decide whether sampling would be necessary and, if so, to select a sample, exporting producers, importers and representatives acting on their behalf were requested to make themselves known and to provide, as specified in the notice of initiation, basic information on their activities related to the product concerned within 15 days of the date of publication of the notice of initiation. The authorities of Pakistan and the association of producers/exporters, which made itself known, were also consulted by the Commission on the selection of the sample for exporters.
- (9) After examination of the information submitted, it was decided that sampling was only necessary with regard to exporters. In total, 110 companies replied to the sampling questionnaire within the time limits and provided the requested information. However, 11 of these companies neither produced nor exported the product concerned and therefore could not be considered as interested parties in the investigation. Furthermore, one company only partially cooperated as it did not provide any information on production volumes. In total, 98 companies were considered as cooperating.
- (10) The sample was selected in accordance with Article 17(1) of the basic Regulation, on the basis of the largest representative volume of exports from Pakistan into the Community that could reasonably be investigated within the time available.
- (11) The Commission informed the Pakistani authorities and the associations of producers/exporters of its intention to select a sample of eight companies representing 31 % of Pakistan's exports to the Community. The Pakistani authorities and one association of exporters, however, contested this proposal and asked to limit the sample to six companies, i.e. taking the same sample as in the previous investigation.
- (12) In accordance with Article 17(1) of the basic Regulation, after this consultation, the Commission eventually decided that, in order to reach the highest possible representativity of the sample, it was appropriate to include eight companies in the sample since (i) this allowed to cover a larger volume of exports, including from companies having also domestic sales; and (ii) it was feasible to investigate these eight companies within the time available.

#### 4. Individual examination

- (13) Requests for the determination of an individual dumping margin were submitted by 22 companies not selected in the sample. However, in view of the large number of requests and the volume of information to be examined (because of, *inter alia*, the large number of

product types under consideration), it was considered that such individual examinations would be unduly burdensome within the meaning of Article 17(3) of the basic Regulation and would have prevented completion of the investigation in good time. The claims for determination of individual margins were therefore not considered.

#### 5. Investigation

- (14) The Commission sent questionnaires to the companies selected in the sample. Questionnaire replies were received from all the eight exporting producers in the sample. The Commission sought and verified all the information it deemed necessary for the purpose of its investigation. However, due to particular security constraints, it was decided not to carry out the verification visits at the premises of the companies. Instead, the verification of the submitted data took place in a third country, in this particular case the United Arab Emirates (UAE), by using systems of communication with the headquarters of the companies investigated. This allowed receiving, without delay transmission, of any document requested. Data provided by the following companies was verified:

Gul Ahmed Textile Mills Ltd, Karachi,

Al-Abid Silk Mills Ltd, Karachi,

Yunus Textile Mills, Karachi,

Chenab Limited, Faisalabad,

Nishat Mills Limited, Faisalabad,

Fairdeal Textiles (Pvt) Ltd, Karachi,

Lucky Textile Mills, Karachi,

Mohammad Farooq Textile Mills Ltd, Karachi.

- (15) The Community industry observed that the investigation should have been terminated as no change has taken place in the security situation in Pakistan. Therefore, the verification visit in the UAE should not have taken place. In this respect, it should be noted that the information provided in the course of these verifications was sufficient to establish the level of dumping. However, the comments made by the Community industry have been taken into account in assessing the lasting nature of the changed circumstances, as indicated in recital 64.
- (16) The investigation period (IP) covered the period between 1 April 2003 and 31 March 2004.

**B. PRODUCT CONCERNED AND LIKE PRODUCT****1. Product concerned**

- (17) The product under review is the same as in the original investigation, i.e. bedlinen of cotton fibres, pure or mixed with man-made fibres or flax (flax not being the dominant fibre), bleached, dyed or printed, originating in Pakistan, currently classifiable within CN codes ex 6302 21 00 (TARIC codes 6302 21 00 81, 6302 21 00 89), ex 6302 22 90 (TARIC code 6302 22 90 19), 6302 31 00 (TARIC code 6302 31 00 90) and ex 6302 32 90 (TARIC code 6302 32 90 19) (the product concerned). Bedlinen includes bed sheets (fitted or flat), duvet covers and pillow covers, packaged for sale either separately or in sets.
- (18) The fabrics made of cotton-type fibres used to produce bedlinen are identified by two pairs of numbers. The first one indicates the count (or weight) of yarns employed respectively for the warp and for the weft. The second one indicates the number of threads per centimetre or per inch respectively of the warp and of the weft.
- (19) The fabrics are bleached, dyed or printed. Then they are cut and stitched into different sized flat sheets, fitted sheets, duvet covers and pillow cases. The final product is packed for sale either separately or in sets.
- (20) Notwithstanding the different possible product types due to different weaving construction, finish of the fabric, presentation and size, packing, etc., all of them constitute one product for the purpose of this review investigation because they have the same physical characteristics and essentially the same use.
- (21) This definition was contested by several cooperating exporters which, however, did not substantiate in any way their claims, which were therefore rejected.

**2. Like product**

- (22) As in the original investigation, it was found that the product concerned and the bedlinen produced and sold on the domestic market of Pakistan have the same basic physical, technical characteristics and uses. They are therefore considered to be alike within the meaning of Article 1(4) of the basic Regulation.
- (23) Several cooperating exporters claimed that the product concerned and the bedlinen sold on the domestic market of Pakistan were different products since they did not have the same basic physical, technical characteristics and uses. However, no evidence was submitted to support these claims, which were therefore rejected.

**C. DUMPING****1. Normal value**

- (24) Normal value was calculated according to Article 2 of the basic Regulation. Therefore, it was first established for each sampled exporting producer, whether its total domestic sales of the like product were representative in comparison with its total export sales of the product concerned to the Community. In accordance with Article 2(2), first sentence, of the basic Regulation, the domestic sales of the like product were found to be representative for one of the sampled companies since the domestic sales volume of this company exceeded 5 % of its total export sales volume to the Community.
- (25) In addition to the above exporter with representative domestic sales exceeding 5 % of its exports sales volume to the Community, three other sampled exporters had some domestic sales of the product concerned, which, however, only represented 2,2, 0,5 and 0,2 % respectively of the sales volume of the product concerned exported to the Community. After having duly examined the characteristics of the domestic market and of the sales organisation of the companies in question, it was finally concluded that these sales were negligible and could not be considered as representative pursuant to Article 2(2) of the basic Regulation.
- (26) For the exporting producer having overall representative domestic sales, it was further examined whether the types of bedlinen sold domestically were identical or directly comparable to the types sold for export to the Community. Domestic sales of a particular product type were considered as sufficiently representative when the volume of that product type sold on the domestic market to independent customers during the IP represented 5 % or more of the total volume of the identical and directly comparable product type sold for export to the Community.
- (27) It was subsequently examined whether the domestic sales of the company could be considered as being made in the ordinary course of trade. For those product types where the weighted average price of that type was equal to or above the cost of production, normal value was established on the basis of the weighted average price actually paid for all domestic sales of that type, irrespective of whether these sales were profitable or not. For those product types where the weighted average price of that type was below the cost of production, it was considered that normal value had to be constructed in accordance with Article 2(3) of the basic Regulation.

- (28) The company had contested that its sales were in the ordinary course of trade, claiming that remnants sold on the domestic market were not comparable with the products sold for export. In the course of the investigation, it was established that the remnants were surplus quantities of bedlinen produced for export, and as a consequence the products sold domestically and for export are comparable. It is therefore considered that the company's domestic sales are representative and being made in the ordinary course of trade.
- (29) Normal value was constructed by adding to the manufacturing costs of the exported types a reasonable amount for selling, general and administrative expenses (SG & A) and for profit, in accordance with Article 2(6) of the basic Regulation.
- (30) In this respect, the company claimed that SG & A and profit should be established on the basis of all transactions, as due to the large diversity of the product (the company has submitted information regarding more than 500 different product types) it cannot reliably be established whether a certain transaction is profitable or not. It is indeed true that the product concerned consists of a vast array of types with different sizes, designs, colours, fabrics etc. In establishing the cost of manufacturing for the different types of the product, the general cost allocation methods used by the company entailed a lack of precision which goes clearly beyond the difficulties normally encountered in cases with complex products. It was therefore considered that SG & A and profit used to construct normal value should be established on the basis of all transactions for all domestic sales of the product concerned.
- (31) The Community industry challenged the approach adopted in respect of this company, claiming that only profitable transactions should have been used to determine the percentage of profit realised by the company in the ordinary course of trade. This claim was rejected, since for the reasons given in recital 30, it cannot be established reliably whether a certain transaction is profitable or not. Moreover, it was established that overall the transactions were in the ordinary course of trade.
- (32) For the other seven sampled exporting producers, normal values had to be constructed in accordance with Article 2(3) of the basic Regulation since none of them had representative domestic sales. For all these exporters, therefore, normal value was constructed by adding to the cost of manufacturing of each type exported to the Community, corrected where appropriate as further explained in recital 36, a reasonable amount for SG & A expenses and for profit. The SG & A expenses and profit could not be established on the basis of Article 2(6)(a) of the basic Regulation since only one company had representative domestic sales. Neither could they be established under Article 2(6)(b) as the exporters concerned did not have representative sales, in the ordinary course of trade, of the same general category of products.
- (33) The SG & A expenses and profit were accordingly determined in accordance with Article 2(6)(c) of the basic Regulation, on the basis of the weighted average of the SG & A expenses incurred and profit realised by the sole company with representative domestic sales and of the two companies with domestic sales representing 2,2 and 0,2 % respectively. In fact, it was considered that the domestic sales of these latter two companies, although not representative for the purpose of using domestic prices to calculate their own normal value, were sufficient to ensure that the related SG & A and profit could be considered as reliable for the purpose of applying Article 2(6)(c) of the basic Regulation. The SG & A and profit of the third company having non-representative sales on the domestic market, referred to at recital 25, were not taken into consideration since this company had reported a severe loss on those sales.
- (34) One company claimed that the Commission should apply Article 2(6)(b) of the basic Regulation when determining the SG & A for this company. The company claimed that the SG & A for all the products sold on the domestic market by the company should be used since those products are similar to the product concerned, being of the same general category of products. This claim was rejected since it was found that the products claimed to be of the same general category of products as bedlinen, were in fact mostly grey cloth, i.e. an intermediary product sold to industrial users and not a consumer product as bedlinen.
- (35) The company further argued that even if Article 2(6)(c) of the basic Regulation is applied, at least the SG & A and the profit of the company itself should be used. It added that the SG & A and profit used for constructing normal value is taken to a great extent from a company with a different structure, arguably comparable with a department store. However, it must be noted the applicant company's sales consist of products which do not even belong to the same general category of products and are also fairly small in volume. Therefore, it is not reasonable to use SG & A and profit established on such inappropriate data.

- (36) A number of sampled companies had included different items in their SG & A, which should have been reported in the cost of manufacturing. Therefore, these items were reallocated to the cost of manufacturing. Furthermore, pursuant to Article 2(5) of the basic Regulation, costs shall normally be calculated on the basis of records kept by the party under investigation, provided that such records are in accordance with the generally accepted accounting principles of the country concerned and that it is shown that the records reasonably reflect the costs associated with the production and sale of the product under consideration. Moreover, consideration shall also be given to evidence submitted on the proper allocation of costs, provided that it is shown that such allocations have been historically utilised. For five sampled companies, the cost allocation in the replies submitted to the questionnaire had been done ad hoc, for the purpose of the investigation and could not be considered as reasonable since they were not in line with the audited accounts of the companies. Adjustments were therefore made to determine the cost of manufacturing in a way more consistent with the audited accounts of the companies in question.
- (37) For these five companies, the various cost items included in the cost of manufacturing were identified. The percentage represented by the product concerned out of the total company turnover was determined. Depending on the information available and verifiable, this percentage was applied either to the value of each of the cost items or to the total costs as reported in the audited accounts for the purpose of establishing the manufacturing costs of the product concerned.
- (38) For one company, the adjustment referred to in recital 37 was made to take account of the fact that there was a very significant difference between the cost structure of bedlinen and that of the other major product sold by the company, i.e. yarns. The fact that this company had reported in the questionnaire, in a way which could be verified, data permitting a clearer attribution of costs between these two categories of products made it possible to refine the allocation based on turnover, so as to permit a more appropriate attribution of the production costs.
- (39) The Community industry challenged the approach adopted in respect of this company, claiming that the company does not have a historically used cost allocation system. However, this claim was rejected, since the attribution of costs mentioned in recital 38 was not based on the cost allocation provided by the company, but on verified accounting information prepared by the company on a regular basis.
- (40) For one company, a further adjustment has been made. This company has production on two different sites, but bedlinen was manufactured at only one of the sites. Therefore, it was considered that the most appropriate approach was to rely on data related to the site where bedlinen is manufactured.
- (41) Several other companies claimed additional adjustments to the cost allocation made by the Community institutions. However, the method of allocating costs on the basis of turnover does not allow the application of a specific, different methodology exclusively limited to a few cost items, unless it can be shown that such different specific methodology can exclusively be applied to those few cost items. Since this was not the case and, as indicated in recital 32, the information and evidence provided by these companies concerning their cost of production was not considered reliable, the above referred claims were rejected.
- (42) For another company, the cost of manufacturing was obtained by deducting from the turnover the profit and the SG & A expenses, as established during the verification visit.
- (43) For the two remaining companies, the cost of manufacturing was found to be generally reliable, but some corrections had to be made on the basis of information collected during the verification visit.
- (44) Some of the exporting producers in the sample claimed that the cost of raw material (mainly grey cloth) they had reported in the cost of manufacturing already included certain SG & A costs. Since the companies were not fully integrated companies, as some of the processing steps were outsourced, they claimed that these SG & A expenses should be deducted from the cost of production in order to avoid a double counting of the SG & A expenses. However, it should be noted that the normal value had to be constructed by using the SG & A and profit of the sole company with representative domestic sales and those of the two companies with domestic sales representing 2,2 and 0,2 % respectively and that these three exporters were purchasing the vast majority of the grey cloth themselves. It should also be noted that every purchase of raw material includes some SG & A costs in the price paid, but these are costs of the supplier, and not the SG & A of the exporter in question. The claim was therefore rejected.
- ## 2. Export price
- (45) Seven of the sampled exporting producers made all their export sales to the Community directly to independent customers. In accordance with Article 2(8) of the basic Regulation, their export prices were therefore established on the basis of the prices actually paid or payable by these independent customers in the Community.

(46) The eighth sampled exporting producer had a related importer in the Community. The prices for these exports were constructed on the basis of the prices at which the imported products were first resold to an independent buyer, as set out in Article 2(9) of the basic Regulation.

(47) However, as requested by a number of companies, export sales of outdated stocks and sales delivered by air freight (on a cif or cf basis) were excluded from the dumping calculations, as these sales were not made in the ordinary course of trade. These sales represented a negligible portion (less than 2 %) of all export sales reported.

(48) This approach regarding sales delivered by air freight and outdated stocks has been challenged by the Community industry, claiming that whether or not a sale is in the ordinary course of trade cannot be established by the means of conveyance of the goods and that these sales should be taken into account if they are a relatively common occurrence in the sector in question. This claim was rejected because, although most companies had sales delivered by air freight and sales of outdated stocks, those sales are not a relatively common occurrence in the sector as the volumes delivered by air freight and the volumes of outdated stocks are extremely limited as described in recital 47.

### 3. Comparison

(49) For the purpose of ensuring a fair comparison between normal values and export prices, due allowance in the form of adjustments was made for differences affecting price and price comparability in accordance with Article 2(10) of the basic Regulation. Appropriate adjustments concerning import charges and indirect taxes, discounts and rebates, transport, insurance, handling, loading and ancillary costs, credit, commissions, interest rates and currency conversions were granted when reasonable, accurate and supported by verified evidence. An adjustment for level of trade was also made in order to reflect the fact that the domestic sales were made directly to final customers, whereas the exports were made to traders, retailers and distributors.

(50) One exporter contested an adjustment for commissions, arguing that the related trader which had been found to have functions similar to those of an agent working on a commission basis was, in reality, a mere extension of its own export department and did not carry out business of its own. The adjustment was confirmed and the claim rejected, since it was found that the related trader was indeed carrying out its own sales activities (e.g. the obtaining and managing of a part of the quota regime) that could not be carried out by the exporter itself and was incurring substantial expenses in doing so. Moreover,

the related trader received a significant mark-up for its activities in relation to sales of the product concerned to the Community, not dissimilar from a commission.

(51) Several exporters claimed further adjustments for bank charges and credit costs. They claimed that the end-users on the domestic market commonly used credit cards as payment form. However, for those companies with domestic sales the investigation showed that the sales to end-users are on cash basis. This claim was therefore rejected.

(52) One company claimed adjustment for an increase in the cotton prices during the IP. However, the increase in cotton prices was due to an increase in world market prices and therefore was not an isolated Pakistani phenomenon. The increase in cotton prices affected at most three months of the IP, while the sales of the product concerned took place throughout the full IP. Furthermore, the increase in prices was only of a temporary character in the sense that the world market prices are volatile, which is a normal phenomenon for this type of raw material. Such changes in raw material prices must be considered as a normal part of the business operations. In addition, the information supplied by the company (cotton purchase prices from 1997 to 2005 in PKR) showed a downward trend, with 1997 having seen the highest prices. If there are important fluctuations of an input, this could normally be addressed by making a monthly or quarterly comparison of normal value and export prices. However, that was not requested here. This claim was therefore rejected.

(53) All companies claimed adjustments for duty drawback, pursuant to Article 2(10)(b) of the basic Regulation. Claims for such adjustments were accepted in the original investigation insofar as the amounts claimed were actually borne by the like product and by the materials physically incorporated therein, when intended for consumption in the exporting country, and refunded in respect of the product exported to the Community. It was found that, in the present investigation, the amounts refunded by the Pakistani government exceeded by far the amounts of imports charges or indirect taxes actually paid by the companies on materials incorporated in the product concerned.

(54) The sampled exporters argued that the Government of Pakistan had introduced a new system for the calculation of these refunds of import duties paid by the exporting producers. This new system uses certain standards for the determination of the amount refundable.

- (55) The new regime was investigated in order to clarify if a direct link between the duty paid by the exporting producers and the material physically incorporated in the like product intended for consumption in the exporting country could be established. Where the sampled exporters could show that import duties had been reimbursed, the Community institutions accepted the claim for an adjustment to normal value, where appropriate, insofar as the amounts claimed were actually borne by the like product and by materials physically incorporated therein, when intended for consumption in the exporting country, and refunded in respect of the product exported to the Community.

#### 4. Dumping margins

- (56) For the sampled exporting producers, individual dumping margins were established on the basis of a comparison of a weighted average normal value with a weighted average export price, in accordance with Article 2(11) of the basic Regulation.
- (57) The dumping margins, expressed as a percentage of the net free-at-Community-frontier price, before duty, are:

Yunus Textile Mills, Karachi	8,5 %
Lucky Textile Mills, Karachi	7,2 %
Nishat Mills Limited, Faisalabad	6,1 %
Chenab Limited, Faisalabad	5,7 %
Gul Ahmed Textile Mills Ltd, Karachi	5,6 %
Al-Abid Silk Mills Ltd, Karachi	3,9 %
Mohammad Farooq Textile Mills Ltd, Karachi	3,5 %
Fairdeal Textiles (Pvt) Ltd, Karachi	1,3 %

- (58) In accordance with Article 9(3) of the basic Regulation, it is concluded that the dumping margin for Fairdeal Textiles (Pvt) Ltd is *de minimis*, as its margin of dumping is below 2 %.
- (59) For the cooperating companies not selected in the sample, the dumping margin was established on the basis of the weighted average dumping margin of the companies selected in the sample, pursuant to Article 9(6) of the basic Regulation. This weighted average dumping margin, expressed as a percentage of the net free-at-Community-frontier price, before duty, was 5,8 %.
- (60) Several cooperating exporters not selected in the sample claimed that it was discriminatory not to receive the lowest duty instead of the weighted average duty of the

sampled companies. It is noted that in this case, eight exporters were selected in the sample in accordance with the provisions of Article 17 of the basic Regulation. The findings made as based on data supplied by these exporters are deemed to be representative for the bedlinen industry in Pakistan. In relation to the duty to be applied to the non-sampled exporters, it would be contrary to the purpose of sampling to apply the lowest duty established for one of the sampled exporters rather than the weighted average duty which is clearly more representative of the industry as a whole. In any event, Article 9(6) of the basic Regulation requires that the anti-dumping duty applicable to imports from exporters who have made themselves known, but are not included in the sample, shall not exceed the weighted average margin of dumping established for the parties in the sample and it is the consistent practice of the Community institutions to apply the weighted average margin. In light of the above, this claim was rejected.

- (61) In order to determine the residual dumping margin, the level of cooperation was first established. A comparison between Eurostat data concerning imports originating in Pakistan and sampling replies showed that the level of cooperation was high (more than 80 %). Therefore, and since there were no indications that the remaining companies were dumping at a lower level, it was considered appropriate to set the dumping margin for the remaining companies, which had not cooperated in the investigation, at the level of the highest dumping margin found for the companies included in the sample. This approach is in accordance with the standing practice of the Community institutions and was also considered necessary in order not to provide an incentive to non-cooperation. Therefore, the residual dumping margin was calculated at the rate of 8,5 %.

- (62) A number of companies which had been considered as non-cooperating claimed that they had indeed sent the sampling return within the time limits either through their respective association or directly to the Commission. These companies were requested to provide evidence that the replies indeed had been transmitted within the requested deadlines. None of these companies could submit sufficient evidence to support such claims which were therefore rejected.

#### 5. Lasting nature of the changed circumstances

- (63) In the present investigation, the aim of the review was to base the conclusion on the findings of verified data, which had, in principle, become possible following the change in circumstances regarding the security situation. There are no indications that the new verified findings would not be of a lasting nature.

- (64) However, it should be noted that due to some remaining security concerns, the verifications took place in the UAE. Despite the efforts made by the cooperating exporting producers, a verification in a third country does not comply with the normal practice as the Commission investigators did not have unlimited direct access to the accounting registers and the accounting systems of the exporters. Therefore, albeit the findings are sufficiently reliable to justify a modification in the level of the anti-dumping duties, on its own initiative or at the request of interested parties the Community institutions might carry out a review of the modified antidumping duties should available information sources point out to a change or otherwise inaccuracy of the findings verified in the third country.

## 6. Conclusion

- (65) In view of the above, the present antidumping measures on imports of the product concerned originating in Pakistan should be amended to reflect the new dumping margins found.
- (66) According to Article 9(4) of the basic Regulation, the duties should not exceed the margin of dumping established but should be less than the margin if such lesser duty would be adequate to remove the injury of the Community industry. Given the fact that the present interim review is limited to the examination of the dumping aspects, the level of duties imposed should not be higher than the injury levels found in the original investigation.
- (67) As mentioned in recital 134 of the definitive Regulation, the original dumping margin was lower than the injury elimination level definitely determined and therefore the definitive anti-dumping duty was based on the lower dumping margin, namely 13,1 %. Since the dumping margins found in the present interim review are still lower than the injury margin, the amended anti-dumping duties should be based on these lower dumping margins.
- (68) Therefore, the level of duties should be set at that of the dumping margins found, except for one company, for which a *de minimis* dumping margin has been found as outlined in recital 58:

(a) <i>For the exporters in the sample:</i>	
Yunus Textile Mills, Karachi	8,5 %
Lucky Textile Mills, Karachi	7,2 %
Nishat Mills Limited, Faisalabad	6,1 %
Chenab Limited, Faisalabad	5,7 %

Gul Ahmed Textile Mills Ltd, Karachi	5,6 %
Al-Abid Silk Mills Ltd, Karachi	3,9 %
Mohammad Farooq Textile Mills Ltd, Karachi	3,5 %
Fairdeal Textiles (Pvt) Ltd, Karachi	0 %
(b) <i>For the cooperating exporters not included in the sample</i>	5,8 %
(c) <i>For all other companies</i>	8,5 %

- (69) All parties concerned were informed of the essential facts on the basis of which it was intended to recommend the amendment of the existing measures and were given an opportunity to comment. Comments were received and taken into consideration where appropriate. All parties concerned were also granted a period to make representations subsequent to disclosure.
- (70) In order to ensure equal treatment between any new exporters and the cooperating companies not included in the sample, mentioned in the Annex to this Regulation, it is considered that provision should be made for the weighted average duty imposed on the latter companies to be applied to any new exporters which would otherwise be entitled to a review pursuant to Article 11(4) of the basic Regulation.
- (71) One Pakistani exporting producer submitted an offer for a price undertaking. However, bedlinen is characterised by hundreds of different product types, with some characteristics not easily discernible upon importation. This makes it virtually impossible to establish meaningful minimum import price for each product type, which could be properly monitored by the Commission and controlled by the customs authorities of the Member States. Under these circumstances, it was considered that a price undertaking was impracticable and could not be accepted.

## D. DURATION OF THE MEASURES

- (72) The review carried out does not affect the date on which the definitive Regulation will expire pursuant to Article 11(2) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

### Article 1

Regulation (EC) No 397/2004 is hereby amended as follows:

1. Article 1(2) shall be replaced by the following:

'2. The rate of the definitive antidumping duty applicable to the net, free-at-Community-frontier price, before duty, of products manufactured by the following companies shall be:

Manufacturer	Rate of duty %	TARIC additional code
Yunus Textile Mills H-23/1, Landhi Industrial Area, Karachi	8,5	A698
Lucky Textile Mills L-8, Block 21, F. B Area, Karachi	7,2	A699
Nishat Mills Limited Nishatabad, Faisalabad	6,1	A700
Chenab Limited Nishatabad, Faisalabad	5,7	A701
Gul Ahmed Textile Mills Ltd Plot No HT/3A, Landhi Industrial Area, Landhi, Karachi	5,6	A702
Al-Abid Silk Mills Ltd A-39, S.I.T.E., Manghopir Road, Karachi	3,9	A704
Mohammad Farooq Textile Mills Ltd 1st floor, Finlay House, I.I Chundrigar Road, Karachi	3,5	A703
Fairdeal Textiles (Pvt) Ltd A/15-D, Binoria Chowk, S.I.T.E., Karachi	0	A705
Manufacturers listed in the Annex	5,8	A706
All other companies	8,5	A999'

2. the text of the Annex to this Regulation shall replace the Annex to Regulation (EC) No 397/2004;

3. the following paragraph shall be added to Article 1:

'4. Where any new exporting producer provides sufficient evidence to the Commission that:

- it did not export to the Community the product described in paragraph 1 in the period between 1 April 2003 and 31 March 2004,
- it is not related to any of the exporters or producers subject to the measures imposed by this Regulation and
- it has actually exported to the Community the product concerned after the investigation period on which the measures are based, or it has entered into an irrevocable contractual obligation to export a significant quantity to the Community,

the Council, acting by simple majority on a proposal submitted by the Commission after consulting the Advisory Committee, may amend paragraph 2 by adding the new exporting producer to the companies subject to the weighted average duty rate of 5,8 %.'

#### Article 2

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

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

Done at Brussels, 5 May 2006.

For the Council  
The President  
K.-H. GRASSER

## ANNEX

## 'ANNEX

List of the cooperating manufacturers referred to in Article 1(2) under TARIC additional code A706:

Name	Address
A.B. Exports (PVT) Ltd	Off. No 6, Ground Floor, Business Center, New Civil Lines, Faisalabad
A.S.T. (PVT) Limited	Saba Square 2-C, Saba Commercial Street No 3, Phase V Extension, D.H. Authority, Karachi
Abdur Rahman Corporation (Pvt) Ltd	P-214 Muslim Town #1, Sarghoda Road, Faisalabad
Adil Waheed Garments	66-Zubair Colony, Jaranwala Road, Faisalabad
Afroze Textile Industries (Pvt) Ltd	LA 7/1-7, Block 22 F.B. Area, Karachi
Al Musawar Textile (PVT) Ltd	Atlas Street, Maqbool Road, Faisalabad
Al-Karam Textile Mills (PVT) Ltd	3rd floor, K.D.L.B. Building, 58-West Wharf Road, Karachi
Al-Latif	W,S, 24, Block-2, Azizabad, F.B. Area, Karachi-75950
Al-Noor Processing & Textile Mills	Sargodha Road, Near Bava Chak, Faisalabad
Al-Raheem Textile	F/40, Block-6, P.E.C.H.S., Karachi
Ameer Enterprises	3rd floor, Bismillah Centre, Street No 2, Karkhana Bazar, Yanr Market, Faisalabad
Amsons Textile Mills (PVT) Ltd	D-14/B, S.I.T.E., Karachi
Amtex (Private) Limited	1-Km, Khurrianwala-Jaranwala Road, Faisalabad
Anjum Textile Mills (PVT) Ltd	Anjum Street, Nalka Kohala, Sarghoda Road, Faisalabad
Apex Corporation	1-19, Arkay Square, PO Box 13373, Karachi
Arshad Corporation	1088/2, Jail Road Faisalabad 38000
Arzoo Textile Mills Ltd	2.6 km, Jaranwala Road, Khurrinwala, Faisalabad
Asia Textile Mills	D-156, S.I.T.E. Avenue, Karachi
Aziz Sons	D21/Karach, S.I.T.E., Karachi-75700
B.I.L. Exporters	15/5, Sector 12/C, North Karachi Industrial Area, Karachi

Name	Address
Baak Industries	P-107, Akbarabad, Near Allied Hospital, Faisalabad
Be Be Jan Pakistan Limited	Square No 7, Chak No 204/R.B., Faisalabad
Bela Textiles Ltd	A-29/A, S.I.T.E., Karachi
Bismillah Fabrics (PVT) Ltd	3 Km, Jhumra Road, Khurrianwala, Faisalabad
Bismillah Textiles (PVT) Ltd	1. KM, Jaranwala Road, Khurrianwala, Faisalabad
Classic Enterprises	B-1/1, Sector 15, Korangi Industrial Area, Karachi
Cotton Arts (PVT) Ltd	613/1, Dagrwaan Road, Faisalabad
D.L. Nash (Private) Ltd	11, Timber Pond, Keamari Road, Karachi-75620
Dawood Exports PVT Ltd	PO Box 532, Sarghoda Road, Faisalabad
Decent Textiles	P-1271, Abdullahpur, West Canal Road, Faisalabad
En Em Fabrics (Pvt) Ltd	10th Km, Sarghoda Road, Faisalabad
En Em Industries Ltd	10th Km, Sargodha Road, Faisalabad
Enn Eff Exports	4th floor, Business Centre, New Civil Lines, Faisalabad
Faisal Industries	Office 205, Madina City Mall, Abdullah Haroon Road, Saddar, Karachi
Fashion Knit Industries	5-Business Centre, Ground Floor, Mumtaz Hassan Road, Karachi
Fateh Textile Mills Limited	PO Box No 69, Hali Road, S.I.T.E., Hyderabad
Gerpak Textile (PVT) Ltd	317 Clifton Centre, Schon Circle, Kehkashan Clifton, Karachi
Gohar Textile mills	208 Chak Road, Zia Town, Faisalabad
H.A. Industries (PVT) Ltd	10 KM, Jaranwala Road, Faisalabad
Haroon Fabrics (Private) Limited	P-121, Rafique Colony, Jail Road, Faisalabad
Hay's (PVT) Limited	A-33, (C), Textile Avenue, S.I.T.E., Karachi-75700
Homecare Textiles	D-115, S.I.T.E., Karachi
Husein Industries Ltd	HT-8 Landhi Industrial & Trading Estate, Landhi, Karachi
Ideal International	A-63/A, SIND Industrial Trading Estate, Karachi-75700
Jaquard Weavers	811 Mahmoodabad Colony, Multan

Name	Address
Kam International	F-152, S.I.T.E., Karachi
Kamal Spinning Mills	4th KM, Jranwala Road, Khurrianwala, Faisalabad
Kausar Processing Industries (PVT) Ltd	P-61 Gole Chiniot Bazar, Faisalabad
Kausar Textile Industries (PVT) Ltd	Maqbool Road, Faisalabad
Khizra Textiles International	P-68, First Floor, Tawakal Cloth Market, Gol Chiniot Bazar, Faisalabad-38000
Kohinoor Textile Mills Limited	Peshawar Road, Rawalpindi
Latif International (PVT) Ltd	Street No 1, Abdullahpur, Faisalabad
Liberty Mills Limited	A/51-A, S.I.T.E., Karachi
M/s M.K. SONS Pvt Limited	2 KM, Khurrianwala, Jarranwala Road, Faisalabad
M/S Al-Ghani International	202 Bhaiwala, Ghona Road, Faisalabad
M/S Home Furnishings Limited	Plot No 1,2,10,11, Sector IX-B., Karachi Export Processing Zone, Karachi
MSC Textiles (PVT) Ltd	P-19, 1st floor, Montgomery Bazar, Faisalabad
Mughanum (PVT) Ltd	P-162, Circular Road, Faisalabad
Mustaqim Dyeing & Printing Industries (Pvt) Ltd	D-14/A, Bada Board, S.I.T.E., Karachi
Naseem Fabrics	Suite #404, 4th floor, Faisalcomplex, Bilal Road, Civil Lines, Faisalabad
Nawaz Associates	87 D/1 Main Boulevard Gulberg III, Lahore
Nazir Industries	Suite 3, 7th floor, Textile Plaza, M.A. Jinnah Road, Karachi-74000
Niagara Mills (PVT) Ltd	Kashmir Road, Nishatabad, Faisalabad
Nina Industries Limited	A-29/A, S.I.T.E., Karachi
Nishitex Enterprises	P-224, Tikka Gali No 2, Y.Y. Plaza., 1st floor, Montgomery Bazar, Faisalabad
Parsons Industries (PVT) Ltd	E-53 S.I.T.E., Karachi
Popular Fabrics (PVT) Limited	Plot 115, Landhi Industrial Area, Karachi
Rainbow Industries	810/A, Khanewal Road, Multan

Name	Address
Rehman International	P-2, Al Rehman House, Ghulam Rasool Nagar Main Road, Sarfratz Colony, Faisalabad
Sadaqat Textile Mills Pvt Ltd	Sadaqat Street, Sarghoda Road, Faisalabad
Sadiq Siddique Co.	170-A, Latif Cloth Market, M.A. Jinnah Road, Karachi
Sakina Exports International	#313, Dada Chambers, M.A. Jinnah Road, Karachi-74000
Samira Fabrics (PVT) Ltd	401-403, Chapal Plaza, Hasrat Mohani Road, Karachi
Sapphire Textile Mills Limited	313, 3rd floor, Cotton exchange Bldg. I.I., Chundrigar Road, Karachi
Shahzad Siddique (PVT) Ltd	4,5 KM, Khurainwala Jaranwala Road, Faisalabad
Shalimar Cotton Export (PVT) Ltd	Yousaf Chowk, Sarghoda Road, Faisalabad
Sharif Textiles Industries (PVT) Ltd	PO Box 265, Satiana Road, Faisalabad
Shercotex	39/c, Peoples Colony, Faisalabad
Sitara Textile Industries Limited	6- K.M., Sargodha Road, Faisalabad
South Asian Textile Inds.	Street No 3, Hamedabad Colony, Vehari Road, Multan
Sweety Textiles Pvt Ltd	P-237, 2nd floor, Hassan Arcade Montgomery Bazar, Faisalabad
Tex-Arts	P-22, 1st floor, Montgomery Bazar, Faisalabad
The Crescent Textile Mills Ltd	Sargodha Road, Faisalabad
Towellers Limited	WSA 30-31, Block 1, Federal B, Karachi
Union Exports (PVT) Limited	D-204/A, S.I.T.E., Karachi-75700
United Finishing Mills Ltd	2nd floor, Regency Arcade, The Mall, Faisalabad
United Textile Printing Industries (Pvt) Ltd	PO Box 194, Maqbool Road, Faisalabad
Wintex Exports PVT Ltd	P-17/A, Main Road, Sarfaraz Colony, Faisalabad
Zafar Fabrics (PVT) Limited	Chak No 119, J.B. (Samana), Sarghoda Road, Faisalabad
Zamzam Weaving and Processing Mills	Bazar 1, Razabad, Faisalabad'

**COMMISSION REGULATION (EC) No 696/2006****of 5 May 2006****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables <sup>(1)</sup>, 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 6 May 2006.

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

Done at Brussels, 5 May 2006.

*For the Commission*

J. L. DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

## ANNEX

**to Commission Regulation of 5 May 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables**

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	052	106,6
	204	90,0
	212	127,8
	999	108,1
0707 00 05	052	117,7
	628	155,5
	999	136,6
0709 90 70	052	104,4
	204	83,4
	999	93,9
0805 10 20	052	46,6
	204	37,7
	212	60,2
	220	45,9
	400	50,1
	448	49,4
	624	58,8
	999	49,8
0805 50 10	052	42,3
	388	50,1
	508	39,2
	528	37,6
	624	61,7
	999	46,2
0808 10 80	388	83,8
	400	128,6
	404	109,2
	508	80,6
	512	87,4
	524	93,6
	528	89,0
	720	109,8
	804	104,8
	999	98,5

<sup>(1)</sup> 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 697/2006****of 5 May 2006****amending Regulation (EC) No 343/2006 opening the buying-in of butter in certain Member States for the period 1 March to 31 August 2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1255/1999 of 17 May 1999 on the common organisation of the market in milk and milk products <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 2771/1999 of 16 December 1999 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter and cream <sup>(2)</sup>, and in particular Article 2 thereof,

Whereas:

- (1) Commission Regulation (EC) No 343/2006 <sup>(3)</sup> establishes the list of Member States in which buying-in for butter is open, as provided for in Article 6(1) of Regulation (EC) No 1255/1999.
- (2) On the basis of most recent communications by Belgium and Luxembourg, pursuant to Article 8 of Regulation (EC) No 2771/1999, the Commission has observed that butter market prices have been below 92 % of the intervention price for two consecutive weeks. Intervention buying-in should therefore be opened in those Member States. Belgium and Luxembourg should therefore be added to the list established in Regulation (EC) No 343/2006.
- (3) Regulation (EC) No 343/2006 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 1 of Regulation (EC) No 343/2006 is replaced by the following text:

*'Article 1*

Buying-in of butter as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby open in the following Member States:

- Belgium
- Czech Republic
- Germany
- Estonia
- Spain
- France
- Italy
- Ireland
- Latvia
- Luxembourg
- Netherlands
- Poland
- Portugal
- Finland
- Sweden
- United Kingdom.'

*Article 2*

This Regulation shall enter into force on 6 May 2006.

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

Done at Brussels, 5 May 2006.

*For the Commission*

J. L. DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 2107/2005 (OJ L 337, 22.12.2005, p. 20).

<sup>(3)</sup> OJ L 55, 25.2.2006, p. 17. Regulation as last amended by Regulation (EC) No 663/2006 (OJ L 116, 29.4.2006, p. 39).

**COMMISSION REGULATION (EC) No 698/2006****of 5 May 2006****implementing Council Regulation (EC) No 530/1999 as regards quality evaluation of structural statistics on labour costs and earnings****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

(5) The measures provided for in this Regulation are in accordance with the opinion of the Statistical Programme Committee,

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION:

Having regard to Council Regulation (EC) No 530/1999 of 9 March 1999 concerning structural statistics on earnings and labour costs <sup>(1)</sup>, and in particular Article 11(iv) thereof,

*Article 1*

Whereas:

1. The content and evaluation criteria of the report on quality referred to in Article 10(2) of Regulation (EC) No 530/1999 are laid down in the Annex to this Regulation.

(1) Regulation (EC) No 530/1999 was implemented by Commission Regulations (EC) No 452/2000 <sup>(2)</sup> and (EC) No 72/2002 <sup>(3)</sup> which define the content and evaluation criteria of the report on quality to be forwarded to the Commission (Eurostat) after each reference period.

The variables specified in the Annex to this Regulation are defined in Annexes I and II to Regulation (EC) No 1726/1999 and Annexes I and II to Regulation (EC) No 1916/2000.

(2) The information supplied in the quality report must refer to certain variables. Those variables are defined in Commission Regulations (EC) No 1726/1999 <sup>(4)</sup> and (EC) No 1916/2000 <sup>(5)</sup>.

2. The information laid down in the Annex shall be supplied subject to the derogations contained in Community legislation concerning structural statistics on earnings and labour costs, the labour force survey, structural business statistics and national accounts.

(3) Changes in the quality evaluation measures of structural statistics on earnings and labour costs are necessary as a result of the amendments made to Regulations (EC) No 1726/1999 and (EC) No 1916/2000 by Regulations (EC) No 1737/2005 and (EC) No 1738/2005 respectively. For the sake of clarity, and in order to reduce the burden for the national statistical offices, it is also necessary to harmonise the quality evaluation of statistics on labour costs and earnings.

*Article 2*

The quality report shall be transmitted to Eurostat at the latest 24 months after the end of the reference period for which the data was collected, unless stated otherwise in the Annex.

(4) Regulations (EC) No 452/2000 and (EC) No 72/2002 should therefore be replaced by this Regulation.

*Article 3*

Regulations (EC) No 452/2000 and (EC) No 72/2002 are repealed.

<sup>(1)</sup> OJ L 63, 12.3.1999, p. 6. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

<sup>(2)</sup> OJ L 55, 29.2.2000, p. 53.

<sup>(3)</sup> OJ L 15, 17.1.2002, p. 7.

<sup>(4)</sup> OJ L 203, 3.8.1999, p. 28. Regulation as amended by Regulation (EC) No 1737/2005 (OJ L 279, 22.10.2005, p. 11).

<sup>(5)</sup> OJ L 229, 9.9.2000, p. 3. Regulation as amended by Regulation (EC) No 1738/2005 (OJ L 279, 22.10.2005, p. 32).

*Article 4*

This Regulation shall enter into force on 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, 5 May 2006.

*For the Commission*  
Joaquín ALMUNIA  
*Member of the Commission*

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## ANNEX

**Content and evaluation criteria of the report on the quality of structural statistics on labour costs and earnings**

The reports on quality shall include information on all six dimensions of the European Statistical System (ESS) quality definition, namely relevance, accuracy, timeliness and punctuality, accessibility and clarity, comparability, and coherence.

**1. Relevance**

'Relevance' denotes the degree to which statistics meet current and potential users' needs. It refers to whether all statistics that are needed are produced and the extent to which concepts used (definitions, classifications, etc.) reflect user needs.

The quality reports on structural statistics on labour costs and earnings respectively shall cover:

- a summary of national core users,
- a description of their main needs including an assessment of their level of satisfaction with the data offered,
- a description of any gap (completeness) or part which is not considered relevant any longer by the users (redundancy). With respect to completeness, missing variables and missing breakdowns of the variables shall be clearly described.

The coverage of the items referring to national core users and their main needs, including the provision of information on user satisfaction, is optional.

By way of derogation from Article 2, the optional information on the level of satisfaction with the data offered, if provided, shall be transmitted to Eurostat at the latest 36 months after the end of the reference period.

**2. Accuracy**

'Accuracy' in the general statistical sense denotes the closeness of computations or estimates to the exact or true values of the variables under consideration.

**2.1. Sampling errors**

As an indication of accuracy, the coefficient of variation <sup>(1)</sup> shall be calculated and transmitted for key variables of both surveys.

- (1) In the case of labour cost statistics the coefficient of variation shall be calculated and transmitted for the variables

'Annual labour costs' <sup>(2)</sup>

and

'Hourly labour costs' <sup>(3)</sup>.

Apart from the coefficients of variation for the population as a whole, separate coefficients of variation should also be made available for both variables for the following individual breakdowns:

- NACE sections,
- NUTS level 1 (if appropriate),
- size band (1-9 (if appropriate), 10-49, 50-249, 250-499, 500-999, 1 000+).

- (2) In the case of structural statistics on earnings the coefficient of variation shall be calculated and transmitted for the variables

'Gross earnings in the reference month' <sup>(4)</sup>

and

<sup>(1)</sup> The coefficient of variation is the ratio of the square root of the variance of the estimator to its expected value. It is estimated by the ratio of the square root of the estimate of the sampling variance to its estimated mean. Both numerator and denominator of the ratio defining the coefficient of variation should be provided, together with the resulting coefficient of variation. The estimation of the sampling variance must take the sampling design into account.

<sup>(2)</sup> Code D (total labour costs), the sum of the values of codes D1, D2, D3 and D4 minus D5 in Annex I to Regulation (EC) No 1726/1999.

<sup>(3)</sup> Code D (total labour costs), the sum of the values of codes D1, D2, D3 and D4 minus D5, divided by the value of code B1, in Annex I to Regulation (EC) No 1726/1999.

<sup>(4)</sup> Code 4.2 (total gross earnings in the reference month) in Annex I to Regulation (EC) No 1916/2000.

‘Average gross hourly earnings in the reference month’ <sup>(5)</sup>.

Apart from the coefficients of variation for the population as a whole, separate coefficients of variation should also be made available for both variables for the following individual breakdowns:

- full-time (separately for men and women) and part-time employees,
- NACE section,
- occupation (ISCO-88 at the 1-digit level),
- age band (under 20, 20-29, 30-39, 40-49, 50-59, 60 and over),
- NUTS level 1 (if appropriate),
- level of education (ISCED 0 to 6),
- size band of the enterprise (1-9 (if appropriate), 10-49, 50-249, 250-499, 500-999, 1 000+).

The breakdown by level of education is optional.

In addition, the Member States shall transmit a list of those cells of the multidimensional tables of the publication programme at European level as agreed with the Member States which are deemed not to be sufficiently reliable.

If non-probability sampling is used, a description of the possible sources of imprecision due to the sampling technique used and their effect on the estimations, if available, shall be provided instead.

## 2.2. *Non-sampling errors*

### 2.2.1. Coverage errors

The quality reports on structural statistics on labour costs and earnings respectively shall include the following information on coverage:

- description of any difference between the reference and the study population,
- estimated rates of under- and over-coverage <sup>(6)</sup> for the reference population.

### 2.2.2. Measurement and processing errors

The quality reports on structural statistics on labour costs and earnings respectively shall include the following information on measurement and processing errors <sup>(7)</sup>:

- information on variables with non-negligible measurement and processing errors,
- information on main sources of (non-negligible) measurement and processing errors, their impact on the accuracy of the estimations and, if available, on methods applied for correction.

### 2.2.3. Non-response errors

The quality reports on structural statistics on labour costs and earnings respectively shall include the following information on non-response errors:

- unit response rate <sup>(8)</sup>,
- item imputation rate <sup>(9)</sup> and the effect of the imputation on the accuracy of the estimations for the variables ‘Annual labour costs’ and ‘Gross earnings in the reference month’ respectively as defined in point 2.1,
- overall imputation rate <sup>(10)</sup>. If the information is not available for all mandatory variables, the calculation shall be based on those mandatory variables for which the necessary information is available.

<sup>(5)</sup> Code 4.3 in Annex I to Regulation (EC) No 1916/2000.

<sup>(6)</sup> ‘Under-coverage’ refers to units erroneously not included in the frame. ‘Over-coverage’ relates either to units that are in fact out of scope or to units that do not exist in practice.

<sup>(7)</sup> Measurement errors are errors that occur at the time of data collection. There are a number of sources of measurement errors, including the survey instrument, the respondent, the information system, the mode of data collection and the interviewer. Processing errors are errors in post-data-collection processes such as data entry, coding, keying, editing, weighting and tabulating.

<sup>(8)</sup> The unit response rate is the ratio, expressed as a percentage, of the number of responses to the total number of in-scope respondents.

<sup>(9)</sup> The item imputation rate gives the imputed values for a specific variable as a percentage of the total number of values for this variable.

<sup>(10)</sup> The overall imputation rate gives the imputed values for all variables as a percentage of the total number of values for these variables.

#### 2.2.4. Model assumption errors

If modelling is used, the quality reports on structural statistics on labour costs and earnings respectively shall include a description of the models used and an indication of their effects on the estimates (e.g. estimated share of the variable's total), at least for the variables 'Annual labour costs' and 'Gross earnings in the reference month' respectively as defined in point 2.1.

Particular emphasis shall be given to models for the correction of non-sampling errors such as coverage of units of all requested size classes or NACE sections, imputation or grossing-up to correct for unit non-response.

### 3. Punctuality and timeliness

'Punctuality' refers to the time lag between the release date of data and the target date when it should have been delivered, for instance with reference to dates announced in official release calendars, laid down by Regulations or previously agreed among partners.

'Timeliness' of information reflects the length of time between its availability and the event or phenomenon it describes.

#### 3.1. Punctuality

In order to understand and to remove problems related to punctuality, information shall be delivered on the process of the survey implementation at national level with a special emphasis on the correspondence between scheduled and actual dates:

- deadlines for the respondents to reply, also covering recalls and follow-ups,
- period of the fieldwork,
- period of data processing,
- dates of publication of first results.

#### 3.2. Timeliness

The quality reports on structural statistics on labour costs and earnings respectively shall contain information on the length of time between the release of data and the reference period of the data at national level.

### 4. Accessibility and clarity

'Accessibility' refers to the physical conditions in which users can obtain data: where to go, how to get access, delivery time, convenient marketing conditions (copyright, etc.), availability of micro or macro data, various formats and data carriers (paper, files, CD-ROM/DVD, Internet), etc.

'Clarity' refers to the degree of comprehensibility, including data information environment, i.e. whether data are accompanied by appropriate metadata, illustrations such as graphs and maps, whether information on their quality is available (including limitations on use) and the extent to which additional assistance is provided.

By way of derogation from Article 2, information on accessibility and clarity shall be transmitted to Eurostat at the latest 36 months after the end of the reference period.

#### 4.1. Accessibility

The quality reports on structural statistics on labour costs and earnings respectively shall contain the following information on the dissemination modes of the results:

- references for core results publications, including those with commentary in the form of text, graphs, maps, etc,
- information on what results, if any, are sent to reporting units included in the sample.

#### 4.2. Clarity

The quality reports on structural statistics on labour costs and earnings respectively shall contain the following information on the comprehensibility of the results and the availability of metadata:

- description of and references for metadata provided,
- references for core methodological documents relating to the statistics provided,
- description of main actions carried out by the national statistical services to inform users about links to the data.

## 5. Comparability

'Comparability' aims at measuring the impact of differences in applied statistical concepts and measurement tools/procedures when statistics are compared between geographical areas, non-geographical domains, or over time.

### 5.1. Geographical comparability

The quality reports on structural statistics on labour costs and earnings respectively shall contain information on differences between national and European concepts, especially on the definition of statistical units, populations, reference times, classifications and definitions of variables, and their effects on the estimates.

### 5.2. Comparability over time

The quality reports on structural statistics on labour costs and earnings respectively shall contain information on changes in definitions, coverage and methods compared with previous surveys, and their effects on the estimates. Information on changes in definitions, coverage and methods, however, is not requested when these changes are the result of amendments to Community legislation.

## 6. Coherence

'Coherence' of statistics is the extent to which they can be reliably combined in different ways and for various uses. It is, however, generally easier to identify cases of incoherence than to prove coherence.

Sources with similar or even identical variables to structural statistics on earnings and labour costs are the Labour Force Survey (LFS), Structure of Business Statistics (SBS), Labour Cost Index (LCI) and National Accounts (NA). The quality reports on structural statistics on labour costs and earnings respectively shall contain comparisons of data on the following variables from these sources, in total and broken down by NACE sections, and give indications of the reasons if the values differ considerably.

(1) In the case of structural statistics on labour costs, comparisons shall be made between:

- the number of hours actually worked in the reference year, expressed per employee <sup>(11)</sup>, and the average actual hours worked in the main job per year of the LFS, again expressed per employee,
- the variable 'wages and salaries', expressed per employee <sup>(12)</sup>, and the same variable, per employee of the SBS,
- the average annual growth rates of the variable 'hourly labour costs' <sup>(13)</sup> and the average annual growth rate of the unadjusted LCI. The growth rates should refer to the reference year of the survey and that of the previous survey,
- the variable 'compensation of employees', expressed per employee <sup>(14)</sup>, and the same variable of the NA.

(2) In the case of structural statistics on earnings, comparisons shall be made between:

- the variable 'gross annual earnings in the reference year', expressed per employee <sup>(15)</sup>, and the variable 'wages and salaries', per employee, of the NA.

<sup>(11)</sup> Code B1, divided by the value of code A1, in Annex I to Regulation (EC) No 1726/1999.

<sup>(12)</sup> Code D11, divided by the value of code A1, in Annex I to Regulation (EC) No 1726/1999.

<sup>(13)</sup> As defined in point 2.1.

<sup>(14)</sup> Code D1, divided by the value of code A1, in Annex I to Regulation (EC) No 1726/1999.

<sup>(15)</sup> Code 4.1, divided by the number of employees, in Annex I to Regulation (EC) No 1916/2000.

**COMMISSION REGULATION (EC) No 699/2006****of 5 May 2006****amending Annex I to Council Regulation (EEC) No 2092/91 as regards conditions of access for poultry to open-air runs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs <sup>(1)</sup>, and in particular the second indent of Article 13 thereof,

Whereas:

- (1) According to the principles of organic farming, livestock should have access to open-air or grazing areas, whenever weather conditions permit.
- (2) Current rules on organic production provide an exception to this principle for mammals where Community or national requirements relating to specific animal health problems prevent access of these animals to outdoor areas. However, no exception is provided for organic poultry.
- (3) In the light of current concerns about the spread of avian influenza, it is necessary to take account of precautionary measures which may require poultry to remain indoors. For the sake of coherence and clarity and in order to guarantee the continuity of the organic poultry production system, it is also necessary to allow producers to keep their poultry indoors without losing organic status, where restrictions, including veterinary restrictions, which are taken on the basis of Community law for the purpose of protecting public or animal health, prevent poultry from having access to the open-air or to grazing areas.
- (4) Restricting access to outdoor runs for poultry used to permanent outdoor access may compromise their welfare. In order to reduce the negative impact of such

measures the animals shall have permanent access to sufficient quantities of roughage and suitable material allowing each bird to take up roughage, scratch and dust bath according to its needs.

- (5) Regulation (EEC) No 2092/91 should therefore be amended accordingly.
- (6) There is an urgent need for the measures provided for in this Regulation, considering that restrictions are already being applied in certain Member States. This Regulation should therefore enter into force on the day of its publication in the *Official Journal of the European Union*.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee set up by Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

*Article 1*

In part B of Annex I to Regulation (EEC) No 2092/91 the following point 8.4.7 is added:

- ‘8.4.7. Notwithstanding the provisions laid down in points 8.4.2 and 8.4.5, poultry may be kept indoors where restrictions, including veterinary restrictions, which are taken on the basis of Community law for the purpose of protecting public or animal health, prevent or restrict access of poultry to open-air runs.

Where poultry are kept indoors, they shall permanently have access to sufficient quantities of roughage and suitable material in order to meet the poultry's ethological needs.

The Commission shall examine the application of this paragraph, in particular as regards animal welfare requirements, by 15 October 2006.’

<sup>(1)</sup> OJ L 198, 22.7.1991, p. 1. Regulation as last amended by Commission Regulation (EC) No 592/2006 (OJ L 104, 13.4.2006, p. 13).

*Article 2*

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, 5 May 2006.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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## II

(Acts whose publication is not obligatory)

## COMMISSION

## COMMISSION DECISION

of 20 February 2006

**laying down a questionnaire to be used for reporting on the implementation of Directive 2000/76/EC on the incineration of waste**

(notified under document number C(2006) 438)

(Text with EEA relevance)

(2006/329/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste <sup>(1)</sup> and, in particular, Article 15 thereof,

Whereas:

- (1) Member States had to implement Directive 2000/76/EC before 28 December 2002 and will have to report about the implementation in accordance with a questionnaire to be developed by the Commission.
- (2) The overall purpose of this questionnaire is, through Member States' responses, to gather information on the implementation of Directive 2000/76/EC, and to identify approaches to regulating incineration and co-incineration plants across Member States.
- (3) The reporting period has to cover the first full three years after 28 December 2002, and has to be defined taking into account the reporting requirements of Directive 94/67/EC and 96/61/EC. Taking into account that Directive 2000/76/EC applies in full to all existing plants from 28 December 2005 onwards, and since the overwhelming majority of plants operated in the EU belong to the group of existing plants, and that Directive 94/67/EC is repealed as of 28 December 2005, and reporting under Directive 96/61/EC covers

the period to 2006-2008 inclusive, the most appropriate first full reporting period is 1 January 2006 to 31 December 2008.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 6 of Council Directive 91/692/EEC <sup>(2)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

1. Member States shall use the questionnaire laid down in the Annex for reporting on the implementation of Directive 2000/76/EC in accordance with Article 15 thereof.
2. The first report shall cover the three year period starting from 1 January 2006 and shall be transmitted to the Commission by 30 September 2009 at the latest.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 20 February 2006.

*For the Commission*  
Stavros DIMAS  
*Member of the Commission*

<sup>(1)</sup> OJ L 332, 28.12.2000, p. 91.

<sup>(2)</sup> OJ L 377, 31.12.1991, p. 48

## ANNEX

**Questionnaire to be used for reporting on the implementation of Directive 2000/76/EC on the incineration of waste**

*Please note:* Please provide references to identify information that has already been submitted to the Commission.

## IMPLEMENTATION OF THE DIRECTIVE

- Article 2(1)* 1. How many incineration plants and how many co-incineration plants in your Member State fall within the scope of Directive 2000/76/EC?
- Article 3* 2. Please describe any problems with the definitions given in Article 3 identified when transposing and implementing the Directive?
- Article 4(1)* 3. How many permits have been issued in accordance with Article 4(1) for:
- (a) new incineration plants?
  - (b) existing incineration plants?
  - (c) new co-incineration plants? and
  - (d) existing co-incineration plants?
- Note:* 'Existing' plants are as defined in Article 3 paragraph 6. 'New' plants are all other plants.
4. Have any mobile plants received permits under this Directive?
5. How many incineration plants and how many co-incineration plants have yet to be permitted in accordance with Article 4(1)?
- Article 4(4)* 6. Where these data are available, indicate the total permitted capacities of waste throughput for:
- (a) new incineration plants;
  - (b) existing incineration plants;
  - (c) new co-incineration plants; and
  - (d) existing co-incineration plants.
7. What categories of waste (as set up within the European Waste Catalogue, if possible) are being co-incinerated in cement plants?
8. What categories of waste (as set up within the European Waste Catalogue, if possible) are being co-incinerated in:
- (a) Combustion plants other than cement (e.g. power stations)?; and,
  - (b) Industrial sectors not covered under Annex II.1 or II.2 co-incinerating waste?
9. If these data are available, please identify the amounts of waste that may be co-incinerated in these plants.
- Article 4(5)* 10. What provisions are made within the permitting process for:
- (a) Identifying the quantities and categories of hazardous waste that may be treated?
  - (b) The minimum and maximum flows of hazardous wastes to be treated?
  - (c) The range of calorific values of hazardous wastes permitted and restrictions on the content of pollutants e.g. PCB, PCP, chlorine, fluorine, sulphur, heavy metals?

- Article 5(4)* 11. What wastes have been considered to be 'inappropriate' for representative sampling?
- Article 6(4)* 12. With regard to the furnace gas residence times and temperatures as laid out in Article 6(1):
- (a) Have any exemptions from the operating conditions been granted in accordance with Article 6(4)? (Yes/No)
  - (b) If the answer to (a) is 'yes', how many exemptions have been granted?
  - (c) Where these data are available, please describe the reasoning for granting the derogation(s) for each case including:
    - (i) identification of the capacity of the incinerator or co-incinerator;
    - (ii) the approximate age of the incinerator, or co-incinerator, or whether it is 'existing' plant as defined in article 3(6) or new plant;
    - (iii) the type of waste incinerated;
    - (iv) how the requirement to ensure that no more residues are produced compared to, and that the content of organic pollutants in those residues is no more than expected from, a non-exempted plant;
    - (v) the operating conditions laid down in the permit; and
    - (vi) the emission limit values to be met by the individual plant.
- Article 6(6)* 13. For incineration plants:
- (a) How many 'existing' plants recover heat generated by the incineration process?; and
  - (b) How many 'new' plants recover heat generated by the incineration process?
14. For co-incineration plants:
- (a) How many 'existing' plants recover heat generated by the incineration process? and
  - (b) How many 'new' plants recover heat generated by the incineration process?
- Article 7(1)* 15. For incineration plants, what measures are in place (in addition to the report requested under Article 12(2), if any) to ensure that plants are designed, equipped, built and operated to so that the emission limit values (as set out in Annex V of the Directive) are not exceeded?
- Article 7(2)* 16. For co-incineration plants, what measures are in place (in addition to the report requested under Article 12 (2), if any) to ensure that plants are designed, equipped, built and operated to so that the emission limit values (as set out in Annex II of the Directive) are not exceeded?
17. For cement kilns co-incinerating waste, have any exemptions from the emission limits for NO<sub>x</sub>, dust, SO<sub>2</sub> or TOC been granted in accordance with Annex II.1? (Yes/No)
- (a) If the answer is 'yes', how many exemptions have been granted? and
  - (b) Where these data are available, please describe the reasoning for granting the derogation(s) for each case including:
    - (i) Identification of the capacity of the plant;
    - (ii) Identification of the age of the plant;
    - (iii) The type of waste co-incinerated;
    - (iv) The operating conditions laid down in the permit; and
    - (v) The emission limits values to be met by each plant.

- Article 7(2) & (4)* 18. How many co-incineration plants are subject to the emission limits provided in Annex V of the Directive (i.e. where co-incineration of untreated municipal waste is undertaken or more than 40 % of the heat release results from the combustion of hazardous waste)?
- Article 7(5)* 19. For releases to air from incineration and co-incineration plants, have emission limit values additional to those given in Annex II or Annex V, as appropriate, been set? (Yes/No)
- If 'yes' and where these data are available, please identify:
- (a) The plants to which they apply (i.e. incineration or co-incineration).
  - (b) Which of these plants are 'new' or 'existing'.
  - (c) The pollutants to which they apply.
  - (d) Why they are applied.
  - (e) The limit values.
  - (f) Whether they are monitored continuously or discontinuously.
- Article 8(2), (3), (4) & (5)* 20. How are emission limit values for discharges of waste water from flue gas cleaning equipment to the aquatic environment determined?
- Article 8(6)a* 21. What provisions are made within the permitting process to control emissions of those substances listed in Annex IV?
- Article 8(6)b* 22. What operational control parameters are set within the permitting process for waste water discharges?
- Article 8(7)* 23. What provisions have been made to ensure protection of soil, surface waters or groundwater in accordance with Article 8(7)?
24. What criteria are used to ensure that storage capacity is adequate for waters to be tested and treated before discharge where necessary?
- Article 8(8)* 25. If emission limit values have been set for pollutants, in addition to those pollutants specified in Annex IV:
- (a) To which plants do they apply (i.e. incineration or co-incineration, 'new' or 'existing')?
  - (b) To which pollutants do these apply?
  - (c) Why are they applied? And
  - (d) What are the limit values?
- Article 9* 26. What provisions in general have been made to minimize the quantities and harmfulness of residues resulting from incineration or co-incineration plants?
- Article 10(1)* 27. For incineration processes, what provisions have been made in order to monitor the relevant parameters, conditions and mass concentrations?
28. For co-incineration processes, what provisions have been made in order to monitor the relevant parameters, conditions and mass concentrations?
- Article 11* 29. What provisions are made within the permitting process to ensure compliance with the provisions of Article 11 paragraphs 2 to 12 and 17, as regards air, and paragraphs 9 and 14 to 17 as regards water?
- Article 11(11)* 30. Please describe any official guidance that has been developed on producing validated daily average emission data?

- Article 11(17)* 31. What are the procedures for informing the competent authority in the event of breach of an emission limit?
- Article 12(1)* 32. What arrangements are made to ensure public participation in the permitting process?
- Article 12(1) & (2)* 33. With regard to the availability of information throughout the permitting process:
- (a) Is there any information related to environmental aspects not publicly available on the application, decision process and subsequent permit?
  - (b) Where these data are available, please specify:
    - Whether this information is available free of charge (Yes/no); and if 'no',
    - The level of charges made, and in what circumstances these charges are applied.
- Article 12(2)* 34. For incineration plant with a nominal capacity of two tonnes or more per hour, what provisions are made to require an operator to submit an annual report on the functioning and monitoring of the plant to the competent authority?
35. For co-incineration plant with a nominal capacity of two tonnes or more per hour, what provisions are made to require an operator to submit an annual report on the functioning and monitoring of the plant to the competent authority?
36. If an Annual Report is provided:
- (a) What information does this contain?
  - (b) How may a private citizen/member of the public view this report?
37. For incineration or co-incineration plant with a nominal capacity of less than two tonnes per hour, how are these plants publicly identified?
- Article 13(1)* 38. What provisions are made within a permit to control the period of operation of an incineration or co-incineration plant during abnormal operation (i.e. stoppages, disturbances or failure of abatement or monitoring equipment)?
39. For incineration and co-incineration processes what are the maximum permissible periods of operation during abnormal operation (i.e. before the plant must shut down)?
- Article 16* 40. What information, if any, do you have to suggest that the Directive should be amended with regards to Articles 10, 11 and 13 and, Annexes I and III.
-

## COMMISSION DECISION

of 5 April 2006

**amending Decision 2005/432/EC laying down the animal and public health conditions and model certificates for imports of meat products for human consumption from third countries and repealing Decisions 97/41/EC, 97/221/EC and 97/222/EC**

(notified under document number C(2006) 1319)

(Text with EEA relevance)

(2006/330/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC <sup>(1)</sup>, and in particular Article 10(2)(c) thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption <sup>(2)</sup>, and in particular the introductory phrase of Article 8, the first paragraph of Article 8(1), Article 8(4) and Articles 9(2)(b), (4)(b) and (c) thereof.

Whereas:

- (1) Council Decision 79/542/EEC of 21 December 1976 drawing up a list of third countries or parts of third countries, and laying down animal and public health and veterinary certification conditions, for importation into the Community of certain live animals and their fresh meat <sup>(3)</sup> establishes the animal health conditions for imports into the Community of live animals, excluding equidae, and of fresh meat of such animals but excluding meat preparations.
- (2) Commission Decision 2005/432/EC <sup>(4)</sup> lays down animal and public health rules on imports into the Community of consignments of certain meat products, including the lists of third countries and parts of third countries from which imports of such products are to be authorised. That Decision also lays down the model public and animal health certificates and rules on treatments required for those products.

- (3) It is necessary to ensure that there is proper correlation with the regionalisation, where applicable, of third countries, and in particular of Brazil, Namibia and South Africa, for the purposes of importing fresh meat into the Community, in order to ensure that any meat used in meat products does not come from animals from premises subject to restrictions on grounds of disease, to clarify the use of offal in certain meat products and to spell out clearly the requirements for meat of game birds used in meat products.
- (4) Serbia and Montenegro are Republics with their own customs territories, which together form a State Union. They should therefore be entered separately on the list of third countries and parts of third countries from which imports of meat products are to be authorised.
- (5) Decision 2005/432/EC should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2005/432/EC is amended as follows:

1. Article 4 is replaced by the following:

*'Article 4*

**Animal health conditions concerning the origin and treatment of the meat products**

Subject to compliance with the conditions concerning the origin and treatment of the meat products set out in Annex I(1) and (2), Member States shall authorise imports of meat products originating in the following third countries and parts of third countries:

<sup>(1)</sup> OJ L 62, 15.3.1993, p. 49. Directive as last amended by Commission Regulation (EC) No 445/2004 (OJ L 72, 11.3.2004, p. 60).

<sup>(2)</sup> OJ L 18, 23.1.2003, p. 11.

<sup>(3)</sup> OJ L 146, 14.6.1979, p. 15. Decision as last amended by Commission Decision 2006/259/EC (OJ L 93, 31.3.2006, p. 65).

<sup>(4)</sup> OJ L 151, 14.6.2005, p. 3.

(a) in the case of meat products not subject to a specific treatment as referred to in point 2(a)(ii) of Annex I, the third countries listed in Part 2 of Annex II and the parts of third countries listed in Part 1 of that Annex;

(b) in the case of meat products subject to a specific treatment as referred to in point 2(a)(ii) of Annex I, the third countries listed in Parts 2 and 3 of Annex II and the parts of third countries listed in Part 1 of that Annex.;

2. Annexes I, II and III are replaced by the text in the Annex to this Decision.

*Article 2*

This Decision shall apply from 1 July 2006.

However, animal and public health certificates issued before the date of application of this Decision may be used until 1 October 2006.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 5 April 2006.

*For the Commission*

Markos KYPRIANOU

*Member of the Commission*

## ANNEX

## 'ANNEX I

1. Meat products originating in the third countries or parts of third countries referred to in Article 4(a) shall contain meat eligible for import into the Community as fresh meat and/or meat products derived from one or more of the species or animals which have undergone a non-specific treatment as set out in Part 4 of Annex II.
  2. Meat products originating in the third countries or parts of third countries referred to in Article 4(b) shall comply with the following conditions set out in (a), (b) or (c).
    - (a) the meat products must:
      - (i) contain meat and/or meat products derived from a single species or animal as set out under the relevant column in Parts 2 and 3 of Annex II indicating the species or animal concerned; and
      - (ii) have undergone at least the specific treatment required for meat of that species or animal as set out in Part 4 of Annex II; or
    - (b) the meat products must:
      - (i) contain fresh, processed or partly processed meat of more than one species or animal as set out under the relevant column of Parts 2 and 3 of Annex II which are mixed prior to undergoing their final treatment as set out in Part 4 of Annex II; and
      - (ii) the final treatment referred to in (i) must be at least as severe as the most severe treatment set out in Part 4 of Annex II for meat of the species or animals concerned as set out under the relevant column in Parts 2 and 3 of Annex II; or
    - (c) the final meat products must:
      - (i) be prepared by mixing previously treated meat of more than one species or animal; and
      - (ii) the previous treatment referred to in (i) which each meat component of the meat product has undergone must have been at least as severe as the relevant treatment set out in Part 4 of Annex II for the species or animal concerned as set out under the relevant column.
  3. The treatments set out in Part 4 of Annex II shall constitute the minimum acceptable processing conditions for animal health purposes for meat derived from the relevant species or animal originating in the third countries or parts of third countries listed in Annex II. However, in cases where offal is not authorised owing to animal health restrictions, it may be used in a meat product provided the relevant treatment referred to in Part 2 of Annex II is carried out. In addition, an establishment may be authorised to produce meat products that have undergone treatments B, C or D as referred to in Part 4 of Annex II, even where that establishment is located in a third country or part of a third country that is not authorised for imports into the Community of fresh meat.
-

## ANNEX II

## PART 1

## Regionalised territories for the countries listed in Parts 2 and 3

Country	Territory		Description of territory
	ISO code	Version	
Argentina	AR	01/2004	Whole country
	AR-1	01/2004	The whole country, except the Provinces of Chubut, Santa Cruz and Tierra del Fuego for the species covered by Decision 79/542/EEC (as last amended)
	AR-2	01/2004	The Provinces of Chubut, Santa Cruz and Tierra del Fuego for the species covered by Decision 79/542/EEC (as last amended)
Bulgaria (*)	BG	01/2004	Whole country
	BG-1	01/2004	As described in Annex II, Part I, to Decision 79/542/EEC (as last amended)
	BG-2	01/2004	As described in Annex II, Part I, to Decision 79/542/EEC (as last amended)
Brazil	BR	01/2004	Whole country
	BR-1	01/2005	States of Rio Grande do Sul, Santa Catarina, Paraná, São Paulo and Mato Grosso do Sul
	BR-2	01/2005	Part of the State of Mato Grosso do Sul (except for the municipalities of Sonora, Aquidauana, Bodoqueno, Bonito, Caracol, Coxim, Jardim, Ladario, Miranda, Pedro Gomes, Porto Murtinho, Rio Negro, Rio Verde of Mato Grosso and Corumbá); State of Paraná; State of São Paulo; part of the State of Minas Gerais (except the regional delegations of Oliveira, Passos, São Gonçalo de Sapucaí, Setelagoas and Bambuí); State of Espírito Santo; State of Rio Grande do Sul; State of Santa Catarina; State of Goiás; part of the State of Mato Grosso comprising: the regional unit of Cuiabá (except for the municipalities of San Antonio de Leverger, Nossa Senhora do Livramento, Pocone and Barão de Melgaço); the regional unit of Cáceres (except for the municipality of Cáceres); the regional unit of Lucas do Rio Verde; the regional unit of Rondonópolis (except for the municipality of Itiquira); the regional unit of Barra do Garça and the regional unit of Barra do Burges
	BR-3	01/2005	States of Goiás, Minas Gerais, Mato Grosso, Mato Grosso do Sul, Paraná, Rio Grande do Sul, Santa Catarina and São Paulo
Malaysia	MY	01/2004	Whole country
	MY-1	01/2004	Peninsular (Western) Malaysia only
Namibia	NA	01/2005	Whole country
	NA-1	01/2005	South of the cordon fences which extend from Palgrave Point in the west to Gam in the east
South Africa	ZA	01/2005	Whole country
	ZA-1	01/2005	The whole country except: the part of the foot-and-mouth disease control area situated in the veterinary regions of Mpumalanga and Northern provinces, the district of Ingwavuma in the veterinary region of Natal and in the border area with Botswana east of longitude 28°, and the district of Camperdown in the province of KwaZulu-Natal

(\*) Only applicable until this Acceding State becomes a Member State of the European Union.

## PART 2

## Third countries or parts thereof from which imports of meat products into the Community are authorised

ISO code	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game- (excluding swine)	Domestic ovine/ caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Domestic poultry 2. Farmed feathered (except raites)	Farmed raites	Domestic rabbit and farmed leporidae	Wild cloven-hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
AR	Argentina AR	C	C	C	A	A	A	A	C	C	XXX	A	D	XXX
	Argentina AR-1 (1)	C	C	C	A	A	A	A	C	C	XXX	A	D	XXX
	Argentina AR-2 (1)	A (2)	A (2)	C	A	A	A	A	C	C	XXX	A	D	XXX
AU	Australia	A	A	A	A	D	D	A	A	A	XXX	A	D	A
BG	Bulgaria (****) BG	D	D	D	A	A	A	A	D	D	XXX	A	A	XXX
	Bulgaria BG-1	A	A	D	A	A	A	A	A	D	XXX	A	A	XXX
	Bulgaria BG-2	D	D	D	A	A	A	A	D	D	XXX	A	A	XXX
BH	Bahrain	B	B	B	B	XXX	XXX	A	C	C	XXX	A	XXX	XXX
BR	Brazil	XXX	XXX	XXX	A	D	D	A	XXX	XXX	XXX	A	D	XXX
	Brazil BR-1	XXX	XXX	XXX	A	XXX	A	A	XXX	XXX	XXX	A	A	XXX
	Brazil BR-2	C	C	C	A	D	D	A	C	XXX	XXX	A	D	XXX
	Brazil BR-3	XXX	XXX	XXX	A	A	XXX	A	XXX	XXX	XXX	A	D	XXX
BW	Botswana	B	B	B	B	XXX	A	A	B	B	A	A	XXX	XXX
BY	Belarus	C	C	C	B	XXX	XXX	A	C	C	XXX	A	XXX	XXX
CA	Canada	A	A	A	A	A	A	A	A	A	XXX	A	A	A
CH	Switzerland	A	A	A	A	A	A	A	A	A	XXX	A	A	XXX
CL	Chile	A	A	A	A	A	A	A	B	B	XXX	A	A	XXX
CN	China	B	B	B	B	B	B	A	B	B	XXX	A	B	XXX
CO	Colombia	B	B	B	B	XXX	A	A	B	B	XXX	A	XXX	XXX

ISO code	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game- (excluding swine)	Domestic ovine/caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Domestic poultry 2. Farmed feathered game (except raites)	Farmed raites	Domestic rabbit and farmed leporidae	Wild cloven-hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
ET	Ethiopia	B	B	B	B	XXX	XXX	A	B	B	XXX	A	XXX	XXX
GL	Greenland	XXX	XXX	XXX	XXX	XXX	XXX	A	XXX	XXX	XXX	A	A	A
HK	Hong Kong	B	B	B	B	D	D	A	B	B	XXX	A	XXX	XXX
HR	Croatia	A	A	D	A	A	A	A	A	D	XXX	A	A	XXX
IL	Israel	B	B	B	B	A	A	A	B	B	XXX	A	A	XXX
IN	India	B	B	B	B	XXX	XXX	A	B	B	XXX	A	XXX	XXX
IS	Iceland	B	B	B	A	A	A	A	B	B	XXX	A	A	XXX
KE	Kenya	B	B	B	B	XXX	XXX	A	B	B	XXX	A	XXX	XXX
KR	South Korea	XXX	XXX	XXX	XXX	D	D	A	XXX	XXX	XXX	A	D	XXX
MA	Morocco	B	B	B	B	XXX	XXX	A	B	B	XXX	A	XXX	XXX
MG	Madagascar	B	B	B	B	D	D	A	B	B	XXX	A	D	XXX
MK	Former Yugoslav Rep. of Macedonia (*)	A	A	B	A	XXX	XXX	A	B	B	XXX	A	XXX	XXX
MU	Mauritius	B	B	B	B	XXX	XXX	A	B	B	XXX	A	XXX	XXX
MX	Mexico	A	D	D	A	D	D	A	D	D	XXX	A	D	XXX
MY	Malaysia MY	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX
	Malaysia MY-1	XXX	XXX	XXX	XXX	D	D	A	XXX	XXX	XXX	A	D	XXX
NA	Namibia (1)	B	B	B	B	D	A	A	B	B	A	A	D	XXX
NZ	New Zealand	A	A	A	A	A	A	A	A	A	XXX	A	A	A
PY	Paraguay	C	C	C	B	XXX	XXX	A	C	C	XXX	A	XXX	XXX
RO	Romania (***)	A	A	D	A	A	A	A	A	D	XXX	A	A	A

ISO code	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game- (excluding swine)	Domestic ovine/caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Domestic poultry 2. Farmed feathered game (except ratites)	Farmed ratites	Domestic rabbit and farmed leporidae	Wild cloven-hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
RU	Russia	C	C	C	B	XXX	XXX	A	C	C	XXX	A	XXX	A
SG	Singapore	B	B	B	B	D	D	A	B	B	XXX	A	XXX	XXX
SZ	Swaziland	B	B	B	B	XXX	XXX	A	B	B	A	A	XXX	XXX
TH	Thailand	B	B	B	B	A	A	A	B	B	XXX	A	D	XXX
TN	Tunisia	C	C	B	B	A	A	A	B	B	XXX	A	D	XXX
TR	Turkey	XXX	XXX	XXX	XXX	D	D	A	XXX	XXX	XXX	A	D	XXX
UA	Ukraine	XXX	XXX	XXX	XXX	XXX	XXX	A	XXX	XXX	XXX	A	XXX	XXX
US	United States	A	A	A	A	A	A	A	A	A	XXX	A	A	XXX
UY	Uruguay	C	C	B	A	D	A	A	XXX	XXX	XXX	A	D	XXX
XM	Montenegro (**)	A	A	D	A	D	D	A	D	D	XXX	A	XXX	XXX
XS	Serbia (***) (****)	A	A	D	A	D	D	A	D	D	XXX	A	XXX	XXX
ZA	South Africa (1)	C	C	C	A	D	A	A	C	C	A	A	D	XXX
ZW	Zimbabwe (1)	C	C	B	A	D	A	A	B	B	XXX	A	D	XXX

(1) See Part 3 of this Annex for the minimum treatment requirements applicable to pasteurised meat products and biltong.

(2) For meat products prepared from fresh meat obtained from animals slaughtered after 1 March 2002.

(\*) The Former Yugoslav Republic of Macedonia; provisional code that does not prejudice in any way the definitive nomenclature for this country, which will be agreed following the conclusion of negotiations currently taking place on this subject in the United Nations.

(\*\*) Serbia and Montenegro are Republics with individual customs territories that together form a State Union and therefore have to be listed separately.

(\*\*\*) Only applicable until this Accession State becomes a Member State of the Community.

(\*\*\*\*) Not including Kosovo as defined by United Nations Security Council Resolution 1244 of 10 June 1999.

XXX No certificate laid down and meat products containing meat of this species are not authorised.

## PART 3

Third countries or parts thereof not authorised under the non-specific treatment regime (A) but from where imports into the Community of biltong/jerky and pasteurised meat products are authorised

ISO code	Country of origin or part thereof	1. Domestic bovine 2. Farmed cloven-hoofed game (excluding swine)	Domestic ovine/caprine	1. Domestic porcine 2. Farmed cloven-hoofed game (swine)	Domestic soliped	1. Domestic poultry 2. Farmed feathered game	Ratites	Domestic rabbit and farmed leporidae	Wild cloven-hoofed game (excluding swine)	Wild swine	Wild soliped	Wild leporidae (rabbits and hares)	Wild game birds	Wild land mammalian game (excluding ungulates, solipeds and leporidae)
AR	Argentina AR	F	F	XXX	XXX	XXX	XXX	A	XXX	XXX	XXX	A	XXX	XXX
NA	Namibia	XXX	XXX	XXX	XXX	E	E	A	XXX	XXX	A	A	E	XXX
	Namibia NA-1	E	E	XXX	XXX	E	E	A	XXX	XXX	A	A	E	
ZA	South Africa	XXX	XXX	XXX	XXX	E	E	A	XXX	XXX	A	A	E	XXX
	South Africa ZA-1	E	E	XXX	XXX	E	E	A	XXX	XXX	A	A	E	
ZW	Zimbabwe	XXX	XXX	XXX	XXX	E	E	A	XXX	XXX	E	A	E	XXX

**PART 4****Interpretation of codes used in tables in Parts 2 and 3**

## TREATMENTS REFERRED TO IN ANNEX I

*Non-specific treatment:*

A = No minimum specified temperature or other treatment is established for animal health purposes for the meat product. However, the meat must have undergone a treatment such that its cut surface shows that it no longer has the characteristics of fresh meat and the fresh meat used must also satisfy the animal health rules applicable to exports of fresh meat into the Community.

*Specific treatments listed in descending order of severity:*

B = Treatment in a hermetically sealed container to an  $F_0$  value of three or more.

C = A minimum temperature of 80 °C which must be reached throughout the meat during the processing of the meat product.

D = A minimum temperature of 70 °C which must be reached throughout the meat during the processing of meat products, or for raw ham, a treatment consisting of natural fermentation and maturation of not less than nine months and resulting in the following characteristics:

—  $A_w$  value of not more than 0,93,

— pH value of not more than 6,0.

E = In the case of "biltong"-type products, a treatment to achieve:

—  $A_w$  value of not more than 0,93,

— pH value of not more than 6,0.

F = A heat treatment ensuring that a centre temperature of at least 65 °C is reached for a period of time as necessary to achieve a pasteurisation value (pv) equal to or above 40.

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## ANNEX III

**Model animal and public health certificate for meat products intended for consignment to the European Community from third countries (\*)**

## Model MEAT PRODUCT

<b>1. Consignor</b> (name and address in full) ..... ..... ..... .....	<b>VETERINARY CERTIFICATE</b> for meat product <sup>(1)</sup> imported into the European Community  No <sup>(2)</sup> <span style="float: right;">ORIGINAL</span>			
<b>2. Consignee</b> (name and address in full) ..... ..... ..... .....	<b>3. Origin of meat product <sup>(3)</sup></b> 3.1. Country: ..... 3.2. Code of territory: .....			
<b>5. Intended destination of meat product</b> 5.1. EU Member State: ..... 5.2. Establishment: Name and address ..... Approval or registration number (where applicable) ..... ..... .....	<b>4. Competent authority</b> 4.1. Ministry: ..... 4.2. Department: ..... ..... 4.3. Local/regional level: ..... ..... .....			
<b>7. Means of transport and consignment identification <sup>(4)</sup></b> 7.1. [Lorry]/ [Railway wagon]/[Ship]/[Aircraft] <sup>(5)</sup> 7.2. Registration number(s), ship's name or flight number: <sup>(4)</sup> ..... ..... .....	<b>6. Address(es) and veterinary approval number of: <sup>(6)</sup></b> 6.1. Establishment(s) supplying fresh meat: ..... ..... ..... 6.2. Meat product establishment: ..... ..... 6.3. Storage establishment ..... .....			
<b>8. Identification of meat product</b> 8.1. Indicate species of origin of meat(s) used in meat product ..... (animal species) <sup>(7)</sup> .				
<b>Domestic species:</b> Bovine <input type="checkbox"/> Ovine <input type="checkbox"/> Caprine <input type="checkbox"/> Porcine <input type="checkbox"/> Soliped <input type="checkbox"/> Poultry <input type="checkbox"/> specify .....				
<b>Farmed game:</b> Cloven hoofed (excluding swine) <input type="checkbox"/> (specify) .....; Swine <input type="checkbox"/> Birds <input type="checkbox"/> (specify) .....; Rabbits <input type="checkbox"/> Other leporidae <input type="checkbox"/> (specify) .....;				
<b>Wild game:</b> Cloven hoofed (excluding swine) <input type="checkbox"/> (specify) .....; Swine <input type="checkbox"/> Birds <input type="checkbox"/> (specify) .....; Soliped <input type="checkbox"/> Leporidae <input type="checkbox"/> (specify) .....; Others <input type="checkbox"/> (specify) .....;				
8.2. Description of meat product: .....				
8.3. Type of pieces: .....				
8.4. Type of packaging: .....				
8.5. Number of pieces or packages: .....				
8.6. Required storage and transport temperature: .....				
8.7. Storage life: .....				
8.8. Net weight: .....				

**9. Animal health attestation**

I, the undersigned official veterinarian, certify that:

9.1. the meat product contains the following meat components and meets the criteria indicated below:

Species (A)	Treatment (B)	Origin (C)

(A) Insert the code for the relevant species of meat (including offal) where BOV = domestic bovine animals (*Bos Taurus*, *Bison bison*, *Bubalus bubalus* and their crossbreeds); OVI = domestic sheep (*Ovis aries*) and goats (*Capra hircus*); EQI = domestic equine animals (*Equus caballus*, *Equus asinus* and their crossbreeds), POR = domestic porcine animals (*Sus scrofa*); RAB = domestic rabbits, PFG = domestic poultry and farmed feathered game, RUF farmed non-domestic animals other than suidae and solipeds; RUW = wild non-domestic animals other than suidae and solipeds; SUW = wild non-domestic suidae; EQW = wild non-domestic solipeds, WLP = wild leporidae, WGB = wild game birds.

(B) Insert A, B, C, D, E or F for the required treatment as specified and defined in Parts 2, 3 and 4 of Annex II to Decision 2005/432/EC.

(C) Insert the ISO code of the country of origin and, in the case of regionalisation under Community legislation for the relevant meat components, the region as indicated in Part 1 of Annex II to Decision 2005/432/EC.

<sup>(5)</sup> 9.2. the meat product described in 9.1 has been prepared from fresh meat of bovine, ovine, caprine, porcine, soliped, farmed and wild game animals of these species and the fresh meat used in the production of the meat products:

either [9.2.1. has undergone a non-specific treatment as specified under point A in Part 4 of Annex II to Decision 2005/432/EC] and: <sup>(5)</sup>

either [9.2.1.1. satisfies the relevant animal and public health requirements laid down in the appropriate health certificate(s) in Annex II, Part 2, to Council Decision 79/542/EEC and originates in a third country, or part thereof in the case of regionalisation under Community legislation, as described in the relevant column of part 2 of Annex II to Decision 2005/432/EC] <sup>(5)</sup>

or [9.2.1.1. originates in a Member State of the European Community] <sup>(5)</sup>

or [9.2.1. meets any requirements agreed under Directive 2002/99/EC, is derived from animals coming from a holding not subject to restrictions for the specific diseases mentioned in the appropriate health certificate(s) in Annex II, Part 2, to Council Decision 79/542/EEC and within a 10 km radius of which no outbreaks of such diseases have occurred in the last 30 days and has undergone the specific treatment laid down for the third country of origin or part thereof for the meat of the species concerned in Parts 2 or 3 (as appropriate) of Annex II to Commission Decision 2005/432/EC] <sup>(5)</sup>

<sup>(5)</sup> 9.3. the meat product described in 9.1 has been prepared from fresh meat of domestic poultry, including farmed or wild game birds, that:

either [9.3.1. has undergone a non-specific treatment as specified under point A in Part 4 of Annex II to Decision 2005/432/EC] and: <sup>(5)</sup>

either [9.3.1.1. satisfies the animal health requirements laid down in Commission Decision 94/984/EC] <sup>(5)</sup>

or [9.3.1.1. originates in a Member State of the European Community satisfying the requirements of Articles 3, 4 and 5 of Council Directive 91/494/EEC] <sup>(5)</sup>

or [9.3.1. originates in a third country referred to in Annex II, Chapter I, to Council Directive 92/118/EEC, comes from a holding not subject to restrictions for avian influenza or Newcastle disease within a 10 km radius of which no outbreaks of such diseases have occurred in the last 30 days and has undergone the specific treatment laid down for the third country of origin or part thereof for the meat of the species concerned in Parts 2 or 3 (as appropriate) of Annex II to Decision 2005/432/EC] <sup>(5)</sup>

or [9.3.1. originates in a third country referred to in Annex II, Chapter I, to Council Directive 92/118/EEC, comes from a holding not subject to restrictions for avian influenza or Newcastle disease within a 10 km radius of which no outbreaks of such diseases have occurred in the last 30 days, and has undergone the specific treatment referred to in points B, C or D in Part 4 of Annex II to Decision 2005/432/EC, provided that such treatment is more severe than that indicated in Parts 2 and 3 of Annex II to that Decision] <sup>(5)</sup>

<sup>(5)</sup> [9.4. in the case of meat products derived from fresh meat of leporidae and other land mammals:

satisfies the relevant animal health and public health requirements laid down in Commission Decision 2000/585/EC and has not come from a holding subject to restrictions for animal diseases affecting the animals concerned within a 10 km radius of which no outbreaks of such diseases have occurred in the last 30 days;

- 9.5. the meat product:
- 9.5.1. [consists of meat and/or meat products derived from a single species and has undergone the treatment satisfying the relevant conditions laid down in Annex II to Decision 2005/432/EC]
- or <sup>(5)</sup> 9.5.1. [consists of meat of more than one species and, after such meat has been mixed, the entire product has subsequently undergone a treatment at least as severe as that required for the meat components of the meat product as laid down in Annex II to Commission Decision 2005/432/EC]
- or <sup>(5)</sup> 9.5.1. [has been prepared from meat of more than one species and each meat component has previously undergone a treatment prior to mixing which meets the relevant treatment requirements for meat of that species as laid down in Annex II to 2005/432/EC]; <sup>(6)</sup>

9.6. after treatment all precautions to avoid contamination have been taken.

<sup>(5)</sup> [9.7. Additional guarantees:

in the case of poultrymeat products which have not undergone a specific treatment and are destined for Member States or regions thereof which have been recognised in accordance with Article 12 of Council Directive 90/539/EEC, the poultrymeat has been derived from poultry which was not vaccinated with a live vaccine against Newcastle disease in the 30 days prior to slaughter]

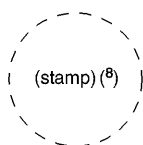
10. <sup>(5)</sup> <sup>(9)</sup> **Public Health Attestation**

- 10.1. the label affixed to the packaging of the meat products described above bears a mark to the effect that the meat products come wholly from fresh meat of animals slaughtered in slaughterhouses approved for export to the European Community or of animals slaughtered in a slaughterhouse designated for the delivery of meat for the required treatment as laid down in Parts 2 and 3 of Annex II to Decision 2005/432/EC;
- 10.2. the meat products have as such been passed as fit for human consumption following a veterinary inspection carried out in accordance with Directive 72/462/EEC;
- 10.3. the meat products have been obtained from pig meat which [has][has not] undergone an examination for trichinosis and, where it has not undergone the latter, has undergone cold treatment;
- 10.4. the means of transport and the loading conditions for meat products in this consignment meet the hygiene requirements laid down for exports to the European Community;
- 10.5. the meat products have been obtained from meat which satisfies the requirements in Chapter III of Directive 72/462/EEC and those in Article 3 of Directive 77/99/EEC, or have been obtained by virtue of the derogation provided for in Article 21a(2) of Directive 72/462/EEC.

11. <sup>(5)</sup> <sup>(10)</sup> **I have read and understood Annex II, Chapter I, to Directive 92/118/EEC (as last amended), including the specific provisions in that Chapter applying to the meat products described in 9.1, and certify that the products described in 9.1 meet the requirements provided for in that Chapter.**

12. **Official stamp and signature**

Done at ..... on .....



.....  
(signature of official veterinarian)

.....  
(name in capital letters, qualifications and title)

**Notes**

<sup>(1)</sup> Meat products as laid down in Article 2(a) of Directive 77/99/EEC.

<sup>(2)</sup> Issued by the competent authority.

<sup>(3)</sup> Country and description of territory in Annex II to Commission Decision 2005/432/EC.

<sup>(4)</sup> The registration number(s) of the railway wagon or lorry and the name of the ship should be given as appropriate. If known, the flight number of the aircraft should be given.

<sup>(5)</sup> Keep as appropriate.

<sup>(6)</sup> Complete as appropriate.

<sup>(7)</sup> Mark box accordingly

<sup>(8)</sup> The colour of the signature and the stamp, except where the latter is embossed or watermarked, shall be different from that of the printed form.

<sup>(9)</sup> In the case of meat products containing meat of bovine, ovine, caprine, porcine, soliped, farmed and wild game animals of these species.

<sup>(10)</sup> In the case of meat products containing meat of poultry, farmed and wild game birds, rabbit and wild leporidae.

(\*) Without prejudice to specific certification requirements provided for in Community agreements with third countries.'

## COMMISSION DECISION

of 5 May 2006

**derogating from Regulation (EC) No 2848/98 as regards the extension of the deadlines for delivering raw tobacco in Greece for the 2005 harvest***(notified under document number C(2006) 1784)***(Only the Greek text is authentic)**

(2006/331/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organisation of the market in raw tobacco <sup>(1)</sup>, and in particular Article 7 thereof,

Whereas:

(1) Article 16 of Commission Regulation (EC) No 2848/98 of 22 December 1998 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 as regards the premium scheme, production quotas and the specific aid to be granted to producer groups in the raw tobacco sector <sup>(2)</sup>, sets the deadlines for producers to deliver raw tobacco to processors. Although Regulation (EC) No 2848/98 was repealed by Commission Regulation (EC) No 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials <sup>(3)</sup> with effect from 1 January 2006, it continues to apply to the 2005 harvest by virtue of Article 172(3b) of Regulation (EC) No 1973/2004.

(2) As a result of especially difficult weather conditions in Greece, in particular much higher rainfall and lower temperatures than the seasonal averages, tobacco

preparation and delivery operations have been greatly delayed.

- (3) The deadlines for the delivery of raw tobacco to first processors in Greece should therefore be extended.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for Tobacco,

HAS ADOPTED THIS DECISION:

*Article 1*

Notwithstanding Article 16 of Regulation (EC) No 2848/98, for the 2005 harvest in Greece the deadlines set in that Article are hereby extended by 30 days.

*Article 2*

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 5 May 2006.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 215, 30.7.1992, p. 70. Regulation as last amended by Regulation (EC) No 1679/2005 (OJ L 271, 15.10.2005, p. 1).

<sup>(2)</sup> OJ L 358, 31.12.1998, p. 17. Regulation as last amended by Regulation (EC) No 1809/2004 (OJ L 318, 19.10.2004, p. 18).

<sup>(3)</sup> OJ L 345, 20.11.2004, p. 1. Regulation as last amended by Regulation (EC) No 263/2006 (OJ L 46, 16.2.2006, p. 24).