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

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

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[1] Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) No 1105/2010

of 29 November 2010

imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of high tenacity yarn of polyesters originating in the People's Republic of China and terminating the proceeding concerning imports of high tenacity yarn of polyesters originating in the Republic of Korea and Taiwan

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community [1] (the basic Regulation), and in particular Article 9(4) thereof,

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

Whereas:

1. PROCEDURE

1.1. Provisional measures

(1) The Commission, by Regulation (EU) No 478/2010 [2] (the provisional Regulation) imposed a provisional anti-dumping duty on imports of high tenacity yarn of polyesters (HTY) originating in the People's Republic of China (PRC). No provisional measures were imposed on imports of HTY originating in the Republic of Korea (Korea) and Taiwan.

(2) The proceeding was initiated as a result of a complaint lodged on 27 July 2009 by CIRFS-European Man-made Fibres Association (the complainant) on behalf of producers of HTY representing a major proportion, in this case more than 60 % of the total Union production of HTY.

(3) As set out in recital 15 of the provisional Regulation, the investigation of dumping and injury covered the period from 1 July 2008 to 30 June 2009 ('investigation period' or 'IP'). The examination of the trends for the assessment of injury covered the period from January 2005 to the end of the investigation period (period considered).

[1] OJ L 343, 22.12.2009, p. 51.
[2] OJ L 135, 2.6.2010, p. 3.

1.2. Subsequent procedure

(4) Subsequent to the disclosure of the essential facts and considerations on the basis of which it was decided to impose provisional anti-dumping measures (provisional disclosure), several interested parties made written submissions making their views known on the provisional findings. The parties who so requested were granted an opportunity to be heard. The Commission continued to seek and verify all information it deemed necessary for its definitive findings. The oral and written comments submitted by the interested parties were considered and, where appropriate, the provisional findings were modified accordingly.

(5) As regards the Union interest aspects, additional verification visits were carried out at the following companies:

Users in the Union:

— Continental AG,

— Oppermann Automotive Webbing GmbH,

— Katradis Marine Ropes Industry SA,

— Mehler Texnologies GmbH,

— E. Oppermann GmbH,

— Oppermann Industrial Webbing SRO,

— Contitech Transportbandsysteme GmbH.

(6) One interested party requested a hearing and the intervention of the Hearing Officer. This request was made after the provisional disclosure. The hearing in the presence of the Hearing Officer was granted.

(7) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive anti-dumping duty on imports of HTY originating in the PRC and the definitive collection of the amounts secured by way of the provisional duty (final disclosure). The parties were also granted a period within which they could make representations subsequent to this disclosure.

2. PRODUCT CONCERNED AND LIKE PRODUCT

(8) The product concerned is HTY (other than sewing thread), not put up for retail sale, including monofilament of less than 67 decitex originating in the PRC, Korea and Taiwan (the product concerned) currently falling within CN code 5402 20 00.

(9) Following the provisional disclosure, one party claimed that the Commission had not addressed the differences between the yarn used in the production of tyres, the so-called 'high modulus low shrinkage' (HMLS) yarn, and other types of yarns, as this type requires lengthy and costly technical tests before getting approvals for the HMLS specifications imposed by the purchasers. Moreover, this party claimed that it was not clear which factors were going into the provisional determination of the existence of a single product. Another party argued that HMLS and other types of yarns have different cost structures.

(10) In reply to these claims it should first be noted that the product concerned is used in a number of diverse applications such as tyre reinforcement, broad fabrics, seatbelts, airbags, ropes, nets and a number of industrial applications. There are therefore a great number of different applications and consequently many different types and specifications exist.

(11) In the determination that HMLS and other types of yarns constitute one single product, the main criteria were the basic physical, technical and chemical characteristics. Indeed, as explained in recital 19 of the provisional Regulation, the investigation showed that although HMLS yarn has some distinctive characteristics compared to other types of HTY (e.g. modulus, shrinkage, tensile strength and fatigue resistance), it is considered that all the different types of the product concerned share the same basic physical and chemical characteristics. They are therefore considered to constitute one single product.

(12) Regarding the claimed differences in cost structure, it should be noted that this does not constitute in itself a decisive criterion when determining whether HMLS constitutes a distinct product from other types of HTY. Differences in costs, prices and production process do not per se justify that a certain product type such as HMLS should be considered as a different product as long as this type shares the same basic physical, technical and chemical characteristics as the other product types.

(13) It was therefore not considered warranted to exclude HMLS from the scope of the investigation and consequently the claims in this respect had to be rejected.

(14) In the absence of any other comments concerning the product concerned and the like product, recitals 16 to 20 of the provisional Regulation are hereby confirmed.

3. DUMPING

3.1. Taiwan

3.1.1. *Normal value*

(15) One exporting producer in Taiwan provided evidence which demonstrated that the price of the main raw materials, purified terephthalic acid (PTA) and mono ethylene glycol (MEG), it purchased to produce HTY varied during the IP. In particular it emerged that the purchase prices sharply declined in particular in the fourth quarter of 2008. Hence it claimed that this should be taken into account when establishing its normal values in order to ensure a fair comparison with the export prices.

(16) The findings in recital 18 are the result of a very detailed analysis of the data submitted by the exporter and which was verified during the verification visit. Hence, it was considered that establishing normal values for certain periods of the IP to take account of the variation in raw material prices was justified in this case.

(17) There were no other comments concerning the method described in the provisional Regulation in recitals 86 and 87. The method used to establish normal value for the Taiwanese exporting producers can be confirmed.

3.1.2. *Export price*

(18) The investigation showed that the Taiwanese producer mentioned in recital 15 sold higher volumes of the product concerned to the Union market in the first half of the IP when raw material prices were lower. This finding should also be seen in the light of the contents of recital 16.

(19) In the absence of any comments concerning the export price, recital 88 of the provisional Regulation is hereby confirmed.

3.1.3. *Comparison*

(20) The normal value and export price were established as explained above. The normal value thus established for the said producer and its export price were compared at periods which were as close as possible to take account of differences affecting price comparability. This is in line with Article 2(10) of the basic Regulation.

(21) No other comments concerning the comparison of the normal value and the export price of the Taiwanese exporting producers were received. Hence, the contents of recital 89 of the provisional Regulation can be confirmed.

3.1.4. *Dumping margins*

(22) It is recalled that it was concluded in recital 92 of the provisional Regulation that the countrywide dumping margin for Taiwan was *de minimis*. The definitive dumping margin established for the Taiwanese producer mentioned in recital 15 is now below the *de minimis* threshold. It is therefore confirmed that the countrywide definitive dumping margin for Taiwan is *de minimis*.

3.2. **The PRC**

3.2.1. *Market economy treatment (MET)*

(23) It is recalled that 11 exporting producers in the PRC made themselves known. These companies represented 100 % of total exports of the product concerned to the Union market during the IP. A sample of three exporting producers or groups of related companies was selected based on the highest export volume for the purpose of establishing dumping for the PRC. The three sampled exporting producers requested MET, but only one was found to merit it.

(24) Following disclosure of the findings concerning MET, the two exporting producers to which MET was not granted submitted comments which are summarised below.

(25) The first exporting producer made comments concerning a restrictive clause in its business activities, problems encountered with its accounting and the payment of certain assets such as land use rights.

(26) This exporter admitted the existence of a restrictive clause in its Articles of Association (AoA). It claimed, but did not demonstrate, that such a clause had ceased to produce legal effects on its activity. Similarly, regarding the accounting problems, the company admitted the existence of discrepancies between the accounting records and the audited financial statements, but it claimed that these discrepancies were minor and explained during the investigation. It should be clarified that the problems encountered in the accounting of that company which led to the rejection of MET were not minor but substantial, in particular concerning the booking of certain assets and discrepancies found between certain ledgers and documents provided during the on-the-spot visit.

(27) The second exporting producer made comments in particular on the findings regarding the capital contribution, a restrictive clause in its business activities, and the acquisition of land use rights.

(28) Regarding the capital contribution, the exporter reiterated the same arguments as those made at the provisional stage, namely that the capital had been duly contributed. It argued that technical know-how is a special category of knowledge which does not require being patented or registered, and therefore, the capital contribution, although in kind, was correctly made. With regard to the latter issues, it reiterated that the restrictive clause is not mandatory for the company and that the investment requirements linked to the acquisition of the land are not distortions but are related to the authorities' land development policy.

(29) However, these arguments were already raised and rejected at the provisional stage. Even if the investment requirements are related to the authorities' land development policy, they are not considered to be compatible with the MET. No new evidence that could change the provisional conclusions reflected in the MET assessment in recitals 50 and 51 of the provisional Regulation was provided.

(30) On the basis of the above, the provisional findings made in recitals 46 to 52 of the provisional Regulation are confirmed.

3.2.2. *Individual examination*

(31) As mentioned in recital 28 of the provisional Regulation, two exporting producers which were not included in the sample requested that an individual margin of dumping be established pursuant to Article 17(3) of the basic Regulation. However, the requests for individual examination could be examined only after the imposition of the provisional measures.

(32) These companies replied to the MET claim form within the given deadlines. After the imposition of the provisional measures, the Commission sought and verified the information provided in the claim forms and all other information deemed necessary at the premises of the companies in question:

— Oriental Industries Co. Ltd,

— Hangzhou Huachun Chemical Fibers Co. Ltd.

(33) Briefly, and for ease of reference only, the MET criteria are set out in a summarised form below:

1. business decisions and costs are made in response to market conditions, and without significant State interference; costs of major inputs substantially reflect market values;

2. firms have one clear set of basic accounting records which are independently audited in line with International Accounting Standards (IAS) and are applied for all purposes;

3. there are no significant distortions carried over from the former non-market economy system;

4. bankruptcy and property laws guarantee legal certainty and stability;

5. exchange rate conversions are carried out at the market rate.

(34) Both companies had a restrictive clause concerning the repartition of sales between export and domestic markets in their registration documents. For one exporter, a number of inconsistencies and shortcomings in the accounting system of the applicant have been found, leading to the conclusion that the accounts were not clear, not prepared nor audited in accordance with international accounting standards. Finally, certain distortions carried over from the non-market economy system were found in particular with regard to the purchase of the company's land use rights.

(35) On this basis, it was concluded that none of the two companies demonstrated that they fulfilled all the criteria of Article 2(7)(c) of the basic Regulation and could not be granted MET.

3.2.3. *Individual treatment (IT)*

(36) Pursuant to Article 2(7)(a) of the basic Regulation, a countrywide duty, if any, is established for countries falling under that Article, except in those cases where companies are able to demonstrate that they meet all the criteria set out in Article 9(5) of the basic Regulation to be granted IT.

(37) The two exporting producers which requested individual examination did not meet the MET criteria but claimed IT in the event that they would not be granted MET.

(38) Briefly, and for ease of reference only, the IT criteria are set out below:

1. in the case of wholly or partly foreign owned firms or joint ventures, exporters are free to repatriate capital and profits;

2. export prices and quantities, and conditions and terms of sale are freely determined;

3. the majority of the shares belong to private persons. State officials appearing on the board of directors or holding key management positions shall either be in minority or it must be demonstrated that the company is nonetheless sufficiently independent from State interference;

4. exchange rate conversions are carried out at the market rate; and

5. State interference is not such as to permit circumvention of measures if individual exporters are given different rates of duty.

(39) On the basis of information available, it was established that these two exporting producers in the PRC, not included in the sample, which required individual examination, met all the above requirements to be granted IT as set forth in Article 9(5) of the basic Regulation.

3.2.4. *Analogue country*

(40) As mentioned in recitals 57 to 62 of the provisional Regulation, it was considered that the USA was not an appropriate analogue country for the purpose of establishing normal value for the PRC. Instead Taiwan was chosen as the appropriate analogue country to establish normal value for the PRC in accordance with Article 2(7) of the basic Regulation.

(41) Following the imposition of provisional measures, some parties suggested instead the use of Korea as an analogue country. They claimed that Korea was more appropriate than Taiwan because Korean exporting producers also use the recent one-step production technology, they have a high volume of comparability in end-products with the PRC, the Korean domestic market is large and comparable to that of the PRC and no company in Korea was found to be dumping.

(42) Regarding the selection of an analogue country, the following criteria were examined: the comparability of the production volume of end-products in the non-market economy country and in the potential analogue country, the representativeness of domestic sales (transactions) to unrelated customers as compared to exports of the product concerned originating in the non-market economy country, the level of competition in the domestic market of the analogue country, the comparability of access to raw material and energy, the readiness of exporters in the potential analogue country to cooperate in the investigation.

(43) A further analysis carried out after the imposition of the provisional measures was made on the basis of all the information available to analyse the relevant criteria. This analysis showed that there are indeed similarities between Korea and Taiwan in terms of some criteria. However, it appeared that on balance, Taiwan was the most suitable analogue country.

(44) The analysis showed that Korea and Taiwan have a high level of comparability in the volume of end-products manufactured with the producers in the PRC and a large volume of products sold domestically in both countries could be compared to exports made from the PRC. This criterion showed a slightly higher level of volume comparability for Korea as its production volume is larger than Taiwan.

(45) However, the importance of this criterion should not be overestimated over other criteria such as the representativeness of domestic sales transactions as compared to exports, the access to raw material and the level of competition in the analogue country.

(46) It was found that both Korea and Taiwan had a high number of representative domestic sales for which normal value would not be constructed, as compared to exports from the PRC. However, the transactions made by the Taiwanese exporters were found to be overall more representative than those of the Korean exporters. The normal value for a higher volume and for more types of the product concerned would have had to be constructed had Korea been chosen as analogue country.

(47) Regarding the level of competition, one party alleged that one Taiwanese exporting producer held a dominant position in its domestic market and that this should also preclude using Taiwan as an analogue country.

(48) A high number of producers may be an indication of competition in the country. But what also needs to be examined is whether or not producers in the analogue country are subject to competition which allows sufficient but not excessive profit.

(49) It was found that there are four domestic producers in Korea and that imports of HTY complement the domestic market. As regards Taiwan, there are two producers and the domestic market is also served by outside sources. Nevertheless, the investigation showed that, despite lower costs in Korea, the level of domestic prices was not lower than in Taiwan. The profits realised on the Korean market was 18 % on average with Korean HTY producers achieving profits above 20 % on turnover for the product concerned. This is much higher than Taiwan, where profits ranged between 5 % and 9 %.

(50) It is therefore considered that there is a high level of competition in Taiwan and that profits are not excessive.

(51) Concerning access to raw materials, Korea is by far one of the largest producers and exporters of PTA worldwide after Thailand. This competitive advantage of the Korean producers may explain, to a certain extent, why the raw material price in Korea was on average lower than in Taiwan and in the PRC. The investigation showed that most of the verified Korean companies sourced their raw material from related companies or could produce it themselves. By contrast, in Taiwan none of the companies investigated produced its raw material and mainly sourced it from related and unrelated parties, as is the case in the PRC.

(52) The information available and the fact that the Taiwanese exporting producers have related producers of HTY in the PRC suggest that the same sources of supply of raw material are used within the groups in order to realize economies of scale and obtain better prices. Hence it was considered that the conditions of access to raw material in the PRC are very similar to those in Taiwan.

(53) On that basis, it is considered that the choice of Taiwan was not unreasonable and more appropriate in this case. Taiwan is therefore confirmed as the analogue country.

3.2.5. *Normal value*

3.2.5.1. Sampled exporting producer granted MET

(54) In the absence of comments concerning the normal values established for the company granted MET, recitals 64 and 65 of the provisional Regulation are confirmed.

3.2.5.2. Exporting producers not granted MET

(55) As mentioned in recital 15, one exporter in Taiwan demonstrated that its purchase price of the main raw material used for the production of HTY varied during the IP and claimed to take this into account when establishing the normal value. This claim was considered to be founded and the normal values established for Taiwan, the analogue country in this case, were revised accordingly.

3.2.6. *Export price*

(56) As explained in recital 68 of the provisional Regulation, all sales of the product concerned made by the sampled exporting producers on the Union market were made directly to independent customers in the Union. Consequently, the export price was established in accordance with Article 2(8) of the basic Regulation, on the basis of prices actually paid or payable. The export sales of the individually examined companies were also made directly to unrelated customers and therefore the method described in recital 68 of the provisional Regulation was used also for theses companies in order to establish their export price.

(57) In the absence of any comments concerning the export price, recital 68 of the provisional Regulation is hereby confirmed.

3.2.7. *Comparison*

(58) The revised normal values established for the analogue country were compared with the export price of the cooperating exporting producers in the PRC. As shown in recital 63 below this led to reduced definitive dumping margins for the three sampled exporting producers in the PRC.

(59) It is noted that the indirect taxation adjustment mentioned in recital 69 of the provisional Regulation represents the difference between the value added tax (VAT) payable on domestic sales and that payable on the export sales transactions, due account being taken of the VAT refund rate on export sales. The cooperating exporting producers contested the manner in which the adjustment was calculated and claimed that the VAT regime applicable to specific processing and sales operations should be taken into consideration when assessing the amount of VAT not refunded.

(60) Regarding this claim it is noted that the adjustment was based on the provisions of Article 2(10)(b) of the basic Regulation which provides for an adjustment to normal value for import charges and indirect taxes — a category which includes VAT. On this basis the claim was rejected.

(61) In the absence of any other comments concerning the comparison, which would alter the provisional findings, recital 69 of the provisional Regulation is hereby confirmed.

3.2.8. *Dumping margins*

(62) The revised average normal values established for Taiwan, the analogue country, and the comparison with the export price of the Chinese exporting producers led to lower definitive dumping margins.

(63) These definitive dumping margins for the Chinese exporting producers are as follows:

— 5,1 % for Zhejiang Guxiandao Industrial Fibre Co. Ltd,

— 0 % for Zhejiang Hailide New Material Co. Ltd,

— 5,5 % for Zhejiang Unifull Industrial Fibre Co. Ltd,

— 5,3 % for cooperating companies not included in the sample.

(64) For the companies which requested individual examination the definitive dumping margins are the following:

— 9,8 % for Oriental Industries (Suzhou) Ltd,

— 0 % for Hangzhou Huachun Chemical Fiber Co. Ltd.

3.3. **The Republic of Korea**

3.3.1. *Normal value*

(65) In the absence of any other comments concerning the normal value, explained in recitals 75 to 76 of the provisional Regulation, these findings are hereby confirmed.

3.3.2. *Export price*

(66) In the absence of any comments concerning the export price, recitals 77 to 78 of the provisional Regulation are hereby confirmed.

3.3.3. *Comparison*

(67) In the absence of any other comments concerning the comparison, which would alter the provisional findings, recitals 79 to 81 of the provisional Regulation are hereby confirmed.

3.3.4. *Dumping margins*

(68) In the absence of any other comments concerning the dumping margins, which would alter the provisional findings concerning Korea, recitals 82 to 85 of the provisional Regulation are hereby confirmed.

4. INJURY

4.1. Union production

(69) In the absence of any comments concerning the Union production, recitals 94 to 96 of the provisional Regulation are hereby confirmed.

4.2. Definition of the Union industry

(70) In the absence of any comments concerning the definition of the Union industry, recital 97 of the provisional Regulation is hereby confirmed.

4.3. Union consumption

(71) It is recalled that the Union consumption was established on the basis of the total imports, derived from Eurostat, the total sales on the Union market of the Union industry, including an estimate based on data in the complaint of the sales of the silent producers.

Table 1

Union Consumption	2005	2006	2007	2008	IP
Tonnes	221 277	233 969	265 826	241 258	205 912
Index 2005 = 100	*100*	*106*	*120*	*109*	*93*

Source: Eurostat, complaint data and questionnaire replies.

(72) Overall Union consumption decreased by 7 % during the period considered. It increased by 20 % between 2005 and 2007, after which it decreased by 27 % between 2007 and the IP. The downturn in consumption in 2008 and the IP was the result of lower demand, especially in the second half of 2008 due to the economic crisis.

(73) In the absence of any comments concerning the Union consumption, recitals 98 to 100 of the provisional Regulation are hereby confirmed.

4.4. **Imports into the European Union from the PRC, Republic of Korea and Taiwan**

4.4.1. *Cumulative assessment of the effects of the imports*

(74) It is recalled that imports from Korea and Taiwan were not cumulated with the dumped imports from the PRC because both the Korean and Taiwanese imports were not made at dumped prices during the IP, as mentioned in recitals 102 and 103 of the provisional Regulation.

(75) It is noted that in order to make an assessment as to whether imports from the countries concerned should be cumulatively assessed in the current investigation, imports from each country were individually examined in the light of the conditions set out in Article 3(4) of the basic Regulation. Since the margin of dumping in relation to the imports from Korea and Taiwan was below *de minimis*, it was concluded that imports from Korea and Taiwan should not be cumulated with the dumped imports from the PRC. Following this conclusion, these imports were analysed separately in recitals 147 to 152 of the provisional Regulation in accordance with Article 3(7) of the basic Regulation.

4.4.2. *Dumped imports from the PRC*

(76) It is recalled that it was provisionally found that one exporting producer in the PRC was not dumping its products on the Union market. Accordingly, these exports were excluded from the analysis of the development of the dumped imports from the PRC on the Union market. Following individual examinations carried out after the imposition of provisional measures, exports by an additional exporting producer in the PRC were found not to be dumped, as mentioned in recital 64. Therefore these exports were also excluded from the analysis concerning the development of dumped imports from the PRC on the Union market and the impact on the Union industry. Accordingly, data regarding the dumped imports from the PRC was revised.

Table 2

Dumped imports from the PRC	2005	2006	2007	2008	IP
Imports (tonnes)	4 350	11 926	31 223	39 072	38 404
Index	*100*	*274*	*718*	*898*	*883*
Market share	2,4 %	5,6 %	11,9 %	16,3 %	18,8 %
Average price in EUR/tonne	2 783	1 705	1 524	1 574	1 532
Index	*100*	*61*	*55*	*57*	*55*

Source: Eurostat, complaint data and questionnaire replies.

(77) Following the revision of data concerning the dumped imports from the PRC, it was found that their volume increased dramatically by over eight times in the period considered, while at the same time the average import prices decreased sharply by 45 %.

4.4.3. *Price undercutting*

(78) In the absence of any comments concerning price undercutting, the methodology described in recitals 110 and 111 of the provisional Regulation to establish price undercutting is confirmed. However, following the individual examinations granted after the imposition of provisional measures, as mentioned in recital 31, the price comparison of similar product types was reassessed. This reassessment confirmed that the dumped imports from the PRC were undercutting the Union industry's prices by 24,1 % during the IP.

4.5. **Economic situation of the Union industry**

(79) It is recalled that because imports from Korea, Taiwan and two Chinese companies were found not to be dumped, they should not be cumulated with the dumped imports from the PRC. They were therefore excluded from the analysis of the impact of the dumped imports on the Union industry and assessed separately.

(80) As mentioned in recital 113 of the provisional Regulation, the examination of the impact of the dumped imports on the Union industry included an evaluation of all economic indicators for an assessment of the state of the Union industry from 2005 to the end of the IP.

(81) It is recalled that the injury picture was clear at the provisional stage with most of the injury indicators showing a declining trend during the period considered: production volume (– 36 %), sales volume (– 29 %), sales prices (– 9 %) and market share (– 23 %). In addition, the injury indicators related to the financial performance of the Union industry, such as profitability (– 16,3 percentage points) and cash flow (– 141 %) also deteriorated dramatically, while investments decreased significantly (– 89 %).

(82) In the absence of any comments with regard to production, production capacity and capacity utilisation, sales volume and market share, prices, stocks, employment, wages and productivity, and the financial performance indicators of the Union industry, the provisional findings made in recitals 114 to 126 of the provisional Regulation are hereby confirmed.

(83) In the absence of any other comments regarding the economic situation of the Union industry, the conclusion that the Union industry suffered material injury, as set out in recitals 127 to 130 of the provisional Regulation, is confirmed.

5. CAUSALITY

5.1. Preliminary remark

(84) In accordance with Article 3(6) and (7) of the basic Regulation, it was examined whether the dumped imports of the product concerned originating in the PRC caused injury to the Union industry to a degree that can be considered as material. Known factors other than the dumped imports, which could at the same time be injuring the Union industry, were also examined to ensure that possible injury caused by these other factors was not attributed to the dumped imports.

5.2. Effect of the dumped imports

(85) The dumped imports from the PRC increased dramatically over the period considered. Following the revision of the data concerning the dumped imports originating in the PRC, as described in recital 76, the volume of the dumped imports from the PRC increased more than eight times between 2005 and IP, increasing their market share by about 16 percentage points. During the same period, Union consumption decreased by 7 %.

(86) During the period considered, the Union industry faced a significant drop of 29 % in its sales volume and consequently lost market share from 51,1 % to 39,2 % — almost 12 percentage points. In the period between 2008 and the IP, the market share of the Union industry dropped by two percentage points whereas that of dumped imports increased, despite the declining demand on the Union market.

(87) As regards prices of the dumped imports, following the revision of the data as described in recital 76, they decreased by 45 % during the period considered and were significantly undercutting the prices charged by the Union industry on the Union market. Consequently, the Union industry was prevented from increasing its prices to cover the increase in raw material prices. As a result, the profitability of the Union industry's sales on the Union market decreased, as explained in recital 81 of the provisional Regulation, from a profit of 3 % in 2005 to a loss of 13,3 % in the IP.

(88) The investigation also showed that the increasing volumes of low-priced dumped imports from the PRC had a negative impact on the market overall by depressing the prices. The continued pressure exercised on the Union market did not allow the Union industry to adapt its sales prices to the increased raw material costs, in particular in 2008, when raw material prices peaked. This explained the loss of market share and the loss in profitability of the Union industry.

(89) In view of the above, and in the absence of any comments regarding the impact of the dumped imports, it can be confirmed that the surge of the low-priced dumped imports from the PRC had a considerable negative impact on the economic situation of the Union industry.

5.3. Effect of other factors

5.3.1. *Non-dumped imports*

(90) As regards the effect of the non-dumped imports from the PRC, it is recalled that two Chinese exporting producers were found not to be dumping HTY on the Union market. While it cannot be excluded that these imports may have contributed to some extent to the injury of the Union industry, it is considered that in view of the volume and in particular the prices which were on average higher than the prices of the dumped imports, the impact of these non-dumped imports is not such as to break the causal link established between the dumped imports from the PRC and the injury suffered by the Union industry.

5.3.2. *Other factors*

(91) It is recalled that other factors were also examined in the causality analysis, namely the development of demand on the Union market, the evolution of the raw material prices, the captive production of the Union industry, the export performance of the Union industry, imports from other countries, including imports from Korea and Taiwan, and the performance of other producers in the Union.

(92) One party claimed that the causality analysis failed to prove that injury caused by factors other than the dumped imports was not attributed to Chinese imports. In particular, it argued that factors such as the development in demand and increased raw material prices contributed to the injury suffered by the Union industry and were not taken into account in the causation analysis.

(93) As regards the development in demand, it is recalled that in the context of declining consumption, imports from the PRC still managed to increase their market share. Regarding the increase in raw material prices, it is acknowledged that prices of raw materials increased in the first half of the IP as mentioned in recital 139 of the provisional Regulation. However, prices decreased in the second half of the IP. These fluctuations in raw material prices affected all economic operators. Moreover, in the absence of the price pressure exerted by the low-priced dumped imports from the PRC, it could have been expected that the Union industry would have been in a position to adapt its sales prices, in line with the development of the raw material prices. Therefore, recitals 138 to 140 of the provisional Regulation are confirmed and this claim is consequently rejected.

(94) In the absence of any comments concerning captive production or the export performance of the Union industry, recitals 141 to 143 of the provisional Regulation are hereby confirmed.

(95) Some parties also claimed that the Union producers would not have been able to increase their prices to reflect the changes in raw material costs in view of the low priced imports from Korea and Taiwan.

(96) In this respect it is firstly noted that prices of imports from Korea and Taiwan remained higher than the average import prices from the PRC throughout the period considered. Secondly, import volumes decreased substantially between 2007 and the end of the IP. It is therefore considered that the volume and prices of these imports could not have been the main cause of material injury to the Union industry and thus cannot break the causal link between the injury suffered by the Union industry and the dumped imports from the PRC. Therefore, this claim was rejected.

(97) In the absence of any other comments regarding imports from third countries, including Korea and Taiwan, recitals 144 to 152 of the provisional Regulation are hereby confirmed.

(98) In the absence of any comments concerning other producers in the Union, recitals 153 to 154 of the provisional Regulation are hereby confirmed.

(99) Following the provisional disclosure, one party claimed that the lower profitability of the Union industry should be attributed to the high ratio that the so-called two-step production process represented in the Union industry's production capacity and to the alleged delays of the Union industry in implementing the modern, so-called one-step production process.

(100) It should be noted that the range of product types produced and sold by the exporting producers in the PRC largely overlaps with that of the Union industry. The Union industry uses the so-called two-step production process as it allows producing specific product types which are normally sold at a higher price on the market. As explained in recitals 85 to 89, the presence of low-priced dumped imports of HTY from the PRC affected the overall Union market by notably exercising a downward pressure on prices.

(101) It is therefore considered that the existence of two different production processes cannot per se have had a material impact on profit margins, in particular in view of the price pressure exerted by the dumped imports from the PRC. In addition, no substantiated evidence was submitted in support of the claim that the Union industry suffered material injury because of the lack of more recent technology. Therefore this claim was rejected.

(102) In the light of the foregoing and in the absence of any other comments, it is concluded that the dumped imports from the PRC caused material injury to the Union industry within the meaning of Article 3(6) of the basic Regulation and recitals 155 to 158 of the provisional Regulation are confirmed.

6. **UNION INTEREST**

6.1. **Preliminary remark**

(103) The Union interest analysis has been adapted to take into account the revisions to the dumping margins following comments to the provisional disclosure and the individual examinations carried out after the imposition of provisional measures. Accordingly, in view of the high level of cooperation, the majority of imports from the PRC would be subject to a duty level of around 5 % as mentioned in recital 63.

6.2. **Union industry**

(104) It is recalled that the Union industry is composed of four producers located in different Member States, employing directly over 1 300 people in activities related to HTY. All injury indicators, in particular those related to the financial performance of the Union industry, showed a negative trend during the period considered. Employment also decreased significantly by 23 %, corresponding to a decrease of around 400 full-time equivalents during the period considered.

(105) Following the imposition of provisional measures, the Union industry has submitted that factories that had been idle due to the dumped imports have recently been reopened. This shows that the provisional measures have already had a positive impact on the Union industry.

(106) It is expected that the imposition of definitive anti-dumping duties against imports originating in the PRC would have a further positive impact on the economic situation of the Union industry and would enable it to regain at least part of its lost market share.

(107) In the absence of any other comments with regard to the interest of the Union industry, recitals 160 to 163 of the provisional Regulation are hereby confirmed.

6.3. **Importers**

(108) Some parties claimed that the analysis of the impact of measures on importers did not address the difficulty of rapidly switching suppliers of HTY. In this respect, it is acknowledged that switching sources of supply may take some time depending on the end application. However, there will be other sources available, including imports from Korea and Taiwan as well as imports from the two Chinese exporting producers mentioned in recitals 63 and 64, which will not be subject to anti-dumping duties. Therefore, this claim was rejected and the provisional conclusion that measures would not have a significant negative impact on importers is confirmed.

(109) In the absence of any other comments, recitals 164 and 165 of the provisional Regulation are hereby confirmed.

6.4. **Users**

(110) Users of HTY showed a strong interest in this case. Out of 68 users contacted, 33 cooperated in the investigation. The investigation showed that 24 of the 33 cooperating users purchased HTY in the PRC. 12 % of these imports were from companies that were found not to be dumping.

(111) At the provisional stage, the analysis regarding the impact of measures on users was made by grouping the users into four separate industrial sectors (tyres, automotive, ropes and industrial applications). Before the imposition of provisional measures, four users were verified (two in the tyre sector, one in the automotive and one in the industrial applications sectors). Following the imposition of provisional measures, it was further investigated to what extent each sector would be affected by measures. To this end, additional verification visits were carried out at the premises of seven users as mentioned in recital 5. Of the 11 users verified in total, five were small and medium-sized enterprises (SMEs). Based on the verified data, the estimated impact of measures on the users' profit margins was revised, taking also into account the revised level of duties and the fact that one additional Chinese exporting producer was found not to be dumping.

(112) As regards users in the tyres sector, in total four questionnaire replies were received from tyre manufacturers. Out of these, two were verified before the imposition of provisional measures and one after the imposition of provisional measures. According to the available data for this sector, the share of HTY in relation to their cost of production is relatively limited: below 1 % on average. Only one of the cooperating users was found to import the product concerned from the PRC. However, all these imports were from a company in the PRC which was not found to be dumping. It is therefore concluded that on the basis of the data available, the tyre sector will not be affected by the proposed measures.

(113) In respect of users in the automotive sector (mainly producing seatbelts and airbags), representing 5 % of the total imports of HTY from the PRC in the IP, in total six questionnaire replies were received. Two companies were verified, one before and one after the imposition of provisional measures. After the verification visits, the share of Chinese HTY used by the automotive sector was revised to 15 %. Verification visits also showed that overall, the business using HTY represented more than 30 % of the total turnover of the cooperating companies, instead of 4 % as established at the provisional stage. The average profit achieved in this sector on products using HTY is confirmed to be around 3 %. Based on the above, it is concluded that, should measures be imposed, the automotive sector is not likely to be seriously affected overall since it would still be profitable and in addition, the PRC is not the main source of supply.

(114) Regarding users in the rope sector, in total three questionnaire replies were received and one company was verified after the imposition of provisional measures. All cooperating companies in this sector are SMEs and represented less than 1 % of the total imports from the PRC in the IP. It is confirmed that the share of the HTY business is around 18 % of their total business. The average profit margin achieved in the sector using HTY was provisionally established at around 8 %. However, following the verification visit and the subsequent

correction of the data submitted in the questionnaire replies, the profit margin achieved in this sector was revised to – 0,4 %. The investigation showed that the majority of the imports (71 %) were from the PRC during the IP while 22 % were from Korea. In view of the revised level of duty, however, the impact on companies in this sector, if they continued to source HTY from the PRC, should be limited. In addition, a number of alternative sources of supply exist.

(115) Finally, regarding the users within the sector of industrial applications, in total 20 questionnaire replies were received from users representing 21 % of the total imports from the PRC. Five companies were verified, one before the imposition of provisional measures and four after the imposition of provisional measures. Based on the information available for this sector after the verification visits, the share of the business related to HTY was revised to 54 % of the total business. The investigation showed that these users mainly purchased HTY from the PRC (42 %) and from Korea (24 %), whereas 29 % was sourced from suppliers in the Union and in third countries. The data collected during the verification visits which took place after the imposition of provisional measures lead to an adjustment of the average profit margin achieved in this sector, which is established at 17 %. However, the data collected shows that the average profit margin identified for the whole sector is not representative of the situation of the SMEs, which had on average a negative profit margin of – 1,9 % during the IP. In the worst case scenario, i.e. should these SMEs buy from Chinese exporting producers subject to measures and not change their source of supply, their profitability would decrease from – 1,9 % to – 3,3 % with the imposition of definitive measures. This would be due to the fact that they source the HTY from the PRC in greater proportion compared to the large companies, which would remain highly profitable. It is expected however, that these SMEs could shift at least part of their purchases to suppliers not subject to measures.

(116) Some users argued that the negative impact of the anti-dumping measures on their profitability had been underestimated in the provisional analysis regarding the Union interest. They also claimed that they would have difficulties in passing on the cost increase to their customers and questioned the possibility to find alternative sources of supply. Some parties also questioned the Union producers' capacity to supply the required products. Finally, the negative effect of measures on the downstream industry and consequently on employment in the Union were raised.

(117) As regards the claim on profitability, the analysis based on the revised data following verification visits after the imposition of provisional measures indeed showed that part of the sectors of ropes and industrial applications would be negatively impacted by the measures should those users that buy from Chinese exporting producers subject to measures continue to do so and not change their source of supply. However, this impact is likely to be limited in view of the reduced level of duty and the existence of alternative supply sources.

(118) As regards the claim that it would not be possible for users to pass on the cost increase to their customers, the investigation showed that in some sectors it may indeed be difficult to increase prices. However, it is recalled that in view of the high level of cooperation by the Chinese exporting producers, the majority of imports from the PRC would be subject to a duty of around 5 % as stated in recital 103. Therefore, it is expected that users could pass on at least some of the cost increase to their customers, and in any event, even without price increases, the impact on their profitability is estimated to be rather limited.

(119) Concerning the claim that the Union industry would not be able to supply the required products if anti-dumping measures were imposed, the investigation showed that some irregularities occasionally occurred in supplies previously provided by Union producers to certain users. However, the investigation did not point to any evidence that these irregularities were on a continued basis. As regards the reported difficulty in switching sources of supplies, indeed verification visits showed that before a new HTY can be used in production on a large scale, it should pass a number of tests aimed at verifying both the compatibility of the new raw material with the machinery and the required quality standards of the end-products. The duration of the testing process varies accordingly to the application of the end-product. It is therefore acknowledged that switching suppliers could be a lengthy and costly process for certain users, even though to a different extent depending on the manufactured products. Verification visits showed, however, that some companies were seeking to put into place a strategy of expansion of their suppliers in order to avoid relying solely on one source.

(120) Some parties also highlighted the situation of SMEs, claiming that SMEs have difficulties in sourcing their raw materials because they do not reach the minimum order quantities required by producers. In this respect, it is noted that difficulties regarding minimum order quantities appear to be an existing pattern of business regardless of the imposition of measures. Therefore it is considered that the imposition of duties would not per se affect the already established business patterns among economic operators. Therefore, these claims were not considered warranted.

(121) Finally, some interested parties claimed that the Union industry would not represent a reliable source due to the incompleteness of its product range, the lower quality and the higher prices of products. In this respect it is noted that even if Union producers were not able to supply the full range of products required, alternative supply sources exist which should allow completing product ranges. Moreover, the relatively low duty level should not prohibit users to complete their product range by continuing to recur to imports from the PRC as well. In addition, the recent reopening of factories, as mentioned above, should contribute to address this concern insofar as it would allow for a bigger capacity being allocated to the manufacturing of a wider range of products. Therefore this claim was rejected.

(122) As regards the claim on the effect of measures on the downstream industry, and consequently on employment in the Union, it is considered that in view of the above, the impact should be negligible.

6.5. **Conclusion on Union interest**

(123) Based on the above, it was concluded that there are no compelling reasons against the imposition of definitive anti-dumping duties against imports of HTY originating in the PRC.

7. **DEFINITIVE ANTI-DUMPING MEASURES**

7.1. **Injury elimination level**

(124) In the absence of any substantiated comments that would alter the conclusion regarding the injury elimination level, recitals 179 to 183 of the provisional Regulation are hereby confirmed.

7.2. **Definitive measures**

(125) In the light of the foregoing, it is considered that, in accordance with Article 9(4) of the basic Regulation, definitive anti-dumping measures should be imposed in respect of imports of HTY originating in the PRC at the level of the lower of the dumping and the injury margins, in accordance with the lesser duty rule. Accordingly, all duty rates should be set at the level of the dumping margins found.

(126) Given that the dumping margins established for Korea and Taiwan were below the *de minimis* level, no definitive anti-dumping duties are to be imposed on imports originating in Korea and Taiwan.

(127) The proposed anti-dumping duties are the following:

Company	Injury elimination margin	Dumping margin	Anti-dumping duty rate
Zhejiang Guxiandao Industrial Fibre Co. Ltd	57,1 %	5,1 %	5,1 %
Zhejiang Hailide New Material Co. Ltd	N/A	0	0 %
Zhejiang Unifull Industrial Fibre Co. Ltd	57,6 %	5,5 %	5,5 %
Cooperating companies not included in the sample	57,3 %	5,3 %	5,3 %
Hangzhou Huachun Chemical Fiber Co. Ltd	N/A	0	0 %
Oriental Industries (Suzhou) Ltd	53,2 %	9,8 %	9,8 %
All other companies in the PRC	57,6 %	9,8 %	9,8 %

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

(129) Any claim requesting the application of an individual company anti-dumping duty rate (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission [1] forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for example, that name change or that change in the production and sales entities. If appropriate, the Regulation will then be amended accordingly by updating the list of companies benefiting from individual duty rates.

[1] European Commission, Directorate-General for Trade, Directorate H, Office N105 04/090, 1049 Brussels, Belgium.

(130) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping duties. They were also granted a period within which they could make representations subsequent to this disclosure. The comments submitted by the parties were duly considered and, where appropriate, the findings have been modified accordingly.

(131) 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, 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 as Article 11(4) does not apply where sampling has been used.

7.3. **Definitive collection of provisional duties**

(132) In view of the magnitude of the dumping margins found and in the light of the level of the injury caused to the Union industry, it is considered necessary that the amounts secured by way of the provisional anti-dumping duty, imposed by the provisional Regulation, be definitively collected to the extent of the amount of the definitive duties imposed. Where the definitive duties are lower than the provisional duties, amounts provisionally secured in excess of the definitive rate of anti-dumping duties shall be released. Where the definitive duties are higher than the provisional duties, only the amounts secured at the level of the provisional duties shall be definitively collected.

8. **TERMINATION OF THE PROCEEDING**

(133) In view of the findings regarding imports originating in Korea and Taiwan, the proceeding with respect to these two countries shall be terminated,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of high tenacity yarn of polyesters (other than sewing thread), not put up for retail sale, including monofilament of less than 67 decitex, currently falling within CN code 5402 20 00 and originating in the People's Republic of China.

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

Company	Duty (%)	TARIC additional code
Zhejiang Guxiandao Industrial Fibre Co. Ltd	5,1	A974
Zhejiang Hailide New Material Co. Ltd	0	A976
Zhejiang Unifull Industrial Fibre Co. Ltd	5,5	A975
Companies listed in the Annex	5,3	A977
Hangzhou Huachun Chemical Fiber Co. Ltd	0	A989
Oriental Industries (Suzhou) Ltd	9,8	A990
All other companies	9,8	A999

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

Article 2

The anti-dumping proceeding concerning imports of high tenacity yarn of polyesters originating in the Republic of Korea and Taiwan is hereby terminated.

Article 3

The amounts secured by way of the provisional anti-dumping duty pursuant to Regulation (EU) No 478/2010 on imports of high tenacity yarn of polyesters (other than sewing thread), not put up for retail sale, including monofilament of less than 67 decitex currently falling within CN code 5402 20 00 and originating in the People's Republic of China shall be definitively collected at the rate of the definitive duty imposed pursuant to Article 1. The amounts secured in excess of the definitive rates of the anti-dumping duty shall be released.

Article 4

Where any new exporting producer in the People's Republic of China provides sufficient evidence to the Commission that:

— it did not export to the Union the product described in Article 1(1) during the investigation period (1 July 2008 to 30 June 2009),

— it is not related to any of the exporters or producers in the People's Republic of China which are subject to the measures imposed by this Regulation,

— it has actually exported to the Union 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 Union,

the Council, acting by simple majority on a proposal submitted by the Commission after consulting the Advisory Committee, may amend Article 1(2) by adding the new exporting producer to the cooperating companies not included in the sample and thus subject to the weighted average duty rate of 5,3 %.

Article 5

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, 29 November 2010.

For the Council
The President
K. PEETERS

ANNEX

CHINESE COOPERATING EXPORTING PRODUCERS NOT SAMPLED

TARIC Additional Code A977

Company name	City
Heilongjiang Longdi Co. Ltd	Harbin
Hyosung Chemical Fiber (Jiaxing) Co. Ltd	Jiaxing
Shanghai Wenlong Chemical Fiber Co. Ltd	Shanghai
Shaoxing Haifu Chemistry Fibre Co. Ltd	Shaoxing
Sinopec Shanghai Petrochemical Company	Shanghai
Wuxi Taiji Industry Co. Ltd	Wuxi

COMMISSION REGULATION (EU) No 1106/2010

of 30 November 2010

establishing the list of measures to be excluded from the application of Council Regulation (EC) No 485/2008 on scrutiny by Member States of transactions forming part of the system of financing by the European Agricultural Guarantee Fund

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 485/2008 of 26 May 2008 on scrutiny by Member States of transactions forming part of the system of financing by the European Agricultural Guarantee Fund [1], and in particular Article 1(2) thereof,

Whereas:

(1) Regulation (EC) No 485/2008 relates to scrutiny of the commercial documents of those entities receiving or making payments relating directly or indirectly to the system of financing by the European Agricultural Guarantee Fund (EAGF), in order to ascertain whether transactions forming part of the system of financing by the EAGF have actually been carried out and have been executed correctly. It is however appropriate to exclude from the application of that Regulation those measures which are by their nature unsuited to *ex post* control by way of scrutiny of commercial documents.

(2) A list of exempted measures is currently set out in Commission Regulation (EC) No 2311/2000 of 18 October 2000 establishing the list of measures to which Council Regulation (EEC) No 4045/89 does not apply and repealing Decision 96/284/EC [2]. Given the changes occurred in the agricultural legislation, it is necessary to update that list.

(3) Certain measures are concerned with payments that are either area related or unrelated to commercial documents that can be subject to scrutiny. It is accordingly appropriate to exclude such measures from the scope of application of Regulation (EC) No 485/2008.

(4) Account should be taken that certain measures previously financed through the European Agricultural Guidance and Guarantee Fund (Guarantee Section) are now financed through the European Agricultural Fund for Rural Development (EAFRD) as established by Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy [3].

(5) For reasons of clarity, Regulation (EC) No 2311/2000 should be repealed and replaced by a new text.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the Agricultural Funds,

HAS ADOPTED THIS REGULATION:

Article 1

The system of scrutinies established by Regulation (EC) No 485/2008 does not apply to the measures listed in the Annex to this Regulation.

Article 2

Regulation (EC) No 2311/2000 is repealed.

Article 3

This Regulation shall enter into force on the third 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, 30 November 2010.

For the Commission
The President
José Manuel BARROSO

[1] OJ L 143, 3.6.2008, p. 1.
[2] OJ L 265, 19.10.2000, p. 10.
[3] OJ L 209, 11.8.2005, p. 1.

ANNEX

Measures to which the system of scrutiny pursuant to Regulation (EC) No 485/2008 does not apply

Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) [1] with respect to:

(a) the common organisation of the markets in flax and hemp grown for fibre, in so far as the aid provided for in Article 91 of that Regulation is paid to the farmer;

(b) the following measures of the common organisation of the market in the wine sector:

(i) grubbing up scheme in accordance with Articles 85o to 85x thereof;

(ii) Single Payment Scheme support in accordance with Article 103o thereof;

(iii) restructuring and conversion of vineyards in accordance with Article 103q thereof;

(iv) green harvesting in accordance with Article 103r thereof;

(v) potable alcohol distillation in accordance with Article 103w thereof.

[1] OJ L 299, 16.11.2007, p. 1.

COMMISSION REGULATION (EU) No 1107/2010

of 30 November 2010

entering a name in the register of protected designations of origin and protected geographical indications (Pimiento de Gernika or Gernikako Piperra (PGI))

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs [1], and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

(1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Spain's application to register the name 'Pimiento de Gernika' or 'Gernikako Piperra' was published in the *Official Journal of the European Union* [2].

(2) As no objections within the meaning of Article 7 of Regulation (EC) No 510/2006 were received by the Commission, this name should be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

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, 30 November 2010.

For the Commission
The President
José Manuel BARROSO

[1] OJ L 93, 31.3.2006, p. 12.
[2] OJ C 94, 14.4.2010, p. 23.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals, fresh or processed

SPAIN

Pimiento de Gernika or Gernikako Piperra (PGI)

COMMISSION REGULATION (EU) No 1108/2010

of 30 November 2010

approving a non-minor amendment to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Castagna del Monte Amiata (PGI))

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs [1], and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

(1) Pursuant to the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006 and in accordance with Article 17(2) thereof, the Commission has examined Italy's application for the approval of an amendment to the specification for the protected geographical indication 'Castagna del Monte Amiata' registered under Commission Regulation (EC) No 2400/96 [2], as amended by Regulation (EC) No 1904/2000 [3].

(2) Since the amendment in question is not minor within the meaning of Article 9 of Regulation (EC) No 510/2006, the Commission published the amendment application in the *Official Journal of the European Union* [4] as required by the first subparagraph of Article 6(2) of that Regulation. As no statement of objection within the meaning of Article 7 of Regulation (EC) No 510/2006 has been sent to the Commission, the amendment should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendment to the specification published in the *Official Journal of the European Union* regarding the name in the Annex to this Regulation is hereby approved.

Article 2

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, 30 November 2010.

For the Commission
The President
José Manuel BARROSO

[1] OJ L 93, 31.3.2006, p. 12.
[2] OJ L 327, 18.12.1996, p. 11.
[3] OJ L 228, 8.9.2000, p. 57.
[4] OJ C 60, 11.3.2010, p. 15.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6 Fruit, vegetables and cereals, fresh or processed

ITALY

Castagna del Monte Amiata (PGI)

COMMISSION REGULATION (EU) No 1109/2010

of 30 November 2010

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) [1],

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector [2], and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 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 Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 December 2010.

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

Done at Brussels, 30 November 2010.

For the Commission,
On behalf of the President,
Jean-Luc DEMARTY
Director-General for Agriculture and Rural Development

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	AL	50,3
	MA	91,7
	MK	45,6
	TR	93,5
	ZZ	70,3
0707 00 05	EG	140,2
	JO	182,1
	TR	80,5
	ZZ	134,3
0709 90 70	MA	81,9
	TR	122,5
	ZZ	102,2
0805 20 10	MA	66,3
	ZZ	66,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	60,9
	IL	71,5
	TR	63,1
	UY	58,6
	ZZ	63,5
0805 50 10	AR	57,1
	TR	57,7
	UY	57,1
	ZZ	57,3
0808 10 80	AR	74,9
	AU	167,9
	BR	50,3
	CL	84,2
	CN	75,4
	CO	50,3
	MK	26,7
	NZ	74,9
	US	90,9
	ZA	114,5
	ZZ	81,0
0808 20 50	CL	78,3
	CN	86,8
	US	139,4
	ZZ	101,5

(1) Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EU) No 1110/2010

of 30 November 2010

fixing the import duties in the cereals sector applicable from 1 December 2010

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) [1],

Having regard to Commission Regulation (EU) No 642/2010 of 20 July 2010 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of import duties in the cereals sector [2], and in particular Article 2(1) thereof,

Whereas:

(1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products falling within CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002, ex 1005 other than hybrid seed, and ex 1007 other than hybrids for sowing, is to be equal to the intervention price valid for such products on importation increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

(2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, for the purposes of calculating the import duty referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

(3) Under Article 2(2) of Regulation (EU) No 642/2010, the price to be used for the calculation of the import duty on products of CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00, 1005 10 90, 1005 90 00 and 1007 00 90 is the daily cif representative import price determined as specified in Article 5 of that Regulation.

(4) Import duties should be fixed for the period from 1 December 2010 and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 December 2010, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 1 December 2010.

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

Done at Brussels, 30 November 2010.

For the Commission,
On behalf of the President,
Jean-Luc DEMARTY
Director-General for Agriculture and Rural Development

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 187, 21.7.2010, p. 5.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 1 December 2010

CN code	Description	Import duties [1] (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	0,00
1005 10 90	Maize seed other than hybrid	0,00
1005 90 00	Maize, other than seed [2]	0,00
1007 00 90	Grain sorghum other than hybrids for sowing	0,00

[1] For goods arriving in the Union via the Atlantic Ocean or via the Suez Canal the importer may benefit, under Article 2(4) of Regulation (EU) No 642/2010, from a reduction in the duty of:

— 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or on the Black Sea,

— 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or the Atlantic coast of the Iberian peninsula.

[2] The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 3 of Regulation (EU) No 642/2010 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

15.11.2010-29.11.2010

1. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

(EUR/t)

	Common wheat (1)	Maize	Durum wheat, high quality	Durum wheat, medium quality (2)	Durum wheat, low quality (3)	Barley
Exchange	Minnéapolis	Chicago	—	—	—	—
Quotation	212,19	155,57	—	—	—	—
Fob price USA	—	—	219,59	209,59	189,59	124,83
Gulf of Mexico premium	—	16,79	—	—	—	—
Great Lakes premium	27,17	—	—	—	—	—

(1) Premium of 14 EUR/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).
(2) Discount of 10 EUR/t (Article 5(3) of Regulation (EU) No 642/2010).
(3) Discount of 30 EUR/t (Article 5(3) of Regulation (EU) No 642/2010).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

Freight costs: Gulf of Mexico–Rotterdam:	18,24 EUR/t
Freight costs: Great Lakes–Rotterdam:	46,62 EUR/t

COMMISSION REGULATION (EU) No 1111/2010

of 30 November 2010

amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation) [1],

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector [2], and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

(1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 [3]. These prices and duties have been last amended by Commission Regulation (EU) No 1087/2010 [4]

(2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EU) No 867/2010 for the 2010/11, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 December 2010.

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

Done at Brussels, 30 November 2010.

For the Commission,
On behalf of the President,
Jean-Luc DEMARTY
Director-General for Agriculture and Rural Development

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 178, 1.7.2006, p. 24.
[3] OJ L 259, 1.10.2010, p. 3.
[4] OJ L 310, 26.11.2010, p. 9.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 1 December 2010

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 (1)	58,48	0,00
1701 11 90 (1)	58,48	0,00
1701 12 10 (1)	58,48	0,00
1701 12 90 (1)	58,48	0,00
1701 91 00 (2)	55,56	0,80
1701 99 10 (2)	55,56	0,00
1701 99 90 (2)	55,56	0,00
1702 90 95 (3)	0,56	0,19

(1) For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.
(2) For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.
(3) Per 1 % sucrose content.

DIRECTIVES

COMMISSION DIRECTIVE 2010/83/EU

of 30 November 2010

amending Council Directive 91/414/EEC to include napropamide as active substance

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ([1]), and in particular Article 6(1) thereof,

Whereas:

(1) Commission Regulations (EC) No 451/2000 ([2]) and (EC) No 1490/2002 ([3]) lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list included napropamide. By Commission Decision 2008/902/EC ([4]) it was decided not to include napropamide in Annex I to Directive 91/414/EEC.

(2) Pursuant to Article 6(2) of Directive 91/414/EEC, the original notifier, hereinafter 'the applicant', submitted a new application requesting the accelerated procedure to be applied, as provided for in Articles 14 to 19 of Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I ([5]).

(3) The application was submitted to Denmark, which had been designated rapporteur Member State by Regulation (EC) No 1490/2002. The time period for the accelerated procedure was respected. The specification of the active substance has been clarified. The supported uses are the same as those that were the subject of Decision 2008/902/EC. That application also complies with the remaining substantive and procedural requirements of Article 15 of Regulation (EC) No 33/2008.

(4) Denmark evaluated the new information and data submitted by the applicant and prepared an additional report. It communicated that report to the European Food Safety Authority (hereinafter 'the Authority') and to the Commission on 30 June 2009. The Authority communicated the additional report to the other Member States and the applicant for comments and forwarded the comments it had received to the Commission. In accordance with Article 20(1) of Regulation (EC) No 33/2008 and at the request of the Commission, the Authority presented its conclusion on napropamide to the Commission on 26 March 2010 ([6]). The draft assessment report, the additional report and the conclusion of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 28 October 2010 in the format of the Commission review report for napropamide.

(5) The additional report by the rapporteur Member State and the new conclusion by the Authority concentrate on the concerns that lead to the non-inclusion. Those concerns were in particular the potential contamination of groundwater by the metabolite 2-(1-naphthyloxy)propionic acid, hereinafter 'NOPA', and the risk to mammals, fish-eating birds and aquatic organisms. The new data submitted by the applicant show the following. The metabolite NOPA is neither of toxicological nor of biological relevance. Moreover, the risk to birds and mammals may be considered low, while for the risk for aquatic organisms acceptable uses were identified, on the basis of the additional data provided.

(6) Consequently, the additional data and information provided by the applicant permit to eliminate the specific concerns that led to the non-inclusion. No other open scientific questions have arisen.

([1]) OJ L 230, 19.8.1991, p. 1.
([2]) OJ L 55, 29.2.2000, p. 25.
([3]) OJ L 224, 21.8.2002, p. 23.
([4]) OJ L 326, 4.12.2008, p. 35.
([5]) OJ L 15, 18.1.2008, p. 5.

([6]) *European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance napropamide*. EFSA Journal 2010; 8(4):1565. [73 pp.]. doi:10.2903/j.efsa.2010.1565. Available online: www.efsa.europa.eu

(7) It has appeared from the various examinations made that plant protection products containing napropamide may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to include napropamide in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance may be granted in accordance with the provisions of that Directive.

(8) Without prejudice to that conclusion, it is appropriate to obtain further information on certain specific points. Article 6(1) of Directive 91/414/EC provides that the inclusion of a substance in Annex I may be subject to conditions. Therefore, it is appropriate to require that the applicant submits information on the aquatic risk for the photolysis metabolites and for NOPA, and information for the risk assessment of aquatic plants.

(9) It is therefore appropriate to amend Directive 91/414/EEC accordingly.

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2011 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

This Directive shall enter into force on 1 January 2011.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 30 November 2010.

For the Commission
The President
José Manuel BARROSO

ANNEX

The following entry shall be added at the end of the table in Annex I to Directive 91/414/EEC:

No	Common Name, Identification Numbers	IUPAC Name	Purity [1]	Entry into force	Expiration of inclusion	Specific provisions
'315	Napropamide CAS No: 15299-99-7	(*RS*)-*N*,*N*-diethyl-2-(1-naphthyloxy)propionamide	≥ 930 g/kg (Racemic mixture) Relevant impurity Toluene: not more than 1,4 g/kg	1 January 2011	31 December 2020	PART A Only uses as herbicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on napropamide, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 October 2010, shall be taken into account. In this overall assessment Member States shall pay particular attention to: — operator safety: conditions of use shall prescribe the use of adequate personal protective equipment, where necessary, — protection of aquatic organisms: conditions of authorisation shall include risk mitigation measures, where appropriate, such as adequate buffer zones, — consumer safety as regards the occurrence in groundwater of the metabolite 2-(1-naphthyloxy)propionic acid, hereinafter "NOPA". The Member States concerned shall ensure that the applicant presents to the Commission, by 31 December 2012 at the latest, information confirming the surface water exposure assessment as regards the photolysis metabolites and the metabolite NOPA and information for the risk assessment of aquatic plants.'

[1] Further details on identity and specification of active substance are provided in the review report.

DECISIONS

COMMISSION DECISION

of 30 November 2010

on the clearance of the accounts of the paying agency of Estonia concerning expenditure in the field of rural development measures financed by the European Agricultural Guarantee Fund (EAGF) for the 2009 financial year

(notified under document C(2010) 8275)

(Only the Estonian text is authentic)

(2010/729/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy [1], and in particular Articles 30 and 39 thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

(1) Commission Decision 2010/257/EU [2] cleared, for the 2009 financial year, the accounts of all the paying agencies except for the Estonian paying agency 'PRIA'.

(2) Following the transmission of new information and after additional checks, the Commission can now take a decision concerning expenditure in the field of rural development measures on the integrality, accuracy and veracity of the accounts submitted by the Estonian paying agency 'PRIA'.

(3) In accordance with Article 30(2) of Regulation (EC) No 1290/2005, this Decision does not prejudice decisions taken subsequently by the Commission excluding from Community financing expenditure not effected in accordance with Community rules,

HAS ADOPTED THIS DECISION:

Article 1

The accounts of the Estonian paying agency 'PRIA' concerning expenditure in the field of rural development measures financed by the European Agricultural Guarantee Fund (EAGF), in respect of the 2009 financial year, are hereby cleared.

The amounts which are recoverable from, or payable to, the Member State pursuant to this Decision in the field of rural development measures applicable in Estonia are set out in Annex I and Annex II.

Article 2

This Decision is addressed to the Republic of Estonia.

Done at Brussels, 30 November 2010.

For the Commission

Dacian CIOLOŞ

Member of the Commission

[1] OJ L 209, 11.8.2005, p. 1.
[2] OJ L 112, 5.5.2010, p. 10.

ANNEX I

CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS

FINANCIAL YEAR 2009 — EAGF RURAL DEVELOPMENT EXPENDITURE IN NEW MEMBER STATES

Amount to be recovered from or paid to the Member State

MS		2009 — Expenditure for the paying agencies for which the accounts are		Total a + b	Reductions	Total	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (–) or paid to (+) the Member State (*)
		cleared	disjoined					
		= expenditure declared in the annual declaration	= total of interim payments reimbursed to the Member State for the financial year					
		a	b	c = a + b	d	e = c + d	f	g = e – f
EE	EUR	2 721 225,72	0,00	2 721 225,72	0,00	2 721 225,72	0,00	2 721 225,72

(*) As payments have reached 95 % of the financial plan, the balance will be settled during the closure of the programme.

ANNEX II

CLEARED EXPENDITURE BY EAGF RURAL DEVELOPMENT MEASURE FOR EXERCISE 2009 IN NEW MEMBER STATES

DIFFERENCES BETWEEN ANNUAL ACCOUNTS AND DECLARATIONS OF EXPENDITURE

ESTONIA

No	Measures	Expenditure 2009 Annex I column 'a'	Reductions Annex I column 'd'	Amount cleared for 2009 Annex I column 'e'
		i	ii	iii = i + ii
1	Less-favoured areas	– 4 309,58		– 4 309,58
2	Agri-environment	2 277 454,54		2 277 454,54
3	Afforestation of agricultural land	– 3 217,50		– 3 217,50
4	Support for semi-substance farms	– 40 203,13		– 40 203,13
5	Meeting standards	– 187 999,27		– 187 999,27
6	Complements in direct payments	1 506,86		1 506,86
7	Technical assistance	2 307,41		2 307,41
8	Sapard	0,00		0,00
9	Natura 2000	675 686,39		675 686,39
	Total	2 721 225,72	0,00	2 721 225,72

COMMISSION DECISION

of 30 November 2010

on the clearance of the accounts of certain paying agencies in Germany concerning expenditure financed by the European Agricultural Guarantee Fund (EAGF) for the 2009 financial year

(notified under document C(2010) 8277)

(Only the German text is authentic)

(2010/730/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy [1], and in particular Articles 30 and 32(8) thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

(1) Commission Decision 2010/258/EU [2] cleared, for the 2009 financial year, the accounts of all the paying agencies except for the German paying agencies 'Baden-Württemberg', 'Hessen', 'IBH' and 'Helaba', the Italian paying agencies 'AGEA' and 'ARBEA', and the Romanian paying agency 'PIAA'.

(2) Following the transmission of new information and after additional checks, the Commission can now take a decision on the integrality, accuracy and veracity of the accounts submitted by the German paying agencies 'Baden-Württemberg', 'Hessen', 'IBH' and 'Helaba'.

(3) The first subparagraph of Article 10(2) of Commission Regulation (EC) No 885/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the accreditation of paying agencies and other bodies and the clearance of the accounts of the EAGF and of the EAFRD [3] lays down that the amounts that are recoverable from, or payable to, each Member State, in accordance with the accounts clearance decision referred to in the first subparagraph of Article 10(1) of the said Regulation, shall be determined by deducting the monthly payments in respect of the financial year in question, i.e. 2009, from expenditure recognised for that year in accordance with paragraph 1. The Commission shall deduct that amount from or add it to the monthly payment relating to the expenditure effected in the second month following that in which the accounts clearance decision is taken.

(4) Pursuant to Article 32(5) of Regulation (EC) No 1290/2005, 50 % of the financial consequences of non-recovery of irregularities shall be borne by the Member State concerned and 50 % by the Community budget if the recovery of those irregularities has not taken place within 4 years of the primary administrative or judicial finding, or within 8 years if the recovery is taken to the national courts. Article 32(3) of the said Regulation obliges Member States to submit to the Commission, together with the annual accounts, a summary report on the recovery procedures undertaken in response to irregularities. Detailed rules on the application of the Member States' reporting obligation of the amounts to be recovered are laid down in Regulation (EC) No 885/2006. Annex III to the said Regulation provides the model table that had to be provided in 2010 by the Member States. On the basis of the tables completed by the Member States, the Commission should decide on the financial consequences of non-recovery of irregularities older than 4 or 8 years respectively. This decision is without prejudice to future conformity decisions pursuant to Article 32(8) of Regulation (EC) No 1290/2005.

(5) Pursuant to Article 32(6) of Regulation (EC) No 1290/2005, Member States may decide not to pursue recovery. Such a decision may only be taken if the costs already and likely to be incurred total more than the amount to be recovered or if the recovery proves impossible owing to the insolvency, recorded and recognised under national law, of the debtor or the persons legally responsible for the irregularity. If that decision has been taken within 4 years of the primary administrative or judicial finding or within 8 years if the recovery is taken to the national courts, 100 % of the financial consequences of the non-recovery should be borne by the Community budget. In the summary report referred to in Article 32(3) of Regulation (EC) No 1290/2005 the amounts for which the Member State decided not to pursue recovery and the grounds for the decision are shown. These amounts are not charged to the Member States concerned and are consequently to be borne by the Community budget. This decision is without prejudice to future conformity decisions pursuant to Article 32(8) of the said Regulation.

(6) In clearing the accounts of the paying agencies concerned, the Commission must take account of the amounts already withheld from the Member States concerned on the basis of Decision 2010/258/EU.

[1] OJ L 209, 11.8.2005, p. 1.
[2] OJ L 112, 5.5.2010, p. 17.
[3] OJ L 171, 23.6.2006, p. 90.

(7) In accordance with Article 30(2) of Regulation (EC) No 1290/2005, this Decision does not prejudice decisions taken subsequently by the Commission excluding from Community financing expenditure not effected in accordance with Community rules,

HAS ADOPTED THIS DECISION:

Article 1

The accounts of the German paying agencies 'Baden-Württemberg', 'Hessen', 'IBH' and 'Helaba' concerning expenditure financed by the European Agricultural Guarantee Fund (EAGF), in respect of the 2009 financial year, are hereby cleared.

The amounts which are recoverable from, or payable to, each Member State concerned pursuant to this Decision, including those resulting from the application of Article 32(5) of Regulation (EC) No 1290/2005, are set out in the Annex.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 30 November 2010.

For the Commission

Dacian CIOLOŞ

Member of the Commission

ANNEX

CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS

FINANCIAL YEAR 2009

AMOUNT TO BE RECOVERED FROM OR PAID TO THE MEMBER STATE

MS		2009 — Expenditure/assigned revenue for the paying agencies for which the accounts are		Total a + b	Reductions and suspensions for the whole financial year (1)	Reductions according to Article 32 of Regulation (EC) No 1290/2005	Total including reductions and suspensions	Payments made to the Member State for the financial year	Amount to be recovered from (–) or paid to (+) the Member State (2)	Amount recovered from (–) or paid to (+) the Member State under Decision 2010/258/EU	Amount to be recovered from (–) or paid to (+) the Member State (2)
		cleared	disjoined								
		= expenditure/assigned revenue declared in the annual declaration	= total of the expenditure/ assigned revenue in the monthly declarations								
		a = xxxxx – A (column i)	b = xxxxx – A (column h)	c = a + b	d = xxxxx – C1 (column e)	e = xxxxx – ART32	f = c + d + e	g	h = f – g	i	j = h – i
DE	EUR	5 890 556 430,37	0,00	5 890 556 430,37	– 1 989 043,44	– 478 679,88	5 888 088 707,05	5 888 016 608,23	72 098,82	57 491,30	14 607,52

MS		Expenditure (3)	Assigned revenue (3)	Sugar Fund		Article 32 (= e)	Total (= h)
				Expenditure (4)	Assigned revenue (4)		
		05 07 01 06	6701	05 02 16 02	6803	6702	
		i	j	k	l	m	n = i + j + k + l + m
DE	EUR	31 371,26	0,00	0,00	0,00	– 16 763,74	14 607,52

(1) The reductions and suspensions are those taken into account in the payment system, to which are added in particular the corrections for the non-respect of payment deadlines established in August, September and October 2009.

(2) For the calculation of the amount to be recovered from or paid to the Member State the amount taken into account is, the total of the annual declaration for the expenditure cleared (column a) or, the total of the monthly declarations for the expenditure disjoined (column b).
Applicable exchange rate: Article 7(2) of Commission Regulation (EC) No 883/2006.

(3) If the assigned revenue part would be to the advantage of the Member State, it has to be declared under 05 07 01 06.

(4) If the assigned revenue part of the Sugar Fund would be to the advantage of the Member State it has to be declared under 05 02 16 02.

NB: Nomenclature 2011: 05 07 01 06, 05 02 16 02, 6701, 6702, 6803.

COMMISSION DECISION

of 30 November 2010

establishing a questionnaire to be used for reporting on the implementation of Directive 2000/76/EC of the European Parliament and of the Council on the incineration of waste

(notified under document C(2010) 8279)

(Text with EEA relevance)

(2010/731/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste [1], and in particular Article 15 thereof,

Whereas:

(1) A first questionnaire to be used for reporting on the implementation of Directive 2000/76/EC on the incineration of waste was established by Commission Decision 2006/329/EC [2]. That questionnaire related to the reporting period 2006 to 2008 inclusive.

(2) In view of the experience gained in the implementation of Directive 2000/76/EC and in the use of the first questionnaire, a new questionnaire should be established for the period 2009 to 2011. For the sake of clarity, Decision 2006/329/EC should be replaced.

(3) The measures provided for in this Decision are in accordance with the opinion of the Committee established in accordance with Article 6 of Council Directive 91/692/EEC of 23 December 1991 standardising and rationalising reports on the implementation of certain Directives relating to the environment [3],

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall use the questionnaire set out in the Annex for reporting on the implementation of Directive 2000/76/EC.

2. The reports to be submitted shall cover the period from 1 January 2009 to 31 December 2011.

Article 2

Decision 2006/329/EC is repealed.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 30 November 2010.

For the Commission
Janez POTOČNIK
Member of the Commission

[1] OJ L 332, 28.12.2000, p. 91.
[2] OJ L 121, 6.5.2006, p. 38.
[3] OJ L 377, 31.12.1991, p. 48.

ANNEX

QUESTIONNAIRE ON THE IMPLEMENTATION OF DIRECTIVE 2000/76/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE INCINERATION OF WASTE

General notes:

This second questionnaire under Directive 2000/76/EC covers the period 2009 to 2011. In view of the experience gained in the implementation of the Directive and the information already obtained through the first questionnaire, this questionnaire focuses on the changes and progress made by Member States in the actual implementation of the Directive.

In order to ensure continuity and enable direct comparisons to be made to previous responses, this questionnaire does not change the general approach contained in Decision 2006/329/EC. In those cases where questions are similar to those of the previous questionnaire, reference can simply be made to the previous answers where the situation is unchanged. If there have been new developments, these should be described in a new answer.

As for the first questionnaire, the Commission intends to make use of the ReportNet platform (or its successor if this is the case) to make available to Member States an Electronic Reporting Tool based on this questionnaire. Accordingly, the Commission strongly recommends its use for fulfilling this reporting requirement in order to reduce burdens and streamline the analysis of the responses.

1. Number of plants and permits

1.1. Please give the following information on the number of plants (broken down between incineration and co-incineration plants) that fall within the scope of Directive 2000/76/EC, as well as on their permits and permitted capacities:

(a) number of plants;

(b) number of permits issued in accordance with Article 4(1);

(c) number of plants that recover heat generated by the incineration process;

(d) total permitted capacities of waste throughput (tonnes/year) (optional).

1.2. Please provide a list of all plants falling within the scope of Directive 2000/76/EC, indicating the following information for each of those plants with a capacity of more than 2 tonnes per hour:

(a) whether it is an incineration or co-incineration plant and, for the latter, the type of plant (cement kiln, combustion plant, other industrial facilities not covered by Annex II.1 or II.2 to Directive 2000/76/EC);

(b) for municipal solid waste incineration plants that carry out recovery operations falling in Annex II, R1 to Directive 2008/98/EC of the European Parliament and of the Council [1]: the energy efficiency of the plant, calculated using the formula provided in the footnote to Annex II, R1, of Directive 2008/98/EC.

2. Please describe any problems with the definitions in Article 3 identified when implementing Directive 2000/76/EC. Provide specific information for each definition for which problems are identified.

3. Have any mobile plants received permits under Directive 2000/76/EC?

4. Please indicate the categories of waste that have been co-incinerated, broken down by the type of co-incineration plant (cement kilns, combustion plants, other industrial facilities not covered by Annex II.1 or II.2).

Please indicate the European Waste Catalogue codes (optional).

Please identify the permitted capacity granted for co-incineration in these plants (optional).

5. How many co-incineration plants do the emission limits provided in Annex V to Directive 2000/76/EC apply to (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)?

6. 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?

[1] OJ L 312, 22.11.2008, p. 3.

(d) the restrictions on the content of pollutants, e.g. PCB, PCP, chlorine, fluorine, sulphur, or heavy metals?

7. What wastes have been considered to be 'inappropriate' for representative sampling?

8. With regard to conditions for the furnace gas residence times and temperatures as provided for in Article 6(1) and (2) of Directive 2000/76/EC, have any authorisations to differ from those operating conditions been granted in accordance with Article 6(4)? If the answer is 'yes', please indicate:

   (a) How many authorisations have been granted?

   (b) Where these data are available, please describe the reasoning for granting the derogation(s) for a number of representative cases, as well as the following information:

      (i) identification of the capacity of the plant;

      (ii) whether it concerns an 'existing' plant as defined in Article 3(6) or a new plant;

      (iii) the type of waste incinerated;

      (iv) how it is ensured that no more residues are produced compared to a non-exempted plant, 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;

      (vi) the emission limit values to be met by the plant.

9. For incineration plants, what measures are in place (in addition to the report requested pursuant to Article 12(2), if any) to ensure that plants are designed, equipped, built and operated so that the emission limit values set out in Annex V to Directive 2000/76/EC are not exceeded?

10. For co-incineration plants, what measures are in place (in addition to the report requested pursuant to Article 12(2), if any) to ensure that plants are designed, equipped, built and operated so that the emission limit values set out in Annex II to Directive 2000/76/EC are not exceeded?

11. For cement kilns co-incinerating waste, have any exemptions from the emission limits for NO_x, dust, SO_2 or TOC been granted in accordance with Annex II.1? If the answer is 'yes', please indicate the following:

   (a) how many exemptions have been granted;

   (b) where these data are available, please describe the reasoning for granting the derogation(s) for a number of representative cases, as well as the following information:

      (i) the capacity of the plant;

      (ii) whether it concerns an existing or a new plant (taking into account Article 20(3) of Directive 2000/76/EC);

      (iii) the type of waste co-incinerated;

      (iv) the emission limits values to be met by the plants;

      (v) the other operating conditions laid down in the permit.

12. For releases to air from incineration and co-incineration plants, have emission limit values different to those given in Annex II or Annex V, as appropriate, been set? If the answer is 'yes' and where these data are available, please identify:

   (a) the plants to which they apply, i.e. incineration or co-incineration plants, and for the latter indicating the type of plant;

   (b) which of these plants are 'new' or 'existing';

   (c) the pollutants to which the limit values apply and the limit values set;

   (d) why these limit values are applied;

   (e) the emission monitoring regime for these pollutants (continuously or discontinuously, and for the latter indicating the frequency).

13. For the pollutants listed in Annex IV to Directive 2000/76/EC, how are emission limit values for discharges of wastewater from flue gas cleaning equipment to the aquatic environment determined? Please indicate those cases where emission limit values for those polluting substances differ from the ones in Annex IV.

14. If emission limit values have been set for pollutants discharged to water, in addition to the 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 and what are the limit values set?

    (c) why are these limit values applied?

15. What operational control parameters (pH, temperature, flow rate, etc.) are set within the permitting process for wastewater discharges?

16. What provisions have been made to ensure protection of soil, surface waters or groundwater in accordance with Article 8(7)?

17. What criteria are used to ensure that storage capacity is adequate for waters to be tested and treated before discharge where necessary?

18. What provisions in general have been made to minimise the quantities and harmfulness of residues resulting from incineration or co-incineration plants?

19. Are the requirements of the permit for the measurement of pollutants to air and process operation parameters identical to those set out in Article 11(2)? If not, please provide information detailing the following:

    (a) reason for deviating from Article 11(2), referring to the derogation possibilities mentioned in Article 11(4) to (7);

    (b) the pollutant or parameter concerned and the measurement requirement imposed.

20. Are the requirements of the permit for the measurement of pollutants to water identical to those set out in Article 11(14) and (15)? If not, please provide information detailing the following:

    (a) reason for deviating from Article 11(14) and (15);

    (b) pollutant/parameter concerned and measurement requirement.

21. What provisions are made within the permitting process to ensure compliance with the following provisions as regards air emissions:

    (a) Article 11(8);

    (b) Article 11(9);

    (c) Article 11(11);

    (d) Article 11(12);

    (e) the compliance regime set out in Article 11(10).

22. What provisions are made within the permitting process to ensure compliance with the following provisions as regards water emissions:

    (a) Article 11(9);

    (b) The compliance regime set out in Article 11(16).

23. Please describe any official guidance that has been developed on producing validated daily average emission data (Article 11(11)). If available, please provide a web link.

24. What are the procedures for informing the competent authority in the event of a breach of an emission limit value?

25. What arrangements are made to ensure public participation in the permitting process (new and/or updated permits)? Please provide details, at least, on the following aspects:

    (a) by which authority the permit application is made publicly available;

    (b) period during which the public is enable to comment;

    (c) by which authority the final decision is made available.

26. With regard to the availability of information throughout the permitting process:

    (a) Is there any information related to environmental aspects not publicly/partially available on the application, decision process and subsequent permit? If yes, please specify which information.

(b) Where these data are available/partially available, please specify whether this information is available free of charge and, if not, the level of charges made, and in what circumstances these charges are applied.

27. For incineration plants and co-incineration plants with a nominal capacity of 2 tonnes or more per hour, what provisions are made to require an operator to submit an annual report on the functioning and monitoring of a plant to the competent authority?

28. If an annual report is provided:

(a) what information does this contain?

(b) how may the public get access to this report?

29. For incineration or co-incineration plant with a nominal capacity of less than 2 tonnes per hour, how are these plants publicly identified?

30. 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)?

31. For incineration and co-incineration processes what are the maximum permissible periods of operation during abnormal operation before the plant must shut down:

(a) maximum permissible period with exceedance of emission limit values;

(b) maximum cumulative duration of periods exceeding emission limit values over 1 year.

32. Any other remarks.

COMMISSION DECISION

of 30 November 2010

approving certain amended programmes for the eradication and monitoring of animal diseases and zoonoses for the year 2010 and amending Decision 2009/883/EC as regards the financial contribution by the Union for programmes approved by that Decision

(notified under document C(2010) 8290)

(2010/732/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field [1], and in particular Article 27(5) and (6) thereof,

Whereas:

(1) Decision 2009/470/EC lays down the procedures governing the financial contribution by the Union for programmes for the eradication, control and monitoring of animal diseases and zoonoses.

(2) Commission Decision 2008/341/EC of 25 April 2008 laying down Community criteria for national programmes for the eradication, control and monitoring of certain animal diseases and zoonoses [2] provides that in order to be approved under the measures provided for in Article 27(1) of Decision 2009/470/EC, programmes submitted by the Member States to the Commission for the eradication, control and monitoring of the animal diseases and zoonoses listed in the Annex to that Decision must meet at least the criteria set out in the Annex to Decision 2008/341/EC.

(3) Commission Decision 2009/883/EC of 26 November 2009 approving annual and multi-annual programmes and the financial contribution from the Community for the eradication, control and monitoring of certain animal diseases and zoonoses presented by the Member States for 2010 and following years [3] approves certain national programmes and sets out the rate and maximum amount of the financial contribution by the Union for each programme submitted by the Member States.

(4) The Commission has assessed the reports submitted by the Member States on the expenditures incurred for those programmes. The results of that assessment show that certain Member States will not utilise their full allocation for the year 2010 while others will spend in excess of the allocated amount.

(5) Rabies programmes in most Member States are now approaching the stage of achieving their objective of eradicating the risk to public and animal health from that disease. It is appropriate to provide additional financial support for those programmes by increasing the rate of financing, in order to reinforce the efforts of the Member States to eradicate that disease as soon as possible.

(6) Member States have informed the Commission that the maximum limit for reimbursement per monitoring test for transmissible spongiform encephalopathies in bovine animals applied during recent years is no longer realistic. Based on the results of the Commission's examination of that matter, it is appropriate to increase the maximum limit for reimbursement for those tests in order to approach the real costs incurred by the Member States for carrying them out.

(7) The financial contribution by the Union for a number of national programmes therefore needs to be adjusted. It is appropriate to reallocate funding from national programmes which will not use their full allocation to those that are expected to exceed it. The reallocation should be based on the most recent information on expenditure actually incurred by the concerned Member States.

(8) In addition, Portugal has submitted an amended programme for the eradication of bovine brucellosis, Spain, the Netherlands, Austria and Portugal have submitted amended programmes for the eradication and monitoring of bluetongue in endemic or high-risk areas and Bulgaria and Poland have submitted amended programmes for the eradication of rabies.

(9) The Commission has assessed those amended programmes from both the veterinary and the financial point of view. They were found to comply with relevant Union veterinary legislation and in particular with the criteria set out in the Annex to Decision 2008/341/EC. The amended programmes should therefore be approved.

[1] OJ L 155, 18.6.2009, p. 30.
[2] OJ L 115, 29.4.2008, p. 44.
[3] OJ L 317, 3.12.2009, p. 36.

(10) Decision 2009/833/EC should therefore be amended accordingly.

(11) 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

Approval of the amended programme for bovine brucellosis submitted by Portugal

The amended programme for the eradication of bovine brucellosis submitted by Portugal on 25 May 2010 is hereby approved for the period from 1 January 2010 to 31 December 2010.

Article 2

Approval of amended programmes for bluetongue in endemic or high-risk areas submitted by certain Member States

The following amended programmes for the monitoring and eradication of bluetongue in endemic or high-risk areas are hereby approved for the period from 1 January 2010 to 31 December 2010:

(a) the programme submitted by Spain on 17 May 2010;

(b) the programme submitted by the Netherlands on 20 September 2010;

(c) the programme submitted by Austria on 29 March 2010;

(d) the programme submitted by Portugal on 12 May 2010.

Article 3

Approval of amended programmes for rabies submitted by Bulgaria and Poland

The following amended programmes for the eradication of rabies are hereby approved for the period from 1 January 2010 to 31 December 2010:

(a) the programme submitted by Bulgaria on 29 September 2010;

(b) the programme submitted by Poland on 28 September 2010.

Article 4

Amendments to Decision 2009/883/EC

Decision 2009/883/EC is amended as follows:

1. in Article 1, paragraph 2 is amended as follows:

   (a) in point (b), 'EUR 5 000 000' is replaced by 'EUR 3 600 000';

   (b) points (e) and (f) are replaced by the following:

   '(e) EUR 1 200 000 for Portugal;

   (f) EUR 1 700 000 for the United Kingdom.';

2. in Article 2, paragraph 2 is replaced by the following:

   '2. The financial contribution by the Union shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the costs of carrying out tuberculin and laboratory tests and the compensation to owners for the value of their animals slaughtered subject to those programmes, and shall not exceed:

   (a) EUR 12 500 000 for Ireland;

   (b) EUR 10 100 000 for Spain;

   (c) EUR 2 800 000 for Italy;

   (d) EUR 1 000 000 for Portugal;

   (e) EUR 27 000 000 for the United Kingdom.';

3. in Article 3(2), point (a) is replaced by the following:

   '(a) EUR 3 000 000 for Spain;';

4. in Article 4, paragraph 2 is amended as follows:

   (a) in point (c), 'EUR 1 600 000' is replaced by 'EUR 1 650 000';

   (b) in point (e), 'EUR 16 800 000' is replaced by 'EUR 1 700 000';

   (c) points (i) and (j) are replaced by the following:

   '(i) EUR 19 000 000 for Spain;

   (j) EUR 33 500 000 for France;';

   (d) points (l) and (m) are replaced by the following:

   '(l) EUR 20 000 for Latvia;

   (m) EUR 10 000 for Lithuania;';

(e) in point (o), 'EUR 780 000' is replaced by 'EUR 70 000';

(f) in point (q), 'EUR 110 000' is replaced by 'EUR 130 000';

(g) in point (t), 'EUR 5 200 000' is replaced by 'EUR 2 100 000';

(h) in point (v), 'EUR 590 000' is replaced by 'EUR 40 000';

(i) points (x) and (y) are replaced by the following:

'(x) EUR 20 000 for Finland;

(y) EUR 850 000 for Sweden.';

5. in Article 5, paragraph 2 is amended as follows:

(a) in point (a), 'EUR 2 000 000' is replaced by 'EUR 900 000';

(b) points (d) and (e) are replaced by the following:

'(d) EUR 400 000 for Denmark;

(e) EUR 25 000 for Estonia;';

(c) in point (i), 'EUR 2 500 000' is replaced by 'EUR 1 400 000';

(d) in point (k), 'EUR 1 250 000' is replaced by 'EUR 900 000';

(e) points (m) and (n) are replaced by the following:

'(m) EUR 50 000 for Latvia;

(n) EUR 10 000 for Lithuania;';

(f) points (t) and (u) are replaced by the following:

'(t) EUR 4 600 000 for Poland;

(u) EUR 55 000 for Portugal;';

(g) points (x) and (y) are replaced by the following:

'(x) EUR 600 000 for Slovakia;

(y) EUR 80 000 for the United Kingdom.';

6. in Article 6, paragraph 2 is amended as follows:

(a) in point (a), 'EUR 240 000' is replaced by 'EUR 120 000';

(b) in point (f), 'EUR 300 000' is replaced by 'EUR 550 000';

(c) in point (i), 'EUR 515 000' is replaced by 'EUR 250 000';

7. in Article 7(2), 'EUR 450 000' is replaced by 'EUR 250 000';

8. in Article 8, paragraph 2 is amended as follows:

(a) in point (e), 'EUR 350 000' is replaced by 'EUR 450 000';

(b) in point (k), 'EUR 650 000' is replaced by 'EUR 1 300 000';

(c) in point (t), 'EUR 200 000' is replaced by 'EUR 40 000';

9. Article 9 is amended as follows:

(a) paragraph 2 is replaced by the following:

'2. The financial contribution by the Union shall be at the rate of 100 % of the costs to be incurred by each Member State referred to in paragraph 1 for carrying out rapid tests in animals as referred to in Article 12 paragraph 2 of Regulation (EC) No 999/2001, Annex III Chapter A Parts I and II points 1 to 5 of Regulation (EC) No 999/2001 and Annex VII to that Regulation, confirmatory tests and primary molecular discriminatory tests as referred to in of Annex X Chapter C point 3(2)(c)(i) of Regulation (EC) No 999/2001 and at the rate of 50 % of the cost incurred by each Member State for the compensation to owners for the value of their animals culled and destroyed in accordance with their BSE and scrapie eradication programmes and at a rate of 50 % of the cost of the analysis of samples for genotyping, and shall not exceed:

(a) EUR 2 340 000 for Belgium;

(b) EUR 440 000 for Bulgaria;

(c) EUR 1 380 000 for the Czech Republic;

(d) EUR 1 420 000 for Denmark;

(e) EUR 11 260 000 for Germany;

(f) EUR 300 000 for Estonia;

(g) EUR 4 700 000 for Ireland;

(h) EUR 2 000 000 for Greece;

(i) EUR 6 480 000 for Spain;

(j) EUR 16 980 000 for France;

(k) EUR 7 210 000 for Italy;

(l) EUR 70 000 for Cyprus;

(m) EUR 360 000 for Latvia;

(n) EUR 700 000 for Lithuania;

(o) EUR 100 000 for Luxembourg;

(p) EUR 1 230 000 for Hungary;

(q) EUR 30 000 for Malta;

(r) EUR 3 370 000 for the Netherlands;

(s) EUR 1 510 000 for Austria;

(t) EUR 4 930 000 for Poland;

(u) EUR 1 640 000 for Portugal;

(v) EUR 1 000 000 for Romania;

(w) EUR 240 000 for Slovenia;

(x) EUR 650 000 for Slovakia;

(y) EUR 610 000 for Finland;

(z) EUR 970 000 for Sweden;

(za) EUR 5 920 000 for the United Kingdom.';

(b) in paragraph 3, in point (a), 'EUR 5 per test' is replaced by 'EUR 8 per test';

10. in Article 10, paragraphs 2 and 3 are replaced by the following:

'2. The financial contribution by the Union shall be at the rate of 75 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of carrying out laboratory tests for the detection of rabies antigen or antibodies, the isolation and characterisation of the rabies virus, the detection of biomarker and the titration of vaccine baits, and for the purchase and distribution of vaccine plus baits for the programmes, and shall not exceed:

(a) EUR 1 870 000 for Bulgaria;

(b) EUR 680 000 for Hungary;

(c) EUR 7 380 000 for Poland;

(d) EUR 820 000 for Romania;

(e) EUR 490 000 for Slovakia.

3. The maximum of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall on average not exceed:

(a) for a serological test: EUR 12 per test;

(b) for a test to detect tetracycline in bone: EUR 12 per test;

(c) for a fluorescent antibody test (FAT): EUR 18 per test.';

11. in Article 11, paragraph 2 is amended as follows:

(a) in point (b), 'EUR 20 000' is replaced by 'EUR 40 000';

(b) in point (d), 'EUR 1 400 000' is replaced by 'EUR 650 000';

12. in Article 12, paragraph 2 is replaced by the following:

'2. The financial contribution by the Union to the programmes referred to in paragraph 1 shall be at the rate of 50 % of the costs to be incurred by the concerned Member State for the cost of laboratory tests, and shall not exceed:

(a) EUR 25 000 for Bulgaria;

(b) EUR 300 000 for Hungary;

(c) EUR 1 000 000 for Poland;

(d) EUR 700 000 for Spain.';

13. in Article 13, paragraphs 3 and 4 are replaced by the following:

'3. The financial contribution by the Union shall be at the rate of 75 % of the costs to be incurred by each Member State referred to in paragraphs 1 and 2 for the cost of carrying out laboratory tests for the detection of rabies antigen or antibodies, the characterisation of the rabies virus, the detection of biomarker, age determination and the titration of vaccine baits, and for the purchase and distribution of vaccine plus baits for the programmes, and shall not exceed:

(a) EUR 1 360 000 for Estonia;

(b) EUR 1 400 000 for Latvia;

(c) EUR 540 000 for Lithuania;

(d) EUR 200 000 for Austria;

(e) EUR 830 000 for Slovenia;

(f) EUR 150 000 for Finland.

4. The maximum of the costs to be reimbursed to the Member States for the programmes referred to in paragraphs 1 and 2 shall on average not exceed:

(a) for a serological test: EUR 12 per test;

(b) for a test to detect tetracycline in bone: EUR 12 per test;

(c) for a fluorescent antibody test (FAT): EUR 18 per test.';

14. in Article 14(2), 'EUR 262 000' is replaced by 'EUR 310 000';

15. in Article 15, paragraph 2 is amended as follows:

(a) in point (a) 'EUR 800 000' is replaced by 'EUR 600 000';

(b) in point (c) 'EUR 750 000' is replaced by 'EUR 500 000';

16. in Article 16(2), in the introductory phrase, 'EUR 8 200 000' is replaced by 'EUR 4 000 000'.

Article 5

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 30 November 2010.

For the Commission

John DALLI

Member of the Commission

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