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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 424/2005**of 15 March 2005****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

- (2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 March 2005.

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

Done at Brussels, 15 March 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 15 March 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	110,3
	204	68,0
	212	139,0
	624	140,9
	999	114,6
0707 00 05	052	169,7
	068	170,0
	204	98,3
	999	146,0
0709 10 00	220	20,5
	999	20,5
0709 90 70	052	170,8
	204	78,0
	999	124,4
0805 10 20	052	53,7
	204	53,1
	212	57,4
	220	47,9
	400	51,1
	421	35,9
	624	62,8
	999	51,7
0805 50 10	052	59,1
	220	70,4
	400	67,6
	999	65,7
0808 10 80	388	62,1
	400	99,0
	404	74,7
	508	66,8
	512	77,7
	528	69,8
	720	67,7
	999	74,0
0808 20 50	052	186,2
	388	67,5
	400	92,6
	512	53,3
	528	55,4
	720	50,7
	999	84,3

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

COMMISSION REGULATION (EC) No 425/2005**of 15 March 2005****amending Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards the list of countries and territories****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Regulation (EC) No 998/2003 lays down a list of third countries and territories from which movement of pet animals to the Community may be authorised, provided that certain requirements are met.
- (2) A provisional list of third countries was established by Regulation (EC) No 998/2003, as amended by Commission Regulation (EC) No 592/2004⁽²⁾. That list includes countries and territories which are free of rabies and countries in respect of which the risk of rabies entering the Community as a result of movements from their territories has been found to be no higher than the risk associated with movements between Member States.
- (3) From information supplied by Taiwan, it appears that Taiwan is free of rabies and that the risk of rabies entering the Community as a result of movements of pet animals from Taiwan has been found to be no

higher than the risk associated with movements between Member States. Therefore Taiwan should be included in the list of countries and territories set out in Regulation (EC) No 998/2003.

- (4) In the interest of clarity, that list of countries and territories should be replaced in its entirety.
- (5) Regulation (EC) No 998/2003 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 March 2005.

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

Done at Brussels, 15 March 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 146, 13.6.2003, p. 1. Regulation as last amended by Commission Regulation (EC) No 2054/2004 (OJ L 355, 1.12.2004, p. 14).

⁽²⁾ OJ L 94, 31.3.2004, p. 7.

ANNEX

ANNEX II

LIST OF COUNTRIES AND TERRITORIES

PART A

IE — Ireland

MT — Malta

SE — Sweden

UK — United Kingdom

PART B

Section 1

(a) DK — Denmark, including GL — Greenland and FO — Faeroe Islands;

(b) ES — Spain, including the continental territory, Balearic Islands, Canary Islands, Ceuta and Melilla;

(c) FR — France, including GF — French Guiana, GP — Guadeloupe, MQ — Martinique and RE — Réunion;

(d) GI — Gibraltar;

(e) PT — Portugal, including the continental territory, Azores Islands and Madeira Islands;

(f) Member States other than those listed in Part A and points (a), (b) (c) and (e) of this section.

Section 2

AD — Andorra

CH — Switzerland

IS — Iceland

LI — Liechtenstein

MC — Monaco

NO — Norway

SM — San Marino

VA — Vatican City State

PART C

AC — Ascension Island

AE — United Arab Emirates

AG — Antigua and Barbuda

AN — Netherlands Antilles

AU — Australia

AW — Aruba

BB — Barbados

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

COMMISSION REGULATION (EC) No 426/2005**of 15 March 2005****on imposing a provisional anti-dumping duty on imports of certain finished polyester filament apparel fabrics originating in the People's Republic of China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ (the basic Regulation) and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE**1. Initiation**

- (1) On 17 June 2004, the Commission announced, by a notice published in the *Official Journal of the European Union*⁽²⁾, the initiation of an anti-dumping proceeding with regard to imports into the Community of certain finished polyester filament apparel fabrics ('FPFAF') originating in the People's Republic of China ('PRC' or 'country concerned').
- (2) The proceeding was initiated as a result of a complaint lodged by AIUFFASS ('the complainant'), an affiliate of Euratex, on behalf of 7 individual producers representing a major proportion of the production of the product concerned in the EU, i.e. in this case 26 % of the Community production. The complaint contained evidence of dumping of the said product and of material injury resulting there from, which was considered sufficient to justify the initiation of a proceeding.

2. Parties concerned by the proceeding

- (3) The Commission officially advised the complainant, the exporting producers, importers, suppliers and users as well as user associations known to be concerned, and the representatives of the PRC, of the initiation of the proceeding. Interested parties were given an opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation.
- (4) The complainant producers, other co-operating Community producers, exporting producers, importers, suppliers, users and their respective associations made their views known. All interested parties, who so requested and showed that there were particular reasons why they should be heard, were granted a hearing.
- (5) The Commission sent questionnaires to all parties known to be concerned and to all the other companies that made themselves known within the deadlines set out in the notice of initiation. Replies were received from six of the seven Community producers included in the complaint (one company being unable to fully cooperate due to bankruptcy), one other Community producer, one supplier, one unrelated importer and nine unrelated users in the Community.

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

⁽²⁾ OJ C 160, 17.6.2004, p. 5.

- (6) In order to allow exporting producers in the PRC to submit a claim for market economy treatment ('MET') or individual treatment ('IT'), if they so wished, the Commission also sent MET and IT claim forms to the Chinese companies known to be concerned, and to all the other companies that made themselves known within the deadlines set out in the notice of initiation. In this respect, 49 companies requested MET pursuant to Article 2(7) of the basic Regulation, and 7 companies requested only IT.
- (7) In view of the apparent high number of exporting producers, importers and Community producers, sampling was envisaged in the notice of initiation for the determination of dumping and injury, in accordance with Article 17 of the basic Regulation. In order to enable the Commission to decide whether sampling would be necessary and, if so, to select a sample, all exporting producers, importers and Community producers were asked to make themselves known to the Commission and to provide, as specified in the notice of initiation, basic information on their activities related to the product concerned during the investigation period (1 April 2003 to 31 March 2004). After examination of the information submitted, it was decided that sampling was only necessary with regard to exporters. The sample selected is based on the largest representative volume of exports that can reasonably be investigated within the time available. It consists of the 8 largest exporting Chinese exporting producers (and their related parties), representing over 50 % of the export volume to the Community of the co-operating parties.
- (8) The Commission sought and verified all the information deemed necessary for a provisional determination of dumping, resulting injury and Community interest. Verification visits were carried out at the premises of the cooperating Community producers and the following companies:
- (a) *Community producers*
- Verification visits were carried out at the premises of seven Community producers located in four different countries. The cooperating Community producers requested in terms of Article 19 of the basic Regulation that their details are not published, as to do so would have a significantly adverse effect upon them. The request was found to be sufficiently substantiated and therefore granted.
- (b) *Exporting producers in the PRC*
- Wujiang Chemical Fabric Mill Co. Ltd.
 - Shaoxing Tianlong import and export Ltd.
 - Wujiang Canhua Import & Export Co. Ltd.
 - Fuzhou Fuhua Textile & Printing Dyeing Co. Ltd.
 - Fuzhou Ta Tung Textile Works Co. Ltd.
 - Hangzhou Delicacy Co. Ltd.
 - Shaoxing County Huaxiang Textile Co. Ltd.
 - Shaoxing Ronghao Textiles Co. Ltd. (and related company Shaoxing County Qing Fang Cheng Textile Import and export Co Ltd).

- (c) *Unrelated importers*
 - LE-GO — Hof (Germany)
 - (d) *Community industry suppliers*
 - Elana SA — Torun (Poland)
 - (e) *Community users*
 - LE-GO — Hof (Germany)
- (9) In view of the need to establish a normal value for exporting producers in the PRC to which MET might not be granted, a verification to establish normal value on the basis of data from an analogue country, Turkey in this case, took place at the premises of the following company:
- Italteks Expo Grup A.A., Istanbul

3. Investigation period

- (10) The investigation of dumping and injury covered the period from 1 April 2003 to 31 March 2004 ('IP'). The examination of trends relevant for the assessment of injury covered the period from 1 January 2000 to the end of the investigation period ('period considered').

4. Product concerned and like product

4.1. Product concerned

- (11) The product concerned is finished polyester filament apparel fabrics ('PPFAF') which is woven fabric of synthetic filament yarn containing 85 % or more by weight of textured or non textured polyester filaments, dyed or printed. It is normally used for apparel applications, i.e. *inter alia* for making lining for clothing and for making anoraks, sports wear, ski wear, underwear and fashion items.
- (12) The product concerned is produced by weaving polyester filament yarn (which is not pre-dyed) and then printed or dyed in order to obtain a specific design or colour. It is therefore distinguished from unbleached or bleached woven fabric of synthetic filament yarn that is a product formed after weaving but before dyeing, and which forms the raw material for the product concerned. It can also be distinguished from woven polyester filament fabrics for which pre-dyed yarn is woven into cloth, and the design is created by weaving the pattern. The latter product has different basic physical and chemical characteristics, since the raw material used (pre-dyed yarn) is different, and the design is obtained through weaving and not printing or dyeing. In addition, such type of finished fabric is normally used for soft furnishing applications, whereas the product concerned is almost exclusively used for making clothing.
- (13) The investigation has shown that all types of the product concerned as defined in recital 11, despite differences in a variety of factors such as colour, size of the yarns and finish, have the same basic physical, and chemical characteristics and are used for the same purposes. Therefore, and for the purpose of the present anti-dumping proceeding, all types of the product concerned are regarded as one product. The product concerned falls within CN codes 5407 52 00, 5407 54 00, 5407 61 30, 5407 61 90 and ex 5407 69 90.

4.2. Like product

- (14) No differences were found between the product concerned and the PPFAF produced and sold on the domestic market in the PRC or in Turkey, which served as an analogue country for the purpose of establishing the normal value with respect to certain imports from the PRC. Indeed, they both have the same basic physical and chemical characteristics and uses.

- (15) Likewise, no differences were found between the product concerned and the FPFAP produced by the Community industry and sold on the Community market. They both also were found to share the same physical and chemical characteristics and uses.
- (16) Therefore, these products are provisionally considered to be alike within the meaning of Article 1(4) of the basic Regulation.

B. DUMPING

1. Market economy treatment (MET)

- (17) Pursuant to Article 2(7)(b) of the basic Regulation, in anti-dumping investigations concerning imports originating in the PRC, normal value shall be determined in accordance with paragraphs 1 to 6 of the said Article for those producers which were found to meet the criteria laid down in Article 2(7)(c).
- (18) Briefly, and for ease of reference only, the MET criteria are set out in summarised form below:
1. Business decisions and costs are made in response to market conditions and without State interference;
 2. Accounting records independently audited in line with international accounting standards and applied for all purposes;
 3. There are no significant distortions carried over from the former non-market economy system;
 4. Legal certainty and stability is provided by bankruptcy and property laws;
 5. Currency exchanges are carried out at the market rate.
- (19) In the present investigation, 49 exporting producers in the PRC made themselves known and requested MET pursuant to Article 2(7)(c) of the basic Regulation. Each single MET application was analysed. In view of the large number of companies concerned, on-spot investigations were carried out only at the premises of eight companies (see recital (7)). For the remaining companies, a detailed desk analysis of all information submitted was carried out, and an extensive exchange of correspondence took place with the companies concerned, where elements in their submission were missing or unclear. Where a subsidiary or any other company related to the applicant in the People's Republic of China is a producer and/or an exporter of the product concerned, the related party was also invited to complete the MET claim form. Indeed, MET can be granted only if all related companies meet the criteria set above.
- (20) As regards the companies for which on-spot investigations were carried out, the investigation revealed that three of the eight Chinese exporting producers fulfilled all the conditions for MET (see list of companies in recital (23)). The remaining five claims had to be rejected. The criteria not met by the five exporting producers are set out in the table below.

- (21) As regards the remaining 41 companies, the analysis carried out individually for each company concluded that MET should not be granted to 19 companies, since they manifestly did not meet the criteria of Article 2(7)(c) of the basic Regulation. It was considered that 10 out of these 19 companies did not sufficiently co-operate in the investigation by not submitting the necessary information requested. Indeed, even after a deficiency letter, those companies failed to sufficiently demonstrate that either themselves, or any related company(ies) involved in the production/sales of the product concerned, fulfilled the relevant MET criteria. For the other 9 out of these 19 companies, the criteria not met are also set out in the table below. The remaining 22 companies could successfully demonstrate that they met the five relevant MET criteria.
- (22) The following table summarises the determination for each company not granted MET, against each of the five criteria as set out in Article 2(7)(c) of the basic Regulation:

Company	Criteria				
	Article 2(7)(c) indent 1	Article 2(7)(c) indent 2	Article 2(7)(c) indent 3	Article 2(7)(c) indent 4	Article 2(7)(c) indent 5
1	Not MET	Not MET	MET	MET	MET
2	MET	Not MET	Not MET	MET	MET
3	MET	Not MET	Not MET	MET	MET
4	Not MET	Not MET	Not MET	MET	MET
5	Not MET	Not MET	Not MET	MET	MET
6	MET	MET	Not MET	MET	MET
7	MET	MET	Not MET	MET	MET
8	MET	MET	Not MET	MET	MET
9	Not MET	Not MET	MET	MET	MET
10	Not MET	MET	MET	MET	MET
11	MET	Not MET	MET	MET	MET
12	MET	MET	Not MET	MET	MET
13	MET	MET	Not MET	MET	MET
14	Not MET	Not MET	MET	MET	MET

Source: verified questionnaire replies of cooperating Chinese exporters.

- (23) On this basis, the exporting producers in the PRC which obtained MET are the following:

1. Fuzhou Fuhua Textile & Printing Dyeing Co. Ltd.
2. Fuzhou Ta Tung Textile Works Co. Ltd.
3. Hangzhou Delicacy Co. Ltd.
4. Far Eastern Industries (Shangai) Ltd.
5. Hangzhou Hongfeng Textile Co. Ltd.
6. Hangzhou Jieenda Textile Co. Ltd.
7. Hangzhou Mingyuan Textile Co. Ltd.

8. Hangzhou Shenda Textile Co. Ltd.
9. Hangzhou Yililong Textile Co. Ltd.
10. Hangzhou Yongsheng Textile Co. Ltd.
11. Hangzhou ZhenYa Textile Co. Ltd.
12. Huzhou Styly Jingcheng Textile Co. Ltd.
13. Nantong Teijin Co. Ltd.
14. Shaoxing Ancheng Cloth industrial Co. Ltd.
15. Shaoxing County Jade Weaving and Dyeing Co. Ltd.
16. Shaoxing County Pengyue Textile Co. Ltd.
17. Shaoxing County Xingxin Textile Co. Ltd.
18. Shaoxing Yinuo Printing Dyeing Co. Ltd.
19. Wujiang Longsheng Textile Co. Ltd.
20. Wujiang Xiangshen Textile Dyeing Finishing Co. Ltd.
21. Zhejiang Tianyuan Textile printing and Dying Co. Ltd.
22. Zhejiang Shaoxing Yongli Printing and Dyeing Co. Ltd.
23. Zhejiang Xiangsheng Group Co. Ltd.
24. Zhejiang Yonglong enterprises Co. Ltd.
25. Zhuji Bolan Textile Industrial development Co. Ltd.

2. Individual treatment (IT)

- (24) Further to article 2(7)(a), a country-wide duty, if any, is established for countries falling under Article 2(7), except in those cases where companies are able to demonstrate that they meet all criteria set out in Article 9(5) of the basic Regulation for receiving individual treatment.
- (25) The exporting producers which requested MET, also claimed individual treatment in the event of not being granted MET. Seven additional exporting producers requested only individual treatment.
- (26) Firstly, as regards the companies that claimed but failed to obtain MET, it was found that 13 companies met all the requirements for IT set forth in Article 9(5) of the basic Regulation. As far as the other companies are concerned, ten of them did not sufficiently co-operate in order to be granted MET, and their level of cooperation was so low that they did not even submit enough evidence to justify their request for IT. One other company could not be granted IT because it could not properly and sufficiently demonstrate that its export prices and quantities, and conditions and terms of sale are freely determined. Indeed, for the majority of the export sales it was not possible to verify the final customer or payment of the goods, and the company could not clarify the strong doubts that, under those circumstances, the State was involved in the price setting of the company.

(27) Secondly, from the seven companies that only requested IT, five were found to meet the requirements set forth in Article 9(5) of the basic Regulation. The other two companies could not sufficiently demonstrate that their export prices and quantities as well as the conditions and terms of the sales were freely determined, and without any State interference. Indeed, both companies did not provide the necessary requested information, namely their Articles of Association in force during the whole IP, and one of them was also found to be State owned during the major part of the IP.

(28) It was therefore concluded that IT should be granted to the following 18 companies:

1. Hangzhou CaiHong Textile Co. Ltd.
2. Hangzhou Fuen Textile Co. Ltd.
3. Hangzhou Jinsheng Textile Co. Ltd.
4. Hangzhou Xiaonshan Phoenix Industry Co. Ltd.
5. Hangzhou Zhengda Textile Co. Ltd.
6. Wujiang Canhua Import & Export Co. Ltd.
7. Shaoxing China Light & Textile Industrial City Somet Textile Co. Ltd.
8. Shaoxing County Fengyi Textile Printing and Dying Co. Ltd.
9. Shaoxing County Huaxiang Textile Co. Ltd.
10. Shaoxing Nanchi Textile Printing Dyeing Co. Ltd.
11. Shaoxing Ronghao Textiles Co. Ltd (and related company Shaoxing County Qing Fang Cheng Textile import and export Co. Ltd.)
12. Shaoxing Xinghui Textiles Co. Ltd.
13. Shaoxing Yongda Textile Co. Ltd.
14. Shaoxing Tianlong import and export Ltd.
15. Zhejiang Huagang Dyeing and Weaving Co. Ltd.
16. Zhejiang Golden time printing and Dying knitwear Co. Ltd.
17. Zhejiang Golden tree SLK printing Dying and Sandwshing Co. Ltd.
18. Zhejiang Shaoxiao Printing and Dying Co. Ltd.

3. Sampling

(29) It is recalled that in view of the large number of companies involved, it was decided to make use of the provisions for sampling, and that for this purpose, a sample of eight companies, with the largest export volumes to the EU was chosen, in agreement with the Chinese authorities.

(30) In this respect, the analysis subsequently revealed that from the eight companies originally selected, MET could be granted to three companies, and IT to four of the companies concerned. The provisions on sampling have therefore been applied on that basis.

4. Normal value

4.1. Determination of normal value for exporting producers granted MET

- (31) As far as the determination of normal value is concerned, the Commission first established, for each exporting producer concerned, whether its total domestic sales of FPFAP were representative in comparison with its total export sales to the Community. In accordance with Article 2(2) of the basic Regulation, domestic sales were considered representative when the total domestic sales volume of each exporting producer was at least 5 % of its total export sales volume to the Community.
- (32) For the exporting producers having overall representative domestic sales, the Commission subsequently identified the types of FPFAP sold domestically which were identical or directly comparable to the types sold for export to the Community.
- (33) For each of those types, it was established whether domestic sales were sufficiently representative for the purposes of Article 2(2) of the basic Regulation. Domestic sales of a particular type were considered sufficiently representative when the total domestic sales volume of that type during the IP represented 5 % or more of the total sales volume of the comparable type exported to the Community.
- (34) An examination was also made as to whether the domestic sales of each type of the product concerned could be regarded as having been made in the ordinary course of trade, by establishing the proportion of profitable sales to independent customers of the type in question.
- (35) In cases where the sales volume of a type of FPFAP, sold at a net sales price equal to or above its cost of production, represented more than 80 % of the total sales volume of that type, and where the weighted average price of that type was equal to or above its cost of production, normal value was based on the actual domestic price. This price was calculated as a weighted average of the prices of all domestic sales of that type made during the IP, irrespective of whether these sales were profitable or not.
- (36) Where the volume of profitable sales of a type of FPFAP represented 80 % or less of the total sales volume of that type, or where the weighted average price of that type was below its cost of production, normal value was based on the actual domestic price, which was calculated as a weighted average of profitable sales of that type only, provided that these sales represented 10 % or more of the total sales volume of that type.
- (37) Finally, where the volume of profitable sales of any type of FPFAP represented less than 10 % of the total sales volume of that type, it was considered that this particular type was sold in insufficient quantities for the domestic price to provide an appropriate basis for the establishment of the normal value.
- (38) Wherever domestic prices of a particular type sold by an exporting producer could not be used, constructed normal value was used in preference to domestic prices of other exporting producers. Due to the number of different types and the variety of factors (such as the type of the fibres, the size of the yarns, the finishing of the fabrics) affecting them, using domestic prices of other exporting producers would have meant in this case making numerous adjustments, most of which would have had to be based on estimates. It was therefore considered that the construction of the normal value for each exporting producer formed a more appropriate method.
- (39) Consequently, in accordance with Article 2(3) of the basic Regulation, normal value was constructed by adding to each exporter's manufacturing costs of the exported types, adjusted where necessary, a reasonable amount for selling, general and administrative expenses ('SG&A') and a reasonable margin of profit. To this end, the Commission examined whether the SG&A incurred and the profit realised by each of the exporting producers concerned on the domestic market constituted reliable data.

- (40) Actual domestic SG&A expenses were considered reliable when the total domestic sales volume of the company concerned could be regarded as representative as compared to the volume of export sales to the Community. The domestic profit margin was determined on the basis of domestic sales of those types that were sold in the ordinary course of trade. For this purpose, the methodology set out in recital (34) was applied. Where these criteria were not met, a weighted average SG&A expenses and/or profit margin of the other companies with representative sales in the ordinary course of trade in the country concerned was used.
- (41) Two companies had overall representative sales but it was found that only certain types of the product concerned, which were exported, were sold on the domestic market or were sold on the domestic market in the ordinary course of trade. For the remaining types of PPF&F exported by this company normal value had to be constructed following the methodology explained in the recital (38) to (40).
- (42) One company was found not to have overall representative domestic sales of PPF&F, and normal value therefore had to be constructed following the methodology explained in the recital (38) to (40).
- (43) It should be noted that in the case of two companies, the verification revealed that the manufacturing costs reported by the companies did not properly include all the relevant costs elements, and adjustments have therefore been made accordingly.

4.2. Determination of normal value for all exporting producers not granted MET

(a) Analogue country

- (44) According to Article 2(7) of the basic Regulation, normal value for companies to which MET could not be granted, was established on the basis of the prices or constructed value in an analogue country.
- (45) In the Notice of Initiation, the Commission indicated its intention to use Mexico as an appropriate analogue country for the purpose of establishing normal value for the PRC and interested parties were invited to comment on this.
- (46) A number of exporting producers in the PRC not granted MET objected to this proposal. The main arguments were that Mexico was not considered an appropriate analogue country because of its limited production volume and limited number of producers as compared to China. Questionnaires were sent to all known exporting producers in Mexico, but no reply was received. Mexico could therefore not be chosen as analogue country.
- (47) The Commission services therefore considered alternative solutions and it was found that Turkey could be considered an appropriate analogue country. Indeed, the investigation revealed that Turkey is a competitive market for the product concerned with various domestic producers, of different sizes, and significant imports from third countries. The domestic producers were found to produce similar product types as in the PRC and have similar production methods. The Turkish market was therefore deemed sufficiently representative for the purpose of establishing normal value.
- (48) All known exporting producers in Turkey were contacted, and one company accepted to co-operate. A questionnaire was therefore sent to this producer and the data submitted in its reply was verified on the spot.

(b) **Determination of normal value**

- (49) Pursuant to Article 2(7)(a) of the basic Regulation, normal value for the exporting producers not granted MET was established on the basis of verified information received from the producer in the analogue country, i.e. on the basis of prices paid or payable on the domestic market of Turkey, for product types which were found to be made in the ordinary course of trade, in accordance with the methodology set out in recital (35). Where necessary, those prices were adjusted so as to ensure a fair comparison with those product types exported to the Community by the Chinese producers concerned.
- (50) As a result, normal value was established as the weighted average domestic sales price to unrelated customers by the co-operating producer in Turkey.

5. Export price

- (51) In all cases where the product concerned was exported to independent customers in the Community, the export price was therefore established in accordance with Article 2(8) of the basic Regulation, namely on the basis of export prices actually paid or payable.
- (52) In the case of the companies granted IT, the product concerned was directly exported to unrelated customers in the Community, and therefore the export price was calculated in accordance to the methodology set out in recital (51) above.

6. Comparison

- (53) The normal value and export prices were compared on an ex-works basis. For the purpose of ensuring a fair comparison between the normal value and the export price, due allowance in the form of adjustments was made for differences affecting prices and price comparability in accordance with Article 2(10) of the basic Regulation. Appropriate adjustments concerning transport and insurance, credit, commission and bank charges were granted in all cases where they were found to be reasonable, accurate and supported by verified evidence. Adjustments were also made where the export sales were made via a related company located in a country other than the country concerned or the Community, pursuant to Art 2(10) (i) of the basic Regulation.
- (54) It was found that a lower level of VAT is reimbursed on export sales than that which is reimbursed for domestic sales. To take account of this difference, export prices were adjusted on the basis of the difference in the reimbursed VAT levels between export and domestic sales, i.e. 2 % in 2003 and 4 % in 2004.

7. Dumping margin

7.1. For the co-operating exporting producers granted MET/IT

a) MET

- (55) For the three companies which were granted MET following the on-spot verification, and which were included in the sample, the weighted average normal value of each type of the product concerned exported to the Community was compared with the weighted average export price of the corresponding type of the product concerned, as provided for under Article 2(11) of the basic Regulation. These three companies being related, the provisional dumping margin expressed as a percentage of the CIF import price at the Community border has been calculated as the weighted average of the dumping margins of the three co-operating producers, in line with the Community's policy for related exporting producers.

- (56) The remaining 22 companies which were granted MET, but were not selected in the sample, were attributed a provisional dumping margin at the level of the weighted average margin of dumping margin provisionally established for the parties in the sample which were granted MET.

b) IT

- (57) For the four sampled companies granted IT, the weighted average normal value established for the analogue country was compared with the weighted average export price to the Community, as provided for under Article 2(11) of the basic Regulation. In the case of the remaining 18 companies that were granted IT, but not included in the sample, the provisional dumping margin is set at the level of the weighted average margin of dumping provisionally established for the parties in the sample that were granted IT.
- (58) On this basis, the provisional weighted average dumping margins expressed as a percentage of the CIF Community frontier price duty unpaid are:

Company	Provisional dumping margin
Fuzhou Fuhua Textile & Printing Dyeing Co. Ltd.	20,0 %
Fuzhou Ta Tung Textile Works Co. Ltd.	20,0 %
Hangzhou Delicacy Co. Ltd.	20,0 %
Far Eastern Industries (Shanghai) Ltd.	20,0 %
Hangzhou Hongfeng Textile Co. Ltd.	20,0 %
Hangzhou Jieenda Textile Co. Ltd.	20,0 %
Hangzhou Mingyuan Textile Co. Ltd.	20,0 %
Hangzhou Shenda Textile Co. Ltd.	20,0 %
Hangzhou Yililong Textile Co. Ltd.	20,0 %
Hangzhou Yongsheng Textile Co. Ltd.	20,0 %
Hangzhou ZhenYa Textile Co. Ltd.	20,0 %
Huzhou Styly Jingcheng Textile Co. Ltd.	20,0 %
Nantong Teijin Co. Ltd.	20,0 %
Shaoxing Ancheng Cloth industrial Co. Ltd.	20,0 %
Shaoxing County Jiade Weaving and Dyeing Co. Ltd.	20,0 %
Shaoxing County Pengyue Textile Co. Ltd.	20,0 %
Shaoxing County Xingxin Textile Co. Ltd.	20,0 %
Shaoxing Yinuo Printing Dyeing Co. Ltd.	20,0 %
Wujiang Longsheng Textile Co. Ltd.	20,0 %
Wujiang Xiangshen Textile Dyeing Finishing Co. Ltd.	20,0 %
Zhejiang Tianyuan Textile printing and Dying Co. Ltd.	20,0 %
Zhejiang Shaoxing Yongli Printing and Dyeing Co. Ltd.	20,0 %
Zhejiang Xiangsheng Group Co. Ltd.	20,0 %
Zhejiang Yonglong enterprises Co. Ltd.	20,0 %
Zhuji Bolan Textile Industrial development Co. Ltd.	20,0 %
Hangzhou CaiHong Textile Co. Ltd.	42,3 %

Company	Provisional dumping margin
Hangzhou Fuen Textile Co. Ltd.	42,3 %
Hangzhou Jinsheng Textile Co. Ltd.	42,3 %
Hangzhou Xiaonshan Phoenix Industry Co. Ltd.	42,3 %
Hangzhou Zhengda Textile Co. Ltd.	42,3 %
Wujiang Canhua Import & Export Co. Ltd.	81,9 %
Shaoxing China Light & Textile Industrial City Somet Textile Co. Ltd.	42,3 %
Shaoxing County Fengyi Textile Printing and Dying Co. Ltd.	42,3 %
Shaoxing County Huaxiang Textile Co. Ltd.	26,7 %
Shaoxing Nanchi Textile Printing Dyeing Co. Ltd.	42,3 %
Shaoxing Ronghao Textiles Co. Ltd.	36,3 %
Shaoxing County Qing Fang Cheng Textile import and export Co. Ltd.	36,3 %
Shaoxing Xinghui Textiles Co. Ltd.	42,3 %
Shaoxing Yongda Textile Co. Ltd.	42,3 %
Shaoxing Tianlong import and export Ltd.	70,3 %
Zhejiang Huagang Dyeing and Weaving Co. Ltd.	42,3 %
Zhejiang Golden time printing and Dying knitwear Co. Ltd.	42,3 %
Zhejiang Golden tree SLK printing Dying and Sandwshing Co. Ltd.	42,3 %
Zhejiang Shaoxiao Printing and Dying Co. Ltd.	42,3 %

7.2. For all other exporting producers

- (59) In order to calculate the countrywide dumping margin applicable to all other exporters in the PRC, the Commission first established the level of co-operation. A comparison was made between the total imports of the product concerned originating in the PRC calculated on the basis of Eurostat and the actual questionnaire replies received from exporters in the PRC. On this basis, and considering the high degree of fragmentation that characterises the structure of the exporting industry, it was established that the level of co-operation was high, i.e. 77 % of the overall Chinese exports to the Community.
- (60) The dumping margin was consequently calculated by using the weighted average export price reported by a co-operating exporter to which neither MET nor IT was granted together with the export price as obtained from Eurostat, and comparing the resulting price with the weighted average normal value established for the analogue country for comparable product types. The use of Eurostat as facts available pursuant to Article 18 of the basic Regulation was necessary in the absence of more information on export prices for determining the country-wide duty.
- (61) On this basis the countrywide level of dumping was provisionally established at 109,3 % of the CIF Community frontier price.

C. INJURY

1. Community production

- (62) During the investigation period, the like product was manufactured by
- seven complainant Community producers and one other fully supporting producer, accounting for an output of 97 m running metres, seven of which fully co-operated with the Commission during the investigation and one of which was only able to partially cooperate due to insolvency,
 - twelve other producers with production of around 59 m running meters which supported the proceedings and provided some general information concerning production and sales,
 - other Community producers which were not complainants and did not co-operate, but did not oppose the present proceeding.
- (63) The output of all the above companies constitutes the total Community production of FPF AF and is estimated at around 330 m running metres.

2. Definition of the Community industry

- (64) The accumulated production of the 7 Community producers that fully co-operated in the investigation was 97 m running metres during the investigation period, or around 30 % of the estimated total production of FPF AF in the Community. Thus the 7 Community producers that fully co-operated have been provisionally considered to constitute the Community industry within the meaning of Articles 4(1) and 5(4) of the basic Regulation.

3. Community consumption

- (65) Apparent consumption of FPF AF in the Community was established on the basis of:
- the total imports of FPF AF into the Community as reported by Eurostat together with data submitted by exporting producers,
 - the total verified sales of the Community industry on the Community market, as reported in the verified questionnaire responses of the 7 co-operating Community producers, and
 - the sales data of the 12 other Community producers who provided some general information,
 - the sales data of all the other Community producers, estimated on the basis of production data.
- (66) Community consumption of FPF AF was relatively stable during the period considered. Having peaked at 754 m running metres in 2001, Community consumption of FPF AF reached 732,34 m running metres during the IP, which is 0,92 % lower than the level of consumption at the beginning of the period considered. The slight fall in FPF AF consumption has been triggered by increasing imports of finished apparel as production of apparel has increasingly moved outside the Community. This has led to a stabilisation in the level of apparel production in the Community, despite increasing consumption of finished apparel.

	2000	2001	2002	2003	IP
EU Consumption	739 169 985	754 214 336	747 754 113	735 991 749	732 342 190
2000 = 100	100	102	101	100	99

4. Imports into the Community from the country concerned

4.1. Volume and market share of the imports concerned

(67) The evolution of imports from the PRC, in volume and market share, has been the following

	2000	2001	2002	2003	IP
PRC	134 554 007	185 488 587	221 465 186	268 129 534	287 748 753
2000 = 100	100	138	165	199	214
Market Share (%)	18,2	24,6	29,6	36,4	39,3

(68) Over the period considered, the imports from the PRC have constantly increased from 134 m running metres in the year 2000 to 287 m running metres in the IP, i.e. by 114 %. Their market share of the Community consumption went from 18,2 % in 2000 to 36,4 % in 2002 to reach 39,3 % during the investigation period.

4.2. Prices of imports and undercutting

	2000	2001	2002	2003	IP
PRC EUR/rm	1,41	1,44	1,33	1,15	1,08
2000 = 100	100	102	94	82	77

(69) Average prices of Cif imports from Prc increased slightly between 2000 and 2001 and decreased by 8 percentage points in 2002. The decrease accelerated in 2003 (12 points) and continued in the investigation period. For the whole period a decrease of 23 percentage points was achieved.

(70) For the purpose of analysing price undercutting, the prices of FPFAP sold by the Community industry were compared to those of the imports from the PRC into the Community during the IP, on the basis of weighted average prices per product type. This comparison was made after deduction of rebates and discounts. The prices of the Community industry were adjusted to ex-works prices, and the prices of the imports were CIF Community frontier, plus duties, with adjustments made for the level of trade and handling costs, based on information collected during the investigation, notably from co-operating unrelated importers.

(71) The comparison showed that during the IP FPFAP originating in the PRC was sold in the Community at prices which undercut the Community industry's prices, when expressed as a percentage of the latter, by a range from 8,8 % to 51,1 %. Moreover, there was also price depression as the price obtained by the Community industry did not cover their production costs.

5. Situation of the Community industry

(72) In accordance with Article 3(5) of the Basic Regulation, the examination of the impact of the dumped imports on the Community industry included an evaluation of all economic factors and indices having a bearing on the state of the industry from 2000 (base year) to the IP.

- (73) The Community industry data below represent the aggregated information of the 7 co-operating Community producers.

5.1. *Production, production capacity and capacity utilisation*

- (74) The production capacity was established on the basis of the theoretical maximum hourly output of the machines installed, multiplied by the annual theoretical working hours, considering maintenance and other similar production interruptions.

	2000	2001	2002	2003	IP
Production (running metres)	121 863 189	116 251 098	106 323 467	97 293 397	96 478 634
Index (2000 = 100)	100	95	87	80	79
Production capacity	189 100 207	192 687 309	178 904 418	172 766 620	171 653 883
Index (2000 = 100)	100	102	95	91	91
Capacity utili- sation	64%	60%	59%	56%	56%
Index (2000 = 100)	100	94	92	88	88

- (75) As shown in the table above, production during the period considered decreased by 21%, despite fairly stable Community consumption (a fall of 1% overall). During the same period production capacity decreased by 9%. In spite of the decreasing production capacity, the capacity utilisation shows an even more decreasing trend during the period considered, with the capacity utilisation rate in the IP at 56%, eight percentage points below the level at the beginning of the period.

5.2. *Stocks*

- (76) The figures below represent the volume of stocks at the end of each period.

	2000	2001	2002	2003	IP
Stocks (running metres)	16 580 068	15 649 118	16 398 108	14 491 370	15 283 152
as % of production	13,6	13,5	15,4	14,9	15,8

- (77) The level of stocks in absolute figures showed some fluctuations but overall decreased between 2000 and the IP. However, as a percentage of production, stocks actually increased from 13,6% in 2000 to 14,9% in 2003 and 15,8% in the IP. This reflects the increasing levels of stock held by the Community industry relative to their levels of production.

5.3. Sales volume, market shares and prices in the EC

- (78) The figures below represent the Community industry's sales to independent customers in the Community.

	2000	2001	2002	2003	IP
Sales volume (running metres)	90 860 385	79 328 799	76 225 554	73 913 243	71 771 114
Index (2000 = 100)	100	87	84	81	79
Market Share	12,3 %	10,5 %	10,2 %	10,0 %	9,8 %
Index (2000 = 100)	100	85	83	81	80
Average unit prices (EUR/running metre)	1,29	1,38	1,36	1,40	1,38
Index (2000 = 100)	100	107	105	109	107

- (79) The Community industry's sales volumes have been steadily decreasing. They decreased by 21 % during the period considered. The decrease in sales volumes should be seen in the light of the increased imports from China during the same period, which increased by 114 %.
- (80) Between 2000 and 2001, the market shares of the Community industry decreased from 12,3 % to 10,5 %, notwithstanding a 2 % increase in Community consumption. The market share of the Community industry continued to decrease between 2001 and the IP, when it fell back to 9,8 %.
- (81) The Community industry's average sale prices increased by 7 % between 2000 and 2001, and have since remained relatively stable fluctuating between EUR 1,36 and EUR 1,40. The price increase between 2000 and 2001 resulted from a change in the product mix as the Community industry increasingly focussed on higher specification, more technologically advanced, products which have higher cost but also higher added value. Nevertheless, that increase was less than could have been expected given the increase in quality and specification, and resultant increase in costs. Thereafter, the Community industry continued to upgrade its product mix with a further shift to more advanced and higher added value products which carry a price premium. However, the Community industry was unable to charge higher prices despite the higher quality and specification of the goods sold. During the IP, prices fell back to their level in 2001.

5.4. Growth

- (82) During the whole period growth was negative in term of production, sales volume and market share. This resulted in negative financial results.

5.5. Profitability, return on investment and cash flow

- (83) The profit concept used below is profit before taxes, which for 'Profitability on EC Sales' represents the profit generated by sales of FPFAP on the Community market, but in the case of 'Return on Investment' and 'Cash Flow' it represents the profit generated at the company level, being the narrowest group of products which includes the like product, for which the necessary information can be provided pursuant to Article 3(8) of the basic Regulation.

- (84) The return on investment has been calculated on the basis of return on net assets, as return on net assets is considered more relevant for the analysis of a trend.

	2000	2001	2002	2003	IP
Profitability on EC Sales	1,2 %	1,1 %	- 2,7 %	- 4,0 %	- 3,9 %
Return on Investment	- 5,6 %	- 9,2 %	- 10,7 %	- 25,7 %	- 24,2 %
Cash Flow	13 701 583	13 442 402	12 186 295	12 438 496	12 922 951

- (85) As noted above, the Community industry's average unit price increased by 7 % overall in the period considered due to a change in the product mix. However, profitability of EC sales fell from 1,2 % in 2000 to - 4 % in 2003 and - 3,9 % in the IP. This reflects the fact that, notwithstanding the steps taken by the Community industry to move away from basic products towards more sophisticated products in order to remain profitable, the Community industry actually became loss-making.
- (86) The return on investment shows the same overall trend as profitability. It decreased from - 5,6 % to - 24,2 % over the period considered. It should be noted that this ratio refers to the whole activity of these companies, as it was not possible to allocate investments to the product concerned.
- (87) Cash flow decreased by 11 % between 2000 and 2002, before increasing by 6 % between 2002 and the IP. Over the period considered cash flow decreased by 6 %.

5.6. Investments and ability to raise capital

	2000	2001	2002	2003	IP
Investments	7 072 559	12 470 883	4 591 730	7 164 078	7 081 586

- (88) Levels of investment increased by 76 % in 2001, but then fell by 63 % in 2002 before returning to their previous level (around EUR 7,1 m) in 2003 and the IP. The large increase in 2001 and fall in 2002 was due to the date at which investments were recorded rather than a change in investment strategy in these years.
- (89) Despite the difficulties which it has encountered, the Community industry has continued to make new investments. However, these have not been directed at increasing capacity but rather to ensuring that it has fully up-to-date machinery which can produce a product of a consistently high quality whilst reducing costs through more efficient use of energy, water and other resources and with a greater level of automation.
- (90) There is an approximately two-year time lap between the decision to invest in larger scale projects and the moment when that investment is realised and ready to be used. This partly explains why the level of investments has been maintained in the period considered despite worsening financial results.
- (91) Much of the Community industry is made up of small or medium sized enterprises. In consequence, the Community industry's ability to raise capital was reduced to some extent during the period considered, especially in the latter part thereof, when profitability became negative.

5.7. *Employment, productivity and wages*

	2000	2001	2002	2003	IP
Number of employees	928	894	866	840	790
Index 1999 = 100	100	96	93	91	85
Employment costs (T.EUR)	35 285	35 209	34 391	33 010	32 228
Index 1999 = 100	100	100	97	94	91
Productivity (Kilometres/employee)	131	130	123	120	122
Index 1999 = 100	100	99	94	92	93

- (92) As seen above, the Community industry reduced its production by 21% during the period considered. As a result of this reduction and also due to investment in automated systems it was also forced to reduce its workforce. The number of employees fell steadily from 928 in 2000 to 790 in the IP, a decrease of 15%. At the same time, in consequence of the reduction in employees, employment costs fell from EUR 35,3 m in 2000 to EUR 32,2 m in the IP, a reduction of 9%.
- (93) Notwithstanding this reduction in the workforce and the increased automation, productivity actually fell as, following decreasing sales volumes, the Community industry was forced to reduce production. In consequence, the benefit of investment in new machinery was to some extent not realised.

5.8. *Magnitude of actual margin of dumping*

- (94) Given the volume and price of the dumped imports, the impact of the actual margins of dumping cannot be considered negligible.

5.9. *Recovery from past dumping*

- (95) The Community industry was not in a situation where it had to recover from the past effects of injurious dumping.

6. **Conclusion on injury**

- (96) Practically all economic indicators follow an overall negative trend in the period considered. Production volume has fallen by 21%, production capacity by 9% and capacity utilisation by 12,5%. Whilst stocks have fallen in absolute terms, they have increased as a percentage of production. EC sales volumes have fallen by 20% and market share by 21%. Although prices increased by 7% overall, this was not sufficient to reflect the change in the product mix as the Community industry has increasingly moved to more sophisticated products, and the increased costs resulting therefrom. The difficult situation in which the Community industry found itself, was reflected in a decrease of profitability from 1,2% in 2000 to losses of -3,9% in the IP. Return on assets has also become increasingly negative, and cashflow has decreased. Employment and wages have fallen as staff has been reduced to decrease costs in light of falling production, sales and profitability. Productivity has also fallen as reduced production has prevented the benefits of reduced staff numbers and continued investment in modern plant and machinery from flowing through.

- (97) Whilst the Community industry has managed to maintain a good level of investment to date, their ability to raise capital is clearly affected by the growing losses incurred and they cannot expect to be able to continue to invest at this level if their financial position does not improve.
- (98) In view of the above, it is provisionally concluded that the Community industry has suffered material injury within the meaning of Article 3 of the basic Regulation.

D. CAUSATION

1. Preliminary remarks

- (99) In accordance with Article 3(6) of the basic Regulation, it was examined whether the material injury suffered by the Community industry had been caused by the dumped imports from the country concerned. In accordance with Article 3(7) of the basic Regulation, the Commission also examined other known factors which might have injured the Community industry in order to ensure that any injury caused by those factors was not wrongly attributed to the dumped imports.

2. Effect of the dumped imports

- (100) The volume of FPFAP originating in the PRC increased significantly during the period considered. As can be seen in the table under recital (67), imports from the PRC increased from around 135 m running metres in 2000 to a level of 288 m running metres in the IP, i.e. by 114%. As a result, the market share of imports of FPFAP from the PRC more than doubled, going from 18,2% to 39,3%.
- (101) As established in recital (71) above, the imports originating in the PRC undercut the average sales price of the Community industry by a significant amount, with an undercutting margin ranging from 8,8 to 51,1%. The price pressure by the imports concerned prevented the Community industry from increasing their prices in order to reflect the higher added value resulting from the specifications of the product mix sold by the Community industry.
- (102) The substantial increase in the volume of imports originating in PRC and their gain in market share between 2000 and the IP, at prices which remained well below those of the Community industry, coincided in time with the deterioration in the situation of the Community industry during the very same period, as shown in the trend of almost all injury indicators. The Community industry was forced to try to match prices in an attempt to maintain market share and thus production. However, where prices were too low to cover variable costs they were forced to give up market share in order to avoid incurring even greater losses.
- (103) It is therefore provisionally concluded that the pressure exerted by the imports concerned, which significantly increased their volume and market share from 2000 onwards, and which were made at low dumped prices, played a determining role in causing price depression and suppression and loss of market share for the Community industry and, as a consequence, a deterioration in its financial situation.

3. Effect of other factors

3.1. Imports originating in other third countries

- (104) The imports from third countries not concerned by this investigation showed the following development during the period considered:

	2000	2001	2002	2003	IP
All other countries	263 755 593	268 396 949	270 063 373	233 948 972	227 822 323
2000 = 100	100	102	102	89	86
Market Share (%)	35,7	38,4	36,1	31,8	31,1

- (105) Following an increase in volumes in 2001 and 2002, total imports from all other countries have fallen by 14% overall in the period considered. Similarly, although the market share of all other countries first increased to 38,4% in 2001, it has since fallen to 31,1%. Thus imports from all other countries have lost both volume and market share, while at the same time import volumes and market share of the PRC increased. Price of imports from all other countries were constantly higher than prices from PRC.
- (106) It is therefore provisionally concluded that imports of FPFAP originating in countries other than the PRC have not contributed to the injury suffered by the Community industry.

3.2. Changes in the pattern of consumption

- (107) As mentioned in recital (66), the consumption of FPFAP in the Community fell by less than 1% during the period considered. Had the Community industry been able to maintain its market share it would have suffered a loss in sales volumes in the EC of only 900 000 running metres as a result of this fall in consumption. The actual fall in EC sales volume was, however, 19 000 000 running metres, which is more than 21 times greater. Therefore, the pattern of consumption has provisionally been considered not to have been a material cause of any injury suffered by the Community industry.

3.3. Performance of other Community producers

- (108) Although only limited information on the performance of other Community producers is available, in the light of the fact that twelve producers supported the complaint and taking account of general market information on the sector, it can be reasonably presumed, that they also suffered material injury from the dumped imports. In the absence of any indication that their situation would be different from that of the Community industry, other Community producers cannot be considered as a cause of injury to the Community industry.

3.4. Conclusion on Causation

- (109) During the period considered, there were significant increases in volumes and market shares of imports from the PRC, which also undercut significantly the prices of the Community industry, and showed a striking coincidence in time with the deterioration of the situation of the Community industry.
- (110) No other factors have been put forward or been found which could have affected in a significant way the situation of the Community industry.

- (111) Based on the above analysis, which has properly distinguished and separated the effects of all known factors having an effect on the situation of the Community industry, from the injurious effect of the dumped imports, it is therefore provisionally concluded that the imports from the PRC have caused material injury to the Community within the meaning of Article 3(6) of the basic Regulation.

E. COMMUNITY INTEREST

1. General considerations

- (112) It has been examined whether, despite the findings on injurious dumping, compelling reasons existed that could lead to the conclusion that it would be against the Community interest to adopt anti-dumping measures in this particular case. For this purpose and in accordance with Article 21(1) of the basic Regulation, the determination of Community interest was based on an appreciation of all the various interests involved, i.e. those of the Community industry, other Community producers, the importers/traders as well as the users and suppliers of raw materials concerning the product under consideration.
- (113) The Commission sent questionnaires to importers/traders, suppliers of raw materials, industrial users as well as various associations of users. Only one supplier and one importer/user made substantive responses.

2. Interest of the Community industry and of other Community producers

- (114) It is recalled that the Community industry consists of 7 producers which directly employ around 1 800 staff, 790 of whom worked in the production and sales of FPFAP during the IP. Their production is estimated to represent around 30% of total production in the Community.
- (115) The imposition of measures is expected to restore fair competition on the market and prevent further injury to the Community industry. The Community industry should then be able to increase its sales and market share, and become profitable again. This should lead to a general improvement of the Community industry's financial situation.
- (116) On the other hand, it is considered that, in the absence of anti-dumping measures on imports of FPFAP from the PRC, the situation of the Community industry would worsen through increased imports at dumped prices from the PRC leading to increased financial losses. The essential viability of the industry would be threatened in the absence of measures to eliminate the injurious dumping, and indeed, one of the complainants has already become insolvent.
- (117) Concerning other Community producers, part of them expressed their support to the complaint and nobody opposed to it. We can therefore reasonably provisionally conclude that anti-dumping measures would not be against their interest.
- (118) Accordingly, it is provisionally concluded that the imposition of anti-dumping measures would allow the Community industry to recover from the effects of injurious dumping and would be in the interest of the Community industry.

3. Interest of unrelated importers

- (119) Only one importer made itself known to the Commission. This importer stated that it purchased FPFAP from the PRC due to its different construction and lower prices, but expressed no view on the possible imposition of measures. This importer which represented a negligible proportion of imports from China, did not, however, submit a substantiated reply to the questionnaire. No traders made themselves known to the Commission.

- (120) Therefore, it was impossible with regard to importers and traders to make a proper assessment of the possible effects of taking measures or not taking measures. It should also be recalled that anti-dumping measures are not intended to prevent imports, but to ensure that they are not made at injuriously dumped prices. As fairly-priced imports will still be allowed to enter into the Community market, and as imports from third countries will also continue, it is likely that the traditional business of importers will not be substantially affected even if anti-dumping measures against dumped imports are imposed. The absence of comments by unrelated importers further underscores this conclusion.
- (121) Therefore, it is provisionally concluded that the imposition of measures would not have any significant effect on importers.

4. Interest of suppliers of raw materials

- (122) It is recalled that some Community producers receive their raw material from group companies (integrated producers). Others rely on suppliers independent of the Community producers.
- (123) The complaint by the Community industry was supported by the International Rayon and Synthetic Fibres Committee, a representative association of manufacturers of fibres including polyester filament yarn, the raw material for the production of FPFAP. They pointed out that sales of yarn to producers of FPFAP in the Community represent 25 % of their members total production and are thus of great importance to their members.
- (124) In addition, one individual supplier of raw material to the Community industry made itself known to the Commission. They argued that their ability to continue to invest would be negatively affected if dumped imports from PRC were allowed to continue.
- (125) Considering the above arguments, it is provisionally concluded that it is not against the interest of suppliers of raw materials to impose measures on FPFAP from PRC.

5. Interest of users

- (126) FPFAP is mainly used by the apparel industry. Depending on the exact specifications it is used in making linings for clothing, for making nightwear and lingerie, and, for making sportswear, workwear and outerwear. It is also used to some extent in the manufacture of items such as children's car seats, push chairs etc.
- (127) Nine submissions from users of FPFAP were received. Of these only one user currently imports part of the FPFAP from the PRC. The latter argued that the prices charged by the Community industry were higher and that measures should not be imposed as it would increase their costs and reduce the competitiveness of their products, particularly compared to imports of apparel from the PRC. This user further argued that as they currently source FPFAP both within the Community and in the PRC, an increase in their costs leading to loss of competitiveness on their part would negatively affect not only themselves but also the Community industry from whom they also buy. The other users noted that the imposition of duties would probably lead to an increase in the cost of the imported product, but that they were unlikely to be directly affected by such an increase.
- (128) In view of the comments made, it is considered that any cost increase for the users would be unlikely to be significant. Moreover, it should be recalled that imports from the PRC may continue to enter the Community market, but at fair prices, and that other non-dumped sources will remain available. In the light of this, it is provisionally concluded that provisional measures against PRC will not significantly affect the interest of users.

6. Conclusion on Community Interest

- (129) The imposition of measures is in the interest of the Community industry, other Community producers, and suppliers to the Community industry. It will allow the Community industry to increase production, sales and market share and return to profitability. Should measures not be imposed, it is expected that the Community industry would suffer significant losses due to further decreases of sales and continued price depression on the Community market, which would lead to continuing loss of market share against increased imports originating in the PRC and a further deterioration in their sales prices as they would attempt to slow the decline in their market share. These negative effects on the Community industry would in turn negatively affect suppliers to the Community industry who would also suffer reduced demand forcing them to lower production.
- (130) Although the measures would be expected to increase the price of imports, importers have not expressed concern about possible measures and it is considered that they would not be significantly affected by the imposition of measures. As regards users it was found that the imposition of measures would not have a significant effect on their profit margin or, consequently, on their activity, considering the alternative sources of supply and the fact that the great majority of users did not react.
- (131) After weighing the interests of the various parties involved, the Commission provisionally concludes that there are no compelling reasons not to impose provisional anti-dumping measures against imports PPFAP originating in the PRC.

F. PROPOSAL FOR PROVISIONAL ANTI-DUMPING MEASURES

1. Injury elimination level

- (132) In view of the provisional conclusions reached with regard to dumping, injury, causation and Community interest, provisional measures should be imposed in order to prevent further injury being caused to the Community industry by the dumped imports.
- (133) For the purpose of establishing the level of the provisional measures, account has been taken of both the dumping margin found and the amount of duty necessary to eliminate the injury sustained by the Community industry.
- (134) The provisional measures should be imposed at a level sufficient to eliminate the injury caused by these imports without exceeding the dumping margin found. When calculating the amount of duty necessary to remove the effects of the injurious dumping, it was considered that any measures should allow the Community industry to cover its costs of production and obtain overall a profit before tax that could be reasonably achieved by an industry of this type in the sector under normal conditions of competition, i.e. in the absence of dumped imports, on the sales of the like product in the Community. The pre-tax profit margin used for this calculation was 8% of turnover (i.e. EUR 5,7 m) and it is in line with the profit made by the Community industry in 1998 and 1999, before Chinese exports started to be a problem. On this basis a non-injurious price was calculated for the Community industry of the like product by adding the above mentioned profit margin of 8% to the cost of production.
- (135) The necessary price increase was then determined on the basis of a comparison of the weighted average import price, as established for the undercutting calculations, with the average non-injurious price. Any difference resulting from this comparison was then expressed as a percentage of the average import CIF value. These differences were in all cases above the dumping margin found.

2. Provisional measures

- (136) In the light of the foregoing, it is considered that a provisional anti-dumping duty should be imposed at the level of the lowest of the dumping and injury margins found, in accordance with Article 7(2) of the basic Regulation.

- (137) 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 country concerned and produced by the companies and thus by the specific legal entities mentioned. Imported products produced by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.
- (138) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting-up of new production or sales entities) should be addressed to the Commission⁽³⁾ forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with e.g. that name change or that change in the production and sales entities. If appropriate, the Regulation will accordingly be amended by updating the list of companies benefiting from individual duty rates.
- (139) The proposed anti-dumping duties are the following:

Company	Anti-dumping duty
Fuzhou Fuhua Textile & Printing Dyeing Co. Ltd.	20,0 %
Fuzhou Ta Tung Textile Works Co. Ltd.	20,0 %
Hangzhou Delicacy Co. Ltd.	20,0 %
Far Eastern Industries (Shanghai) Ltd.	20,0 %
Hangzhou Hongfeng Textile Co. Ltd.	20,0 %
Hangzhou Jieenda Textile Co. Ltd.	20,0 %
Hangzhou Mingyuan Textile Co. Ltd.	20,0 %
Hangzhou Shenda Textile Co. Ltd.	20,0 %
Hangzhou Yililong Textile Co. Ltd.	20,0 %
Hangzhou Yongsheng Textile Co. Ltd.	20,0 %
Hangzhou ZhenYa Textile Co. Ltd.	20,0 %
Huzhou Styly Jingcheng Textile Co. Ltd.	20,0 %
Nantong Teijin Co. Ltd.	20,0 %
Shaoxing Ancheng Cloth industrial Co. Ltd.	20,0 %
Shaoxing County Jade Weaving and Dyeing Co. Ltd.	20,0 %
Shaoxing County Pengyue Textile Co. Ltd.	20,0 %
Shaoxing County Xingxin Textile Co. Ltd.	20,0 %
Shaoxing Yinuo Printing Dyeing Co. Ltd.	20,0 %

⁽³⁾ European Commission
 Directorate-General for Trade
 Direction B
 Office J-79 5/16
 B-1049 Brussels.

Company	Anti-dumping duty
Wujiang Longsheng Textile Co. Ltd.	20,0 %
Wujiang Xiangshen Textile Dyeing Finishing Co. Ltd.	20,0 %
Zhejiang Tianyuan Textile printing and Dying Co. Ltd.	20,0 %
Zhejiang Shaoxing Yongli Printing and Dyeing Co. Ltd.	20,0 %
Zhejiang Xiangsheng Group Co. Ltd.	20,0 %
Zhejiang Yonglong enterprises Co. Ltd.	20,0 %
Zhuji Bolan Textile Industrial development Co. Ltd.	20,0 %
Wujiang Canhua Import & Export Co. Ltd.	74,8 %
Shaoxing County Huaxiang Textile Co. Ltd.	26,7 %
Shaoxing Ronghao Textiles Co. Ltd.	33,9 %
Shaoxing County Qing Fang Cheng Textile import and export Co. Ltd.	33,9 %
Shaoxing Tianlong import and export Ltd.	63,4 %
Hangzhou CaiHong Textile Co. Ltd.	39,4 %
Hangzhou Fuen Textile Co. Ltd.	39,4 %
Hangzhou Jinsheng Textile Co. Ltd.	39,4 %
Hangzhou Xiaonshan Phoenix Industry Co. Ltd.	39,4 %
Hangzhou Zhengda Textile Co. Ltd.	39,4 %
Shaoxing China Light & Textile Industrial City Somet Textile Co. Ltd.	39,4 %
Shaoxing County Fengyi Textile Printing and Dying Co. Ltd.	39,4 %
Shaoxing Nanchi Textile Printing Dyeing Co. Ltd.	39,4 %
Shaoxing Xinghui Textiles Co. Ltd.	39,4 %
Shaoxing Yongda Textile Co. Ltd.	39,4 %
Zhejiang Huagang Dyeing and Weaving Co. Ltd.	39,4 %
Zhejiang Golden time printing and Dying knitwear Co. Ltd.	39,4 %
Zhejiang Golden tree SLK printing Dying and Sandwshing Co. Ltd.	39,4 %
Zhejiang Shaoxiao Printing and Dying Co. Ltd.	39,4 %
All other companies	85,3 %

G. FINAL PROVISION

- (140) In the interest of sound administration, a period should be fixed within which the interested parties which made themselves known within the time limit specified in the notice of initiation may make their views known in writing and request a hearing. Furthermore, it should be stated that the findings concerning the imposition of duties made for the purposes of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive duty.

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of woven fabrics of synthetic filament yarn containing 85 % or more by weight of textured and/or non-textured polyester filament, dyed or printed, originating in the People's Republic of China, falling within CN codes 5407 52 00, 5407 54 00, 5407 61 30, 5407 61 90 and ex 5407 69 90 (TARIC code 5407 69 90 10).

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

Company	Anti-dumping duty	TARIC Additional code
Fuzhou Fuhua Textile & Printing Dyeing Co. Ltd.	20,00 %	A617
Fuzhou Ta Tung Textile Works Co. Ltd.	20,00 %	A617
Hangzhou Delicacy Co. Ltd.	20,00 %	A617
Far Eastern Industries (Shangai) Ltd.	20,00 %	A617
Hangzhou Hongfeng Textile Co. Ltd.	20,00 %	A617
Hangzhou Jieenda Textile Co. Ltd.	20,00 %	A617
Hangzhou Mingyuan Textile Co. Ltd.	20,00 %	A617
Hangzhou Shenda Textile Co. Ltd.	20,00 %	A617
Hangzhou Yililong Textile Co. Ltd.	20,00 %	A617
Hangzhou Yongsheng Textile Co. Ltd.	20,00 %	A617
Hangzhou ZhenYa Textile Co. Ltd.	20,00 %	A617
Huzhou Styly Jingcheng Textile Co. Ltd.	20,00 %	A617
Nantong Teijin Co Ltd.	20,00 %	A617
Shaoxing Ancheng Cloth industrial Co. Ltd.	20,00 %	A617
Shaoxing County Jiade Weaving and Dyeing Co. Ltd.	20,00 %	A617
Shaoxing County Pengyue Textile Co. Ltd.	20,00 %	A617
Shaoxing County Xingxin Textile Co. Ltd.	20,00 %	A617
Shaoxing Yinuo Printing Dyeing Co. Ltd.	20,00 %	A617
Wujiang Longsheng Textile Co. Ltd.	20,00 %	A617
Wujiang Xiangshen Textile Dyeing Finishing Co. Ltd.	20,00 %	A617
Zhejiang Tianyuan Textile printing and Dying Co. Ltd.	20,00 %	A617
Zhejiang Shaoxing Yongli Printing and Dyeing Co. Ltd.	20,00 %	A617

Company	Anti-dumping duty	TARIC Additional code
Zhejiang Xiangsheng Group Co. Ltd.	20,00 %	A617
Zhejiang Yonglong enterprises Co. Ltd.	20,00 %	A617
Zhuji Bolan Textile Industrial development Co. Ltd.	20,00 %	A617
Wujiang Canhua Import & Export Co. Ltd.	74,80 %	A618
Shaoxing County Huaxiang Textile Co. Ltd.	26,70 %	A619
Shaoxing Ronghao Textiles Co. Ltd.	33,90 %	A620
Shaoxing County Qing Fang Cheng Textile import and export Co. Ltd.	33,90 %	A621
Shaoxing Tianlong import and export Ltd.	63,40 %	A622
Hangzhou CaiHong Textile Co. Ltd.	39,40 %	A623
Hangzhou Fuen Textile Co Ltd.	39,40 %	A623
Hangzhou Jinsheng Textile Co. Ltd.	39,40 %	A623
Hangzhou Xiaonshan Phoenix Industry Co. Ltd.	39,40 %	A623
Hangzhou Zhengda Textile Co. Ltd.	39,40 %	A623
Shaoxing China Light & Textile Industrial City Somet Textile Co. Ltd.	39,40 %	A623
Shaoxing County Fengyi Textile Printing and Dying Co. Ltd.	39,40 %	A623
Shaoxing Nanchi Textile Printing Dyeing Co. Ltd.	39,40 %	A623
Shaoxing Xinghui Textiles Co. Ltd.	39,40 %	A623
Shaoxing Yongda Textile Co. Ltd.	39,40 %	A623
Zhejiang Huagang Dyeing and Weaving Co. Ltd.	39,40 %	A623
Zhejiang Golden time printing and Dying knitwear Co. Ltd.	39,40 %	A623
Zhejiang Golden tree SLK printing Dying and Sandwshing Co. Ltd.	39,40 %	A623
Zhejiang Shaoxiao Printing and Dying Co. Ltd.	39,40 %	A623
All other companies	85,30 %	A999

3. The release for free circulation in the Community of the product referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

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

Article 2

Without prejudice to Article 20 of Council Regulation (EC) No 384/96, interested parties may request disclosure of the essential facts and considerations on the basis of which this Regulation was adopted, make their views known in writing and apply to be heard orally by the Commission within 30 days of the date of entry into force of this Regulation.

Pursuant to Article 21(4) of Regulation (EC) No 384/96, the parties concerned may comment on the application of this Regulation within 30 days of the date of its entry into force.

Article 3

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

Article 1 of this Regulation shall apply for a period of six months.

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

Done at Brussels, 15 March 2005.

For the Commission
Peter MANDELSON
Member of the Commission

COMMISSION REGULATION (EC) No 427/2005**of 15 March 2005****fixing the import duties in the cereals sector applicable from 16 March 2005**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

- (3) Regulation (EC) No 1249/96 lays down detailed rules for the application of Regulation (EC) No 1784/2003 as regards import duties in the cereals sector.
- (4) The import duties are applicable until new duties are fixed and enter into force.
- (5) In order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties.
- (6) Application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in Annex I to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 March 2005.

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

Done at Brussels, 15 March 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

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

ANNEX I

**Import duties for the products covered by Article 10(2) of Regulation (EC) No 1784/2003 applicable from
16 March 2005**

CN code	Description	Import duty ⁽¹⁾ (EUR/tonne)
1001 10 00	Durum wheat high quality	0,00
	medium quality	0,00
	low quality	6,62
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	Common high quality wheat other than for sowing	0,00
1002 00 00	Rye	34,06
1005 10 90	Maize seed other than hybrid	53,38
1005 90 00	Maize other than seed ⁽²⁾	53,38
1007 00 90	Grain sorghum other than hybrids for sowing	34,06

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2(4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

- EUR 3/t, where the port of unloading is on the Mediterranean Sea, or
- EUR 2/t, where the port of unloading is in Ireland, the United Kingdom, Denmark, Estonia, Latvia, Lithuania, Poland, Finland, Sweden or the Atlantic coasts of the Iberian peninsula.

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

ANNEX II

Factors for calculating duties

period from 1.3.2005-14.3.2005

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

Exchange quotations	Minneapolis	Chicago	Minneapolis	Minneapolis	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2 (14 %)	YC3	HAD2	Medium quality (*)	Low quality (**)	US barley 2
Quotation (EUR/t)	113,59 (***)	64,32	153,71	143,71	123,71	96,28
Gulf premium (EUR/t)	44,94	12,64	—			—
Great Lakes premium (EUR/t)	—	—	—			—

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

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

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

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

Freight/cost: Gulf of Mexico–Rotterdam: 30,27 EUR/t; Great Lakes–Rotterdam: — EUR/t.

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 17 February 2005

appointing ten French members and six French alternate members of the Committee of the Regions

(2005/215/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal from the French Government,

Whereas:

- (1) On 22 January 2002 the Council adopted a Decision appointing the members and alternate members of the Committee of the Regions ⁽¹⁾,
- (2) Seven seats as members of the Committee of the Regions have become vacant following the expiry of the mandates of Mr Jean-Pierre BAZIN (FR), Mr Marc BELLET (FR), Mr Yannick BODIN (FR), Ms Mireille KERBAOL (FR), Mr Robert SAVY (FR) and Mr Jacques VALADE (FR) notified to the Council on 9 April 2004 and of Mr Valéry GISCARD d'ESTAING (FR), notified to the Council on 7 August 2004.

A seat as an alternate member of the Committee of the Regions has become available following the death of Mr Claude GIRARD (FR), notified to the Council on 9 April 2004.

Two seats as alternate members of the Committee of the Regions have become vacant following the resignation of Mr Philippe RICHERT (FR), notified to the Council on 11 November 2004, and Mr Augustin BONREPAUX (FR), notified to the Council on 22 December 2004.

Three seats as alternate members of the Committee of the Regions have become available following the expiry of the mandates of Ms Nicole GUILHAUDIN (FR), Mr Alain PERELLE (FR) and Ms Marie-Françoise JACQ (FR), notified to the Council on 9 April 2004.

Three seats as alternate members of the Committee of the Regions have become available following the expiry of the mandates of Mr Claudy LEBRETON (FR), notified to the Council on 13 October 2004, Ms Mireille LACOMBE (FR), notified to the Council on 22 December 2004 and Mr Ambroise GUELLEC (FR), notified to the Council on 19 January 2005,

HAS DECIDED AS FOLLOWS:

Sole Article

- (a) Mr Camille de ROCCA SERRA
Président de l'assemblée territoriale Corse

⁽¹⁾ OJ L 24, 26.1.2002, p. 38.

Mr Raymond FORNI
Président du conseil régional de Franche-Comté

Ms Mireille LACOMBE
Conseillère générale du Puy-de-Dôme

Mr Jean-Yves LE DRIAN
Président du conseil régional de Bretagne

Mr Martin MALVY
Président du conseil régional Midi-Pyrénées

Mr Raymond MARIGNE
Vice-président du conseil général des Hautes-Alpes

Mr Daniel PERCHERON
Président du conseil régional du Nord-Pas-de-Calais

Mr Alain ROUSSET
Président du conseil régional d'Aquitaine

Mr Michel THIERS
Vice-président du conseil général du Rhône

Mr Adrien ZELLER
Président du conseil régional d'Alsace

(b) are hereby appointed members of the Committee of the Regions,

Mr Jacques AUXIETTE
Président du conseil régional des Pays-de-la-Loire

Mr Pierre BERTRAND
Vice-président du conseil général du Bas-Rhin

Mr Charles JOSSELIN
Vice-président du conseil général des Côtes d'Armor

Mr Jean-Jacques LOZACH
Président du conseil général de la Creuse

Ms Nathalie MANET
Conseillère régionale d'Aquitaine

Mr Jean-Vincent PLACE
Conseiller régional de l'Île-de-France

are hereby appointed alternate members of the Committee of the Regions, for the remainder of their term of office, which runs until 25 January 2006.

Done at Brussels, 17 February 2005.

For the Council
The President
J.-C. JUNCKER

COMMISSION

COMMISSION DECISION

of 9 March 2005

amending Decision 2003/828/EC as regards exemptions from the exit ban for domestic movements of animals

(notified under document number C(2005) 544)

(Text with EEA relevance)

(2005/216/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue⁽¹⁾, and in particular Articles 9(1)(c) and Article 12 thereof,

Whereas:

(1) Commission Decision 2003/828/EC of 25 November 2003 on protection and surveillance zones in relation to bluetongue⁽²⁾ was adopted in the light of the bluetongue situation prevailing in the regions of the Community affected by outbreaks of that disease. That Decision demarcates protection and surveillance zones (the restricted zones) corresponding to specific epidemiological situations and lays down the conditions for providing for exemptions from the exit ban provided for in Directive 2000/75/EC for certain movements of animals, their sperm, ova and embryos from and through those zones.

(2) Winter conditions in parts of the regions of the Community affected by bluetongue have resulted in a cessation of the vector's activity and as a consequence of the circulation of the bluetongue virus.

(3) Accordingly, it is appropriate to establish rules providing for exemptions from the exit ban for animals in the concerned parts of the restricted zones during periods where there is a proven absence of viral circulation or of vectors.

(4) When since the cessation of the vector's activity a period has elapsed which is longer than the seroconversion period, seronegative animals can be moved with an acceptable level of risk from the restricted zones as they cannot be or become infected. Animals which are seropositive but virologically negative (PCR negative) may also be moved as they are not and cannot become viremic.

(5) Animals born after the cessation of the vector's activity cannot be infected and as a consequence can be moved with no risk from the restricted zone in the absence of the vector's activity.

(6) As the traceability of the movements of those animals must be subject to strict controls, those movements should be limited to domestic movements to holdings registered by the competent authority of the holding of destination.

(7) In addition, any such movements must cease when the vector's activity re-starts in an epidemiological relevant area of the restricted zones concerned.

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

⁽¹⁾ OJ L 327, 22.12.2000, p. 74.

⁽²⁾ OJ L 311, 27.11.2003, p. 41. Decision as last amended by Decision 2005/138/EC (OJ L 47, 18.2.2005, p. 38).

HAS ADOPTED THIS DECISION:

Article 1

Article 3 of Decision 2003/828/EC is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Without prejudice to paragraph 3a, domestic dispatches of animals, their sperm, ova and embryos, from a restricted zone set out in Annex I shall be exempted from the exit ban provided that the animals, their sperm, ova and embryos comply with the conditions set out in Annex II or, in the case of Spain, France, Italy and Portugal, that they comply with paragraph 2 or in the case of Greece that they comply with paragraph 3.;

(b) the following paragraph 3a is inserted after paragraph 3:

'3a. Where in an epidemiological relevant area of the restricted zones set out in Annex I more than 40 days have elapsed from the date when the vector ceased to be active, the competent authority may grant exemptions from the exit ban for domestic dispatches of the following:

(a) animals which are destined for holdings registered for this purpose by the competent authority of the holding of destination and which may only be moved from such holdings to a slaughterhouse;

(b) animals which are serologically (ELISA or AGID) negative or serologically positive but virologically (PCR) negative; or

(c) animals born after the date of cessation of the vector's activity.

The competent authority shall only grant the exemptions provided for in this paragraph during the period of cessation of the vector's activity.

Where on the base of the epidemiosurveillance programme as provided for in Article 9(1)(b) of Directive 2000/75/EC, it is detected that the vector's activity in the restricted zone concerned has re-started, the competent authority shall ensure that such exemptions no longer apply.'

Article 2

This Decision shall apply from 19 March 2005.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 9 March 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

COMMISSION DECISION

of 9 March 2005

establishing the animal health conditions and the veterinary certification requirements for imports into the Community of bovine embryos

(notified under document number C(2005) 543)

(Text with EEA relevance)

(2005/217/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species⁽¹⁾, and in particular Article 7(1) and point (b) of the first subparagraph of Article 9 (1) thereof,

Whereas:

(1) Commission Decision 91/270/EEC of 14 May 1991 drawing up a list of third countries from which Member States authorise importation of embryos of domestic animals of the bovine species⁽²⁾, provides that Member States are only to import embryos of domestic bovine species from the third countries listed in the Annex to that Decision.

(2) Directive 89/556/EEC provides for a list to be drawn up of bovine embryo collection and production teams which are authorised to collect, process or store in third countries bovine embryos destined for the Community. Commission Decision 92/452/EEC of 30 July 1992 establishing lists of embryo collection teams and embryo production teams approved in third countries for export of bovine embryos to the Community⁽³⁾, establishes that list.

(3) Commission Decision 92/471/EEC of 2 September 1992 concerning animal health conditions and veterinary certification for importation of bovine embryos from third countries⁽⁴⁾, provides that Member States may only authorise the importation of bovine embryos conforming to the guarantees laid down in the animal health certificates in the Annexes to that Decision. Those Annexes

also include lists of third countries approved to use the veterinary certificates set out in that Decision.

(4) Directive 89/556/EEC provides that bovine embryos are not to be sent from one Member State to another unless they have been conceived as a result of artificial insemination or *in vitro* fertilisation with semen from a donor sire standing at a semen collection centre approved by the competent authority for the collection, processing and storage of semen or by semen imported in accordance with Council Directive 88/407/EEC of 14 June 1988 laying down the animal health requirements applicable to intra-Community trade in and imports of deep-frozen semen of domestic animals of the bovine species⁽⁵⁾.

(5) The International Embryo Transfer Society (IETS) assessed the risk of the transmission of certain contagious diseases via embryos as negligible, provided that embryos are properly handled between collection and transfer. Nevertheless, in the interests of animal health, appropriate upstream safeguards should be taken with regard to semen used for fertilisation.

(6) Community requirements for imports of bovine embryos should be at least as strict as those applicable to intra-Community trade in bovine embryos, in particular with regard to semen used for fertilisation. Following the application of new stricter requirements provided for in Decision 92/471/EEC, as amended by Decision 2004/786/EC, trade problems have been encountered.

(7) As a result of those problems, exporters and importers have requested a transitional period to adapt to these new stricter requirements for bovine semen used to fertilise oocytes for exports of embryos to the Community. It is therefore appropriate to allow, for a certain period and subject to certain conditions, the importation of bovine embryos collected or produced under the conditions set out in Annex III to this Decision.

(8) In the interests of clarity of Community legislation, it is appropriate to repeal Decisions 91/270/EEC and 92/471/EEC and replace them by this Decision.

⁽¹⁾ OJ L 302, 19.10.1989, p. 1. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 134, 29.5.1991, p. 56. Decision as last amended by Decision 2004/52/EC (OJ L 10, 16.1.2004, p. 67).

⁽³⁾ OJ L 250, 29.8.1992, p. 40. Decision as last amended by Decision 2005/29/EC (OJ L 15, 19.1.2005, p. 34).

⁽⁴⁾ OJ L 270, 15.9.1992, p. 27. Decision as last amended by Decision 2004/786/EC (OJ L 346, 23.11.2004, p. 32).

⁽⁵⁾ OJ L 194, 22.7.1988, p. 10. Directive as last amended by Commission Decision 2004/101/EC (OJ L 30, 4.2.2004, p. 15).

(9) 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

Member States shall only import embryos of domestic animals of the bovine species (the embryos) which were collected or produced in third countries listed in Annex I to this Decision by approved embryo collection or production teams listed in the Annex to Decision 92/452/EEC.

Article 2

Member States shall authorise the importation of embryos complying with the additional guarantees set out in the model veterinary certificate in Annex II.

Article 3

By way of derogation from Article 2, Member States shall authorise until 31 December 2006 the importation from third countries listed in Annex I of embryos complying with:

(a) the additional guarantees set out in the model veterinary certificate in Annex III; and

(b) the following conditions:

- (i) embryos must be collected or produced before 1 January 2006;
- (ii) embryos must only be used for implantation into female bovine animals resident in the Member State of destination indicated in the veterinary certificate;
- (iii) embryos must not be subject to intra-Community trade.

Article 4

Decisions 91/270/EEC and 92/471/EEC are repealed.

Article 5

This Decision shall apply from 5 April 2005.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 9 March 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

ISO code	Country	Applicable veterinary certificate		Remarks
AR	Argentina	ANNEX II	ANNEX III (***)	
AU	Australia	ANNEX II	ANNEX III (***)	The additional guarantees in accordance with point 11.5.2 of the certificate in Annex II or III are compulsory.
CA	Canada	ANNEX II	ANNEX III (***)	
CH	Switzerland (**)	ANNEX II	ANNEX III (***)	
HR	Croatia	ANNEX II	ANNEX III (***)	
IL	Israel	ANNEX II	ANNEX III (***)	
MK	Former Yugoslav Republic of Macedonia (*)	ANNEX II	ANNEX III (***)	
NZ	New Zealand	ANNEX II	ANNEX III (***)	
RO	Romania	ANNEX II	ANNEX III (***)	
US	United States of America	ANNEX II	ANNEX III (***)	

(*) Provisional code that does not affect the definitive denomination of the country to be attributed after the conclusion of the negotiations currently taking place in the United Nations.

(**) Without prejudice to specific certification requirements provided for by any relevant Community agreement with third countries

(***) Applicable until the date indicated in Article 4 of Decision 2005/217/EC.

D. HEALTH INFORMATION

11. I, the undersigned official veterinarian of the Government of
(insert name of exporting country)
- certify that:
- 11.1. the embryo collection ⁽¹⁾/production ⁽¹⁾ team identified above:
- is approved in accordance with Chapter I of Annex A to Directive 89/556/EEC,
 - carried out the collection, processing, or production and storing and transport of the embryos described above in accordance with Chapter II of Annex A to Directive 89/556/EEC,
 - is subjected at least twice per year to inspection by an official veterinarian.
- 11.2. The embryos to be exported were collected ⁽¹⁾ or produced ⁽¹⁾ in the exporting country, which according to official findings:
- 11.2.1. has been free from rinderpest during 12 months immediately prior to the collection ⁽¹⁾ or production ⁽¹⁾ of the embryos;
- 11.2.2.1. either has been free from foot-and-mouth disease during the 12 months immediately prior to collection ⁽¹⁾ or production ⁽¹⁾ of the embryos and has not practised vaccination against foot-and-mouth disease during this period ⁽¹⁾,
- or
- 11.2.2.2. has not been free from foot-and-mouth disease for the 12 months immediately prior to the collection ⁽¹⁾ or production ⁽¹⁾ of the embryos and/or has practised vaccination against foot-and-mouth disease during this period, and
- the embryos have been stored in approved conditions for a minimum period of 30 days immediately after collection, and
 - the donor females and the donors of ovaries, oocytes and other tissues used in the production of embryos come from a holding in which no animal has shown clinical signs of foot-and-mouth disease nor was vaccinated against foot-and-mouth disease during the 30 days prior to collection ⁽¹⁾;
- 11.2.3.1. has been free from bluetongue and epizootic haemorrhagic disease (EHD) for the 12 months immediately prior to collection ⁽¹⁾ or production ⁽¹⁾ of the embryos to be exported and does not practise vaccination against them ⁽¹⁾,
- or
- 11.2.3.2. has not been free from bluetongue and epizootic haemorrhagic disease (EHD) for the 12 months immediately prior to collection ⁽¹⁾ or production ⁽¹⁾ of the embryos to be exported and/or practises vaccination against them, and
- the embryos have been stored in approved conditions for a minimum period of 30 days immediately after collection, and
 - the donor females and donors of ovaries, oocytes and other tissues used in the production of embryos were subjected to an agar gel immuno-diffusion test and a serum neutralisation test for the detection of antibodies against the epizootic haemorrhagic disease virus carried out with negative results on a blood sample taken not less than 21 days following collection ⁽¹⁾;
- 11.3.
- 11.3.1. the premises on which the embryos to be exported or the ovaries, oocytes and other tissues used in the production of embryos to be exported were collected and processed were at the time of collection situated in the centre of an area of 20 km diameter in which according to official findings there had been no incidence of foot-and-mouth disease, bluetongue, epizootic haemorrhagic disease, vesicular stomatitis, Rift Valley fever or contagious bovine pleuropneumonia for 30 days immediately prior to collection and in the case of embryos certified under 11.2.2.2 and 11.2.3.2 for 30 days after collection;
- 11.3.2. between the time of collection or production of the embryos to be exported and their dispatch, they were stored continuously in approved premises which were situated in the centre of an area of 20 km in diameter in which according to official findings there was no incidence of foot-and-mouth disease, contagious vesicular stomatitis or Rift Valley fever;
- 11.4. the donor females and donors of ovaries, oocytes and other tissues used in the production of embryos:
- 11.4.1. were located during the 30 days immediately prior to collection of the embryos to be exported in premises situated in the centre of an area of 20 km in diameter in which according to official findings there was no incidence of foot-and-mouth disease, blue tongue, epizootic haemorrhagic disease, contagious vesicular stomatitis, Rift Valley fever or contagious bovine pleuropneumonia during this period;
- 11.4.2. showed no clinical sign of disease on the day of collection;

- 11.4.3. have spent the six months immediately prior to collection in the territory of the exporting country in a maximum of two herds:
- which, according to official findings, have been free from tuberculosis,
 - which, according to official findings, have been free from brucellosis,
 - which have been free from enzootic bovine leukosis or in which no animal has shown clinical signs of enzootic bovine leukosis during the previous three years,
 - in which no bovine animal has shown clinical signs of infectious bovine rhinotracheitis/infectious pustular vulvo-vaginitis during the previous 12 months.
- 11.5. The embryos comply with the following additional guarantees⁽³⁾:
- 11.5.1. either the embryos to be exported were collected⁽¹⁾ or produced⁽¹⁾ in the exporting country, which according to official findings is free of Akabane disease⁽¹⁾,
- or
- 11.5.2. the embryos to be exported were collected⁽¹⁾ or produced⁽¹⁾ in the exporting country, which according to official findings is not free of Akabane disease; and
- the embryos have been stored in approved conditions for a minimum period of 30 days immediately after collection, and
 - the donor females and donors of ovaries, oocytes and other tissues used in the production of embryos were subjected to a serum neutralisation test for Akabane disease carried out with negative results on a blood sample taken not less than 21 days following collection⁽¹⁾.
- 11.6. The embryos to be exported were conceived as a result of artificial insemination or *in vitro* fertilisation with semen complying with the following requirements:
- it was collected from donor sires standing at a semen collection centre approved by the competent authority for the collection, processing and storage of semen in accordance with Directive 88/407/EEC, and
 - it comes from semen collection or storage centres which are situated either in a Member State of the European Community or a third country and which are approved in accordance with Article 5(1) and Article 9(1) respectively of Directive 88/407/EEC⁽⁵⁾.

E. VALIDITY

12. Date and place	13. Name and qualification of the official veterinarian	14. Signature and stamp of the official veterinarian ⁽⁴⁾
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Note for guidance:

⁽¹⁾ Delete as appropriate.

⁽²⁾ Corresponding to the identification of the donor cows and date of collection.

⁽³⁾ See the remarks for the exporting country concerned in Annex I to Decision 2005/217/EC.

⁽⁴⁾ The signature and the stamp must be in a colour different to that of printing.

⁽⁵⁾ Semen collection and storage centres approved in accordance with EC legislation are listed in the Commission's website
http://europa.eu.int/comm/food/index_en.htm

Note: This certificate must:

- (a) be drawn up in at least one of the official languages of the Member State of destination and the Member State where the embryos will enter Community territory;
- (b) be made out to a single consignee;
- (c) accompany the embryos in the original.

D. HEALTH INFORMATION

11. I, the undersigned official veterinarian of the Government of
(insert name of exporting country)
- certify that:
- 11.1. the embryo collection ⁽¹⁾ production ⁽¹⁾ team identified above:
- is approved in accordance with Chapter I of Annex A to Directive 89/556/EEC,
 - carried out the collection, processing, production ⁽¹⁾ and storing and transport of the embryos described above in accordance with Chapter II of Annex A to Directive 89/556/EEC,
 - is subjected at least twice per year to inspection by an official veterinarian.
- 11.2. The embryos to be exported were collected ⁽¹⁾ or produced ⁽¹⁾ in the exporting country, which according to official findings:
- 11.2.1. has been free from rinderpest during 12 months immediately prior to the collection ⁽¹⁾ or production ⁽¹⁾ of the embryos;
- 11.2.2.1. either has been free from foot-and-mouth disease during the 12 months immediately prior to collection ⁽¹⁾ or production ⁽¹⁾ of the embryos and has not practised vaccination against foot-and-mouth disease during this period ⁽¹⁾,
- or
- 11.2.2.2. has not been free from foot-and-mouth disease for the 12 months immediately prior to the collection ⁽¹⁾ or production ⁽¹⁾ of the embryos and/or has practised vaccination against foot-and-mouth disease during this period, and
- the embryos have been stored in approved conditions for a minimum period of 30 days immediately after collection, and
 - the donor females and the donors of ovaries, oocytes and other tissues used in the production of embryos come from a holding in which no animal has shown clinical signs of foot-and-mouth disease nor was vaccinated against foot-and-mouth disease during the 30 days prior to collection ⁽¹⁾;
- 11.2.3.1. either has been free from bluetongue and epizootic haemorrhagic disease (EHD) for the 12 months immediately prior to collection ⁽¹⁾ or production ⁽¹⁾ of the embryos to be exported and has not practiced vaccination against these diseases during this period ⁽¹⁾,
- or
- 11.2.3.2. has not been free from bluetongue and epizootic haemorrhagic disease (EHD) for the 12 months immediately prior to collection ⁽¹⁾ or production ⁽¹⁾ of the embryos to be exported and/or has practised vaccination against these diseases during this period, and
- the embryos have been stored in approved conditions for a minimum period of 30 days immediately after collection, and
 - the donor females and the donors of ovaries, oocytes and other tissues used in the production of embryos were subjected to an agar gel immuno-diffusion test and a serum neutralisation test for the detection of antibodies against the epizootic haemorrhagic disease virus carried out with negative results on a blood sample taken not less than 21 days following collection ⁽¹⁾;
- 11.3.
- 11.3.1. the premises on which the embryos to be exported or the ovaries, oocytes and other tissues used in the production of embryos to be exported were collected and processed were at the time of collection situated in the centre of an area of 20 km diameter in which according to official findings there had been no incidence of foot-and-mouth disease, bluetongue, epizootic haemorrhagic disease, vesicular stomatitis, Rift Valley fever or contagious bovine pleuropneumonia for 30 days immediately prior to collection and in the case of embryos certified under 11.2.2.2 and 11.2.3.2 for 30 days after collection;
- 11.3.2. between the time of collection or production of the embryos to be exported and their dispatch, they were stored continuously in approved premises which were situated in the centre of an area of 20 km in diameter in which according to official findings there was no incidence of foot-and-mouth disease, vesicular stomatitis or Rift Valley fever;
- 11.4. the donor females and donors of ovaries, oocytes and other tissues used in the production of embryos:
- 11.4.1. were located during the 30 days immediately prior to collection of the embryos to be exported in premises situated in the centre of an area of 20 km in diameter in which according to official findings there was during this period no incidence of foot-and-mouth disease, bluetongue, epizootic haemorrhagic disease, vesicular stomatitis, Rift Valley fever or contagious bovine pleuropneumonia
- 11.4.2. showed no clinical sign of disease on the day of collection;

<p>11.4.3. have spent the six months immediately prior to collection in the territory of the exporting country in a maximum of two herds:</p> <ul style="list-style-type: none"> — which, according to official findings, have been free from tuberculosis, — which, according to official findings, have been free from brucellosis, — which have been free from enzootic bovine leukosis or in which no bovine animal has shown clinical signs of enzootic bovine leukosis during the previous three years, — in which no bovine animal has shown clinical signs of infectious bovine rhinotracheitis/infectious pustular vulvo-vaginitis during the previous 12 months. <p>11.5. The embryos comply with the following additional guarantees⁽³⁾:</p> <p>11.5.1. either the embryos to be exported were collected⁽¹⁾ or produced⁽¹⁾ in the exporting country, which according to official findings is free of Akabane disease⁽¹⁾,</p> <p>or</p> <p>11.5.2. the embryos to be exported were collected⁽¹⁾ or produced⁽¹⁾ in the exporting country, which according to official findings is not free of Akabane disease, and</p> <ul style="list-style-type: none"> — the embryos have been stored in approved conditions for a minimum period of 30 days immediately after collection, and — the donor females and donors of ovaries, oocytes and other tissues used in the production of embryos were subjected to a serum neutralisation test for Akabane disease carried out with negative results on a blood sample taken not less than 21 days following collection⁽¹⁾. <p>11.6. The embryos to be exported were conceived as a result of artificial insemination or in vitro fertilisation with semen from a donor sire standing at a semen collection centre approved by the competent authority for the collection, processing and storage of semen or with semen imported from the European Community.</p>		
E. VALIDITY		
12. Date and place	13. Name and qualification of the official veterinarian	14. Signature and stamp of the official veterinarian ⁽⁴⁾
<p><i>Note for guidance:</i></p> <p>(¹) Delete as appropriate.</p> <p>(²) Corresponding to the identification of the donor cows and date of collection.</p> <p>(³) See the remarks for the exporting country concerned in Annex I to Decision 2005/217/EC.</p> <p>(⁴) The signature and the stamp must be in a colour different to that of printing.</p> <p><i>Note:</i> This certificate must:</p> <p>(a) be drawn up in at least one of the official languages of the Member State of destination and the Member State where the embryos will enter Community territory;</p> <p>(b) be made out to a single consignee;</p> <p>(c) accompany the embryos in the original;</p> <p>(d) not to be used after the date indicated in Article 3 of Decision 2005/217/EC.</p> <p><i>Information:</i> In accordance with Article 3(a) of Council Directive 89/556/EEC, embryos imported under the conditions laid down in this certificate are not eligible for intra-Community trade.</p>		

COMMISSION DECISION**of 11 March 2005****laying down special conditions for imports of fishery products from Saudi Arabia***(notified under document number C(2005) 563)***(Text with EEA relevance)****(2005/218/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽¹⁾, and in particular Article 11(1) thereof,

Whereas:

- (1) An inspection has been carried out on behalf of the Commission in Saudi Arabia to verify the conditions under which fishery products are produced, stored and dispatched to the Community.
- (2) The requirements in the legislation of Saudi Arabia on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC.
- (3) In particular, the 'General Directorate of Quality Control Laboratories (GDQCL)' is capable of effectively verifying the implementation of the rules in force.
- (4) The GDQCL has provided official assurances on compliance with the standards for health controls and monitoring of fishery products as set out in Chapter V of the Annex to Directive 91/493/EEC and on the fulfilment of hygienic requirements equivalent to those laid down by that Directive.
- (5) It is appropriate to lay down detailed provisions concerning fishery products imported into the Community from Saudi Arabia, in accordance with Directive 91/493/EEC.
- (6) It is also necessary to draw up a list of approved establishments, factory vessels, or cold stores, and a list of freezer vessels equipped in accordance with the requirements of Council Directive 92/48/EEC of 16 June 1992 laying down the minimum hygiene rules

applicable to fishery products caught on board certain vessels in accordance with Article 3(1)(a)(i) of Directive 91/493/EEC⁽²⁾. Those lists should be drawn up on the basis of a communication from the GDQCL to the Commission.

- (7) It is appropriate for this Decision to be applied 3 days after its publication providing for the necessary transitional period.
- (8) 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

The 'General Directorate of Quality Control Laboratories (GDQCL)' shall be the competent authority in Saudi Arabia identified for the purposes of verifying and certifying compliance of fishery products with the requirements of Directive 91/493/EEC.

Article 2

Fishery products imported into the Community from Saudi Arabia shall meet the requirements set out in Articles 3, 4 and 5.

Article 3

1. Each consignment shall be accompanied by a numbered original health certificate in accordance with the model set out in Annex I and comprising a single sheet, duly completed, signed and dated.

2. The health certificate shall be drawn up in at least one official language of the Member State where the checks are carried out.

⁽¹⁾ OJ L 268, 24.9.1991, p. 15. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽²⁾ OJ L 187, 7.7.1992, p. 41.

3. The health certificate shall bear the name, capacity and signature of the representative of the GDQCL, and the latter's official stamp in a colour different from that of the endorsements.

Article 4

The fishery products shall come from approved establishments, factory vessels, or cold stores, or from registered freezer vessels listed in Annex II.

Article 5

All packages shall bear the words 'SAUDI ARABIA' and the approval/registration number of the establishment, factory vessel, cold store or freezer vessel of origin in indelible letters, except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods.

Article 6

This Decision shall apply from 19 March 2005.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 11 March 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX I

HEALTH CERTIFICATE

for fishery products from Saudi Arabia and intended for export to the European Community, excluding bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form

Reference No:

Country of dispatch: SAUDI ARABIA

Competent authority: General Directorate of Quality Control Laboratories (GDQCL)

I. *Details identifying the fishery products*

- Description of fishery/aquaculture⁽¹⁾ products:
- Species (scientific name):
- Presentation of product and type of treatment⁽²⁾:
- Code number (where available):
- Type of packaging:
- Number of packages:
- Net weight:
- Requisite storage and transport temperature:

II. *Origin of products*

Name(s) and official approval/registration number(s) of establishment(s), factory vessel(s), or cold store(s) approved or freezer vessel(s) registered by GDQCL for export to the EC:

.....

III. *Destination of products*

The products are dispatched:

from:
(place of dispatch)

to:
(country and place of destination)

⁽¹⁾ Delete where applicable.

⁽²⁾ Live, refrigerated, frozen, salted, smoked, preserved.

by the following means of transport:

.....

Name and address of dispatcher:

.....

Name of consignee and address at place of destination:

.....

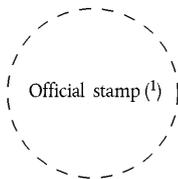
IV. Health attestation

— The official inspector hereby certifies that the fishery products specified above:

- 1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
- 2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
- 3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
- 4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
- 5. do not come from toxic species or species containing biotoxins;
- 6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.

— The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/493/EEC and 92/48/EEC and Decision 2005/218/EC.

Done at, on.....
(Place) (Date)



Signature of official inspector (1)
(Name in capital letters, capacity and qualifications of person signing)

(1) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

ANNEX II

LIST OF ESTABLISHMENTS AND VESSELS

Approval No	Name	City/Region	Approval limit	Category
KSA-01	National Prawn Company	Al-Laith, Makkah Province		PPa

Legend: PPa Plant processing only or partially materials derived from aquaculture (farmed products).

COMMISSION DECISION

of 11 March 2005

amending Decision 97/296/EC drawing up the list of third countries from which the import of fishery products is authorised for human consumption, with respect to Saudi Arabia

(notified under document number C(2005) 564)

(Text with EEA relevance)

(2005/219/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 of June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorised to import certain products of animal origin, fishery products or live bivalve molluscs⁽¹⁾, and in particular Article 2(2) thereof,

Whereas:

(1) Commission Decision 97/296/EC of 22 April 1997 drawing up the list of third countries from which the import of fishery products is authorised for human consumption⁽²⁾ lists the countries and territories from which imports of fishery products for human consumption is authorised. Part I of the Annex to that Decision lists the countries and territories covered by a specific Decision under Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽³⁾, and part II of that Annex lists the countries and territories meeting the conditions set out in Article 2(2) of Decision 95/408/EC.

(2) Commission Decision 2005/218/EC⁽⁴⁾, set specific import conditions for fishery products from Saudi Arabia. This country should therefore be added to the list in part I of the Annex to Decision 97/296/EC.

(3) In the interest of clarity, the lists concerned should be replaced in their entirety.

(4) Decision 97/296/EC should therefore be amended accordingly.

(5) This Decision should apply from the same day as Decision 2005/218/EC, as regards the import of fishery products from Saudi Arabia.

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 97/296/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision shall apply from 19 March 2005.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 11 March 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 243, 11.10.1995, p. 17. Decision as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33).

⁽²⁾ OJ L 122, 14.5.1997, p. 21. Decision as last amended by Decision 2005/71/EC (OJ L 28, 1.2.2005, p. 45).

⁽³⁾ OJ L 268, 24.9.1991, p. 15. Directive as last amended by Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1).

⁽⁴⁾ See page 50 of this Official Journal.

ANNEX

'ANNEX

List of countries and territories from which importation of fishery products in any form intended for human consumption is authorised*I. Countries and territories covered by a specific decision under Council Directive 91/493/EEC*

AE — UNITED ARAB EMIRATES
AG — ANTIGUA AND BARBUDA
AL — ALBANIA
AN — NETHERLANDS ANTILLES
AR — ARGENTINA
AU — AUSTRALIA
BD — BANGLADESH
BG — BULGARIA
BR — BRAZIL
BZ — BELIZE
CA — CANADA
CH — SWITZERLAND
CI — IVORY COAST
CL — CHILE
CN — CHINA
CO — COLOMBIA
CR — COSTA RICA
CS — SERBIA AND MONTENEGRO ⁽¹⁾
CU — CUBA
CV — CAPE VERDE
EC — ECUADOR
EG — EGYPT
FK — FALKLAND ISLANDS
GA — GABON
GH — GHANA
GL — GREENLAND
GM — GAMBIA
GN — GUINEA CONAKRY
GT — GUATEMALA
GY — GUYANA
HK — HONG KONG
HN — HONDURAS
HR — CROATIA
ID — INDONESIA
IN — INDIA
IR — IRAN
JM — JAMAICA
JP — JAPAN
KE — KENYA
KR — SOUTH KOREA
KZ — KAZAKHSTAN
LK — SRI LANKA
MA — MOROCCO

⁽¹⁾ Not including Kosovo as defined by the United Nations Security Council Resolution 1244 of 10 June 1999.

MG — MADAGASCAR
MR — MAURITANIA
MU — MAURITIUS
MV — MALDIVES
MX — MEXICO
MY — MALAYSIA
MZ — MOZAMBIQUE
NA — NAMIBIA
NC — NEW CALEDONIA
NG — NIGERIA
NI — NICARAGUA
NZ — NEW ZEALAND
OM — OMAN
PA — PANAMA
PE — PERU
PG — PAPUA NEW GUINEA
PH — PHILIPPINES
PF — FRENCH POLYNESIA
PM — ST PIERRE AND MIQUELON
PK — PAKISTAN
RO — ROMANIA
RU — RUSSIA
SA — SAUDI ARABIA
SC — SEYCHELLES
SG — SINGAPORE
SN — SENEGAL
SR — SURINAME
SV — EL SALVADOR
TH — THAILAND
TN — TUNISIA
TR — TURKEY
TW — TAIWAN
TZ — TANZANIA
UG — UGANDA
UY — URUGUAY
VE — VENEZUELA
VN — VIETNAM
YE — YEMEN
YT — MAYOTTE
ZA — SOUTH AFRICA
ZW — ZIMBABWE

II. *Countries and territories meeting the terms of Article 2(2) of Council Decision 95/408/EC*

AM — ARMENIA ⁽¹⁾
AO — ANGOLA
AZ — AZERBAIJAN ⁽²⁾
BJ — BENIN
BS — BAHAMAS
BY — BELARUS

⁽¹⁾ Authorised only for imports of live crayfish (*Astacus leptodactylus*) intended for direct human consumption.

⁽²⁾ Authorised only for imports of caviar.

CG — REPUBLIC OF CONGO ⁽¹⁾
CM — CAMEROON
DZ — ALGERIA
ER — ERITREA
FJ — FIJI
GD — GRENADA
IL — ISRAEL
MM — MYANMAR
SB — SOLOMON ISLANDS
SH — ST HELENA
TG — TOGO
US — UNITED STATES OF AMERICA.

⁽¹⁾ Authorised only for imports of fishery products caught, frozen and packed in their final packaging at sea.'

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

COUNCIL COMMON POSITION 2005/220/CFSP
of 14 March 2005
updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2004/500/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS COMMON POSITION:

Having regard to the Treaty on European Union, and in particular Articles 15 and 34 thereof,

Whereas:

- (1) On 27 December 2001, the Council adopted Common Position 2001/931/CFSP on the application of specific measures to combat terrorism ⁽¹⁾.
- (2) On 17 May 2004, the Council adopted Common Position 2004/500/CFSP ⁽²⁾ updating Common Position 2001/931/CFSP.
- (3) Common Position 2001/931/CFSP provides for a review at regular intervals.
- (4) It is necessary to update the Annex to Common Position 2001/931/CFSP and repeal Common Position 2004/500/CFSP.
- (5) A list has been elaborated in compliance with the criteria laid down in Article 1(4) of Common Position 2001/931/CFSP,

Article 1

The list of persons, groups and entities to which Common Position 2001/931/CFSP applies is contained in the Annex hereto.

Article 2

Common Position 2004/500/CFSP is hereby repealed.

Article 3

This Common Position shall take effect on the date of its adoption.

Article 4

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

Done at Brussels, 14 March 2005.

For the Council
The President
F. BODEN

⁽¹⁾ OJ L 344, 28.12.2001, p. 93. Common Position as last amended by Common Position 2004/500/CFSP (OJ L 196, 3.6.2004, p. 12).

⁽²⁾ OJ L 196, 3.6.2004, p. 12.

ANNEX

List of persons, groups and entities referred to in Article 1⁽¹⁾

1. PERSONS

1. ABOU, Rabah Naami (a.k.a. Naami Hamza; a.k.a. Mihoubi Faycal; a.k.a. Fellah Ahmed; a.k.a. Dafri Rème Lahdi) born 1.2.1966 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
2. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane) born 17.10.1964 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
3. *ALBERDI URANGA, Itziar (E.T.A. Activist) born 7.10.1963 in Durango (Biscay), identity card No 78.865.693
4. *ALBISU IRIARTE, Miguel (E.T.A. Activist; Member of Gestoras Pro-amnistía) born 7.6.1961 in San Sebastián (Guipúzcoa), identity card No 15.954.596
5. AL MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN; a.k.a. AL MUGHASSIL, Ahmed Ibrahim) born 26.6.1967 in Qatif Bab al Shamal, Saudi Arabia; citizen of Saudi Arabia
6. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa, Saudi Arabia; + citizen of Saudi Arabia
7. AL YACOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut, Saudi Arabia; citizen of Saudi Arabia
8. *APAOLAZA SANCHO, Iván (E.T.A. Activist; Member of K. Madrid) born 10.11.1971 in Beasain (Guipúzcoa), identity card No 44.129.178
9. ARIOUA, Azzedine born 20.11.1960 in Costantine (Algeria) (Member of al-Takfir and al-Hijra)
10. ARIOUA, Kamel (a.k.a. Lamine Kamel) born 18.8.1969 in Costantine (Algeria) (Member of al-Takfir and al-Hijra)
11. ASLI, Mohamed (a.k.a. Dahmane Mohamed) born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)
12. ASLI, Rabah born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)
13. *ARZALLUS TAPIA, Eusebio (E.T.A. Activist) born 8.11.1957 in Regil (Guipúzcoa), identity card No 15.927.207
14. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour; a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon; citizen of Lebanon
15. DARIB, Nouredine (a.k.a. Carreto; a.k.a. Zitoun Mourad) born 1.2.1972 in Algeria (Member of al-Takfir and al-Hijra)
16. DJABALI, Abderrahmane (a.k.a. Touil) born 1.6.1970 in Algeria (Member of al-Takfir and al-Hijra)
17. *ECHEBERRIA SIMARRO, Leire (E.T.A. Activist) born 20.12.1977 in Basauri (Bizcay), identity card No 45.625.646
18. *ECHEGARAY ACHIRICA, Alfonso (E.T.A. Activist) born 10.1.1958 in Plencia (Bizcay), identity card No 16.027.051
19. EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali; a.k.a. EL-HOURI, Ali Saed Bin Ali) born 10.7.1965 alt. 11.7.1965 in El Dibabiya, Saudi Arabia; citizen of Saudi Arabia
20. FAHAS, Sofiane Yacine born 10.9.1971 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

⁽¹⁾ Persons, groups and entities marked with an * shall be the subject of Article 4 of Common Position 2001/931/CFSP only.

21. *GOGEASCOECHEA ARRONATEGUI, Eneko (E.T.A. Activist), born 29.4.1967 in Guernica (Biscay), identity card No 44.556.097
22. *IPARRAGUIRRE GUENECHEA, Ma Soledad (E.T.A. Activist) born 25.4.1961 in Escoriaza (Navarra), identity card No 16.255.819
23. *IZTUETA BARANDICA, Enrique (E.T.A. Activist) born 30.7.1955 in Santurce (Biscay), identity card No 14.929.950
24. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, Ahmed; a.k.a. SA- ID; a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon
25. LASSASSI, Saber (a.k.a. Mimiche) born 30.11.1970 in Constantine (Algeria) (Member of al-Takfir and al-Hijra)
26. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem; a.k.a. BIN KHALID, Fahd Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nabith; a.k.a. WADOOD, Khalid Adbul) born 14.4.1965 alt. 1.3.1964 in Pakistan, passport No 488555
27. MOKTARI, Fateh (a.k.a. Ferdi Omar) born 26.12.1974 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)
28. *MORCILLO TORRES, Gracia (E.T.A. Activist; Member of Kas/Ekin) born 15.3.1967 in San Sebastián (Guipúzcoa), identity card No 72.439.052
29. MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH, born 7.12.1962 in Tayr Dibba, Lebanon, passport No 432298 (Lebanon)
30. *NARVÁEZ GOÑI, Juan Jesús (E.T.A. Activist) born 23.2.1961 in Pamplona (Navarra), identity card No 15.841.101
31. NOUARA, Farid born 25.11.1973 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
32. *ORBE SEVILLANO, Zigor (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 22.9.1975 in Basauri (Biscay), identity card No 45.622.851
33. *PALACIOS ALDAY, Gorka (E.T.A. Activist; Member of K. Madrid), born 17.10.1974 in Baracaldo (Biscay), identity card No 30.654.356
34. *PEREZ ARAMBURU, Jon Iñaki (E.T.A. Activist; Member of Jarrai/Haika/Segi) born 18.9.1964 in San Sebastián (Guipúzcoa), identity card No 15.976.521
35. *QUINTANA ZORROZUA, Asier (E.T.A. Activist; Member of K. Madrid), born 27.2.1968 in Bilbao (Biscay), identity card No 30.609.430
36. RESSOUS, Hoari (a.k.a. Hallasa Farid) born 11.9.1968 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
37. *RUBENACH ROIG, Juan Luis (E.T.A. Activist; Member of K. Madrid), born 18.9.1963 in Bilbao (Biscay), identity card No 18.197.545
38. SEDKAOUI, Nouredine (a.k.a. Nounou) born 23.6.1963 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
39. SELMANI, Abdelghani (a.k.a. Gano) born 14.6.1974 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
40. SENOUCI, Sofiane born 15.4.1971 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)
41. SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of NPA) born 8.2.1939 in Cabugao, Philippines
42. TINGUALI, Mohammed (a.k.a. Mouh di Kouba) born 21.4.1964 in Blida (Algeria) (Member of al-Takfir and al-Hijra)
43. *URANGA ARTOLA, Kemen (E.T.A. Activist; Member of Herri Batasuna/E.H/Batasuna) born 25.5.1969 in Ondarroa (Biscay), identity card No 30.627.290

44. *VALLEJO FRANCO, Iñigo (E.T.A. Activist) born 21.5.1976 in Bilbao (Biscay), identity card No 29.036.694
45. *VILA MICHELENA, Fermín (E.T.A. Activist; Member of Kas/Ekin) born 12.3.1970 in Irún (Guipúzcoa), identity card No 15.254.214

2. GROUPS AND ENTITIES

1. Abu Nidal Organisation (ANO), (a.k.a. Fatah Revolutionary Council, Arab Revolutionary Brigades, Black September, and Revolutionary Organisation of Socialist Muslims)
2. Al- Aqsa Martyr's Brigade
3. Al- Aqsa e.V.
4. Al-Takfir and Al-Hijra
5. *Nuclei Territoriali Antimperialisti (Anti Imperialist Territorial Units)
6. *Cooperativa Artigiana Fuoco ed Affini – Occasionalmente Spettacolare (Artisans' Cooperative Fire and Similar – Occasionally Spectacular)
7. *Nuclei Armati per il Comunismo (Armed Units for Communism)
8. Aum Shinrikyo (a.k.a. AUM, a.k.a. Aum Supreme Truth, a.k.a. Aleph)
9. Babbar Khalsa
10. *CCCCC – Cellula Contro Capitale, Carcere i suoi Carcerieri e le sue Celle (Cell Against Capital, Prison, Prison Warders and Prison Cells)
11. *Continuity Irish Republican Army (CIRA)
12. *Euskadi Ta Askatasuna/Tierra Vasca y Libertad/Basque Fatherland and Liberty (E.T.A.) (The following organisations are part of the terrorist group E.T.A.: K.a.s., Xaki, Ekin, Jarrai Haika Segi, Gestoras pro- amnistía, Askatasuna, Batasuna (a.k.a. Herri Batasuna, a.k.a. Euskal Herritarrok)
13. Gama'a al-Islamiyya (Islamic Group), (a.k.a. Al-Gama'a al-Islamiyya, IG)
14. Great Islamic Eastern Warriors Front (IBDA-C)
15. *Grupos de Resistencia Antifascista Primero de Octubre/Antifascist Resistance Groups First of October (G.R.A.P.O.)
16. Hamas (including Hamas-Izz al-Din al-Qassem)
17. Holy Land Foundation for Relief and Development
18. International Sikh Youth Federation (ISYF)
19. *Solidarietà Internazionale (International Solidarity)
20. Kahane Chai (Kach)
21. Kurdistan Workers' Party (PKK), (a.k.a. KADEK; a.k.a. KONGRA GEL)
22. Lashkar e Tayyaba (LET)/Pashan-e-Ahle Hadis
23. *Loyalist Volunteer Force (LVF)

24. Mujahedien-e Khalq Organisation (MEK or MKO) [minus the 'National Council of Resistance of Iran' (NCRI)] (a.k.a. The National Liberation Army of Iran (NLA, the militant wing of the MEK), the People's Mujahidin of Iran (PMOI), Muslim Iranian Student's Society)
 25. National Liberation Army (Ejército de Liberación Nacional)
 26. New Peoples Army (NPA), Philippines, linked to Sison Jose Maria C. (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of NPA)
 27. *Orange Volunteers (OV)
 28. Palestine Liberation Front (PLF)
 29. Palestinian Islamic Jihad (PIJ)
 30. Popular Front for the Liberation of Palestine (PFLP)
 31. Popular Front for the Liberation of Palestine General Command, (a.k.a. PFLP General Command)
 32. *Real IRA
 33. *Brigate Rosse per la Costruzione del Partito Comunista Combattente (Red Brigades for the Construction of the Fighting Communist Party)
 34. *Red Hand Defenders (RHD)
 35. Revolutionary Armed Forces of Colombia (FARC)
 36. *Revolutionary Nuclei/Epanastatiki Pirines
 37. *Revolutionary Organisation 17 November/Dekati Evdomi Noemvri
 38. Revolutionary People's Liberation Army/Front/Party (DHKP/C), (a.k.a. Devrimci Sol (Revolutionary Left), Dev Sol)
 39. *Revolutionary Popular Struggle/Epanastatikos Laikos Agonas (ELA)
 40. Shining Path (SL) (Sendero Luminoso)
 41. Stichting Al Aqsa (a.k.a. Stichting Al Aqsa Nederland, a.k.a. Al Aqsa Nederland)
 42. *Brigata XX Luglio (Twentieth of July Brigade)
 43. *Ulster Defence Association/Ulster Freedom Fighters (UDA/UFF)
 44. United Self-Defense Forces/Group of Colombia (AUC) (Autodefensas Unidas de Colombia)
 45. *Nucleo di Iniziativa Proletaria Rivoluzionaria (Unit for Revolutionary Proletarian Initiative)
 46. *Nuclei di Iniziativa Proletaria (Units for Proletarian Initiative)
 47. *F.A.I. – Federazione Anarchica Informale (Unofficial Anarchist Federation)
-

COUNCIL DECISION 2005/221/CFSP

of 14 March 2005

implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2004/306/EC

THE COUNCIL OF THE EUROPEAN UNION,

26.6.1967 in Qatif-Bab al Shamal, Saudi Arabia;
citizen of Saudi Arabia

Having regard to Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism⁽¹⁾, and in particular Article 2(3) thereof,

4. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa, Saudi Arabia; citizen of Saudi Arabia

Whereas:

5. AL YACOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut, Saudi Arabia; citizen of Saudi Arabia

(1) On 2 April 2004, the Council adopted Decision 2004/306/EC implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2003/902/EC⁽²⁾.

6. ARIOUA, Azzedine, born 20.11.1960 in Costantine (Algeria) (Member of al-Takfir and al Hijra)

(2) It is desirable to adopt an up-to-date list of the persons, groups and entities to which Regulation (EC) No 2580/2001 applies,

7. ARIOUA, Kamel (a.k.a. Lamine Kamel), born 18.8.1969 in Costantine (Algeria) (Member of al-Takfir and al-Hijra)

HAS DECIDED AS FOLLOWS:

8. ASLI, Mohamed (a.k.a. Dahmane Mohamed), born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)

Article 1

The list provided for in Article 2(3) of Regulation (EC) No 2580/2001 shall be the following:

9. ASLI, Rabah, born 13.5.1975 in Ain Taya (Algeria) (Member of al-Takfir and al-Hijra)

1. PERSONS

1. ABOU, Rabah Naami (a.k.a. Naami Hamza; a.k.a. Mihoubi Faycal; a.k.a. Fellah Ahmed; a.k.a. Dafri Rème Lahdi), born 1.2.1966 in Algiers (Algeria) (Member of al-Takfir and al Hijra)

10. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour; a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon; citizen of Lebanon

2. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane), born 17.10.1964 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)

11. DARIB, Noureddine (a.k.a. Carreto; a.k.a. Zitoun Mourad), born 1.2.1972 in Algeria (Member of al-Takfir and al-Hijra)

3. AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN; a.k.a. AL-MUGHASSIL, Ahmed Ibrahim), born

12. DJABALI, Abderrahmane (a.k.a. Touil), born 1.6.1970 in Algeria (Member of al-Takfir and al-Hijra)

⁽¹⁾ OJ L 344, 28.12.2001, p. 70. Regulation as last amended by Commission Regulation (EC) No 745/2003 (OJ L 106, 29.4.2003, p. 22).

⁽²⁾ OJ L 99, 3.4.2004, p. 28.

13. EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali; a.k.a. EL-HOURI, Ali Saed Bin Ali), born 10.7.1965 alt. 11.7.1965 in El Dibabiya, Saudi Arabia; citizen of Saudi Arabia

14. FAHAS, Sofiane Yacine, born 10.9.1971 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
 15. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, Ahmed; a.k.a. SA-ID; a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon
 16. LASSASSI, Saber (a.k.a. Mimiche), born 30.11.1970 in Constantine (Algeria) (Member of al Takfir and al-Hijra)
 17. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem; a.k.a. BIN KHALID, Fahd Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nabith; a.k.a. WADOOD, Khalid Adbul), born 14.4.1965 alt. 1.3.1964 in Pakistan, passport No 488555
 18. MOKTARI, Fateh (a.k.a. Ferdi Omar), born 26.12.1974 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)
 19. MUGHNIYAH, Imad Fa'iz (a.k.a. MUGHNIYAH, Imad Fayiz), Senior Intelligence Officer of HIZBALLAH, born 7.12.1962 in Tayr Dibba, Lebanon, passport No 432298 (Lebanon)
 20. NOUARA, Farid, born 25.11.1973 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
 21. RESSOUS, Hoari (a.k.a. Hallasa Farid), born 11.9.1968 in Algiers (Algeria) (Member of al Takfir and al-Hijra)
 22. SEDKAOUI, Noureddine (a.k.a. Nounou), born 23.6.1963 in Algiers (Algeria) (Member of al-Takfir and al-Hijra)
 23. SELMANI, Abdelghani (a.k.a. Gano), born 14.6.1974 in Algiers (Algeria) (Member of al Takfir and al-Hijra)
 24. SENOUCI, Sofiane, born 15.4.1971 in Hussein Dey (Algeria) (Member of al-Takfir and al-Hijra)
 25. SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of NPA), born 8.2.1939 in Cabugao, Philippines
 26. TINGUALI, Mohammed (a.k.a. Mouh di Kouba), born 21.4.1964 in Blida (Algeria) (Member of al-Takfir and al-Hijra)
2. GROUPS AND ENTITIES
1. Abu Nidal Organisation (ANO), (a.k.a. Fatah Revolutionary Council, Arab Revolutionary Brigades, Black September, and Revolutionary Organisation of Socialist Muslims)
 2. Al-Aqsa Martyrs' Brigade
 3. Al-Aqsa e.V.
 4. Al-Takfir and Al-Hijra
 5. Aum Shinrikyo (a.k.a. AUM, a.k.a. Aum Supreme Truth, a.k.a. Aleph)
 6. Babbar Khalsa
 7. Gama'a al-Islamiyya (Islamic Group), (a.k.a. Al-Gama'a al-Islamiyya, IG)
 8. Great Islamic Eastern Warriors Front (IBDA-C)
 9. Hamas (including Hamas-Izz al-Din al-Qassem)
 10. Holy Land Foundation for Relief and Development
 11. International Sikh Youth Federation (ISYF)
 12. Kahane Chai (Kach)
 13. Kurdistan Workers' Party (PKK), (a.k.a. KADEK; a.k.a. KONGRA-GEL)
 14. Lashkar e Tayyaba (LET)/Pashan-e-Ahle Hadis
 15. Mujahedin-e Khalq Organisation (MEK or MKO) [minus the 'National Council of Resistance of Iran' (NCRI)] (a.k.a. The National Liberation Army of Iran (NLA, the militant wing of the MEK), the People's Mujahidin of Iran (PMOI), Muslim Iranian Students' Society)
 16. National Liberation Army (Ejército de Liberación Nacional)
 17. New Peoples Army (NPA), Philippines, linked to Sison Jose Maria C. (a.k.a. Armando Liwanag, a.k.a. Joma, in charge of NPA)
 18. Palestine Liberation Front (PLF)
 19. Palestinian Islamic Jihad (PIJ)
 20. Popular Front for the Liberation of Palestine (PFLP)
 21. Popular Front for the Liberation of Palestine – General Command (a.k.a. PFLP – General Command)
 22. Revolutionary Armed Forces of Colombia (FARC)
 23. Revolutionary People's Liberation Army/Front/Party (DHKP/C) (a.k.a. Devrimci Sol (Revolutionary Left), Dev Sol)

24. Shining Path (SL) (Sendero Luminoso)

Article 3

25. Stichting Al Aqsa (a.k.a. Stichting Al Aqsa Nederland, a.k.a. Al Aqsa Nederland)

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

It shall take effect on the day of its publication.

26. United Self-Defense Forces/Group of Colombia (AUC) (Autodefensas Unidas de Colombia).

Done at Brussels, 14 March 2005.

Article 2

Decision 2004/306/CE is hereby repealed.

For the Council

The President

F. BODEN

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

COUNCIL FRAMEWORK DECISION 2005/222/JHA
of 24 February 2005
on attacks against information systems

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 29, 30(1)(a), 31(1)(e) and 34(2)(b) thereof,

Having regard to the proposal from the Commission,

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

Whereas:

- (1) The objective of this Framework Decision is to improve cooperation between judicial and other competent authorities, including the police and other specialised law enforcement services of the Member States, through approximating rules on criminal law in the Member States in the area of attacks against information systems.
- (2) There is evidence of attacks against information systems, in particular as a result of the threat from organised crime, and increasing concern at the potential of terrorist attacks against information systems which form part of the critical infrastructure of the Member States. This constitutes a threat to the achievement of a safer information society and an area of freedom, security and justice, and therefore requires a response at the level of the European Union.
- (3) An effective response to those threats requires a comprehensive approach to network and information security, as underlined in the eEurope Action Plan, in the Communication by the Commission 'Network and Information Security: Proposal for a European Policy Approach' and in the Council Resolution of 28 January 2002 on a common approach and specific actions in the area of network and information security⁽²⁾.
- (4) The need to further increase awareness of the problems related to information security and provide practical assistance has also been stressed in the European Parliament Resolution of 5 September 2001.
- (5) Significant gaps and differences in Member States' laws in this area may hamper the fight against organised crime and terrorism, and may complicate effective police and judicial cooperation in the area of attacks against information systems. The transnational and borderless character of modern information systems means that attacks against such systems are often trans-border in nature, thus underlining the urgent need for further action to approximate criminal laws in this area.
- (6) The Action Plan of the Council and the Commission on how to best implement the provisions of the Treaty of Amsterdam on an area of freedom, security and justice⁽³⁾, the Tampere European Council on 15 to 16 October 1999, the Santa Maria da Feira European Council on 19 to 20 June 2000, the Commission in the 'Scoreboard' and the European Parliament in its Resolution of 19 May 2000 indicate or call for legislative action against high technology crime, including common definitions, incriminations and sanctions.
- (7) It is necessary to complement the work performed by international organisations, in particular the Council of Europe's work on approximating criminal law and the G8's work on transnational cooperation in the area of high tech crime, by providing a common approach in the European Union in this area. This call was further elaborated by the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on 'Creating a Safer Information Society by Improving the Security of Information Infrastructures and Combating Computer-related Crime'.
- (8) Criminal law in the area of attacks against information systems should be approximated in order to ensure the greatest possible police and judicial cooperation in the area of criminal offences related to attacks against information systems, and to contribute to the fight against organised crime and terrorism.

⁽¹⁾ OJ C 300 E, 11.12.2003, p. 26.

⁽²⁾ OJ C 43, 16.2.2002, p. 2.

⁽³⁾ OJ C 19, 23.1.1999, p. 1.

- (9) All Member States have ratified the Council of Europe Convention of 28 January 1981 for the protection of individuals with regard to automatic processing of personal data. The personal data processed in the context of the implementation of this Framework Decision should be protected in accordance with the principles of the said Convention.
- (10) Common definitions in this area, particularly of information systems and computer data, are important to ensure a consistent approach in Member States in the application of this Framework Decision.
- (11) There is a need to achieve a common approach to the constituent elements of criminal offences by providing for common offences of illegal access to an information system, illegal system interference and illegal data interference.
- (12) In the interest of combating computer-related crime, each Member State should ensure effective judicial cooperation in respect of offences based on the types of conduct referred to in Articles 2, 3, 4 and 5.
- (13) There is a need to avoid over-criminalisation, particularly of minor cases, as well as a need to avoid criminalising right-holders and authorised persons.
- (14) There is a need for Member States to provide for penalties for attacks against information systems. The penalties thus provided for shall be effective, proportionate and dissuasive.
- (15) It is appropriate to provide for more severe penalties when an attack against an information system is committed within the framework of a criminal organisation, as defined in the Joint Action 98/733 JHA of 21 December 1998 on making it a criminal offence to participate in a criminal organisation in the Member State of the European Union⁽¹⁾. It is also appropriate to provide for more severe penalties where such an attack has caused serious damages or has affected essential interests.
- (16) Measures should also be foreseen for the purposes of cooperation between Member States with a view to ensuring effective action against attacks against information systems. Member States should therefore make use of the existing network of operational contact points referred to in the Council Recommendation of 25 June 2001 on contact points maintaining a 24-hour service for combating high-tech crime⁽²⁾, for the exchange of information.
- (17) Since the objectives of this Framework Decision, ensuring that attacks against information systems be sanctioned in all Member States by effective, proportionate and dissuasive criminal penalties and improving and encouraging judicial cooperation by removing potential complications, cannot be sufficiently achieved by the Member States, as rules have to be common and compatible, and can therefore be better achieved at the level of the Union, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the EC Treaty. In accordance with the principle of proportionality, as set out in that Article, this Framework Decision does not go beyond what is necessary in order to achieve those objectives.
- (18) This Framework Decision respects the fundamental rights and observes the principles recognised by Article 6 of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union, and notably Chapters II and VI thereof,

HAS ADOPTED THIS FRAMEWORK DECISION:

Article 1

Definitions

For the purposes of this Framework Decision, the following definitions shall apply:

- (a) 'information system' means any device or group of interconnected or related devices, one or more of which, pursuant to a program, performs automatic processing of computer data, as well as computer data stored, processed, retrieved or transmitted by them for the purposes of their operation, use, protection and maintenance;
- (b) 'computer data' means any representation of facts, information or concepts in a form suitable for processing in an information system, including a program suitable for causing an information system to perform a function;
- (c) 'legal person' means any entity having such status under the applicable law, except for States or other public bodies in the exercise of State authority and for public international organisations;

⁽¹⁾ OJ L 351, 29.12.1998, p. 1.

⁽²⁾ OJ C 187, 3.7.2001, p. 5.

(d) 'without right' means access or interference not authorised by the owner, other right holder of the system or part of it, or not permitted under the national legislation.

Article 2

Illegal access to information systems

1. Each Member State shall take the necessary measures to ensure that the intentional access without right to the whole or any part of an information system is punishable as a criminal offence, at least for cases which are not minor.

2. Each Member State may decide that the conduct referred to in paragraph 1 is incriminated only where the offence is committed by infringing a security measure.

Article 3

Illegal system interference

Each Member State shall take the necessary measures to ensure that the intentional serious hindering or interruption of the functioning of an information system by inputting, transmitting, damaging, deleting, deteriorating, altering, suppressing or rendering inaccessible computer data is punishable as a criminal offence when committed without right, at least for cases which are not minor.

Article 4

Illegal data interference

Each Member State shall take the necessary measures to ensure that the intentional deletion, damaging, deterioration, alteration, suppression or rendering inaccessible of computer data on an information system is punishable as a criminal offence when committed without right, at least for cases which are not minor.

Article 5

Instigation, aiding and abetting and attempt

1. Each Member State shall ensure that the instigation of aiding and abetting an offence referred to in Articles 2, 3 and 4 is punishable as a criminal offence.

2. Each Member State shall ensure that the attempt to commit the offences referred to in Articles 2, 3 and 4 is punishable as a criminal offence.

3. Each Member State may decide not to apply paragraph 2 for the offences referred to in Article 2.

Article 6

Penalties

1. Each Member State shall take the necessary measures to ensure that the offences referred to in Articles 2, 3, 4 and 5 are punishable by effective, proportional and dissuasive criminal penalties.

2. Each Member State shall take the necessary measures to ensure that the offences referred to in Articles 3 and 4 are punishable by criminal penalties of a maximum of at least between one and three years of imprisonment.

Article 7

Aggravating circumstances

1. Each Member State shall take the necessary measures to ensure that the offence referred to in Article 2(2) and the offence referred to in Articles 3 and 4 are punishable by criminal penalties of a maximum of at least between two and five years of imprisonment when committed within the framework of a criminal organisation as defined in Joint Action 98/733/JHA apart from the penalty level referred to therein.

2. A Member State may also take the measures referred to in paragraph 1 when the offence has caused serious damages or has affected essential interests.

Article 8

Liability of legal persons

1. Each Member State shall take the necessary measures to ensure that legal persons can be held liable for offences referred to in Articles 2, 3, 4 and 5, committed for their benefit by any person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on:

- (a) a power of representation of the legal person, or
- (b) an authority to take decisions on behalf of the legal person, or
- (c) an authority to exercise control within the legal person.

2. Apart from the cases provided for in paragraph 1, Member States shall ensure that a legal person can be held liable where the lack of supervision or control by a person referred to in paragraph 1 has made possible the commission of the offences referred to in Articles 2, 3, 4 and 5 for the benefit of that legal person by a person under its authority.

3. Liability of a legal person under paragraphs 1 and 2 shall not exclude criminal proceedings against natural persons who are involved as perpetrators, instigators or accessories in the commission of the offences referred to in Articles 2, 3, 4 and 5.

Article 9

Penalties for legal persons

1. Each Member State shall take the necessary measures to ensure that a legal person held liable pursuant to Article 8(1) is punishable by effective, proportionate and dissuasive penalties, which shall include criminal or non-criminal fines and may include other penalties, such as:

- (a) exclusion from entitlement to public benefits or aid;
- (b) temporary or permanent disqualification from the practice of commercial activities;
- (c) placing under judicial supervision; or
- (d) a judicial winding-up order.

2. Each Member State shall take the necessary measures to ensure that a legal person held liable pursuant to Article 8(2) is punishable by effective, proportionate and dissuasive penalties or measures.

Article 10

Jurisdiction

1. Each Member State shall establish its jurisdiction with regard to the offences referred to in Articles 2, 3, 4 and 5 where the offence has been committed:

- (a) in whole or in part within its territory; or
- (b) by one of its nationals; or
- (c) for the benefit of a legal person that has its head office in the territory of that Member State.

2. When establishing its jurisdiction in accordance with paragraph (1)(a), each Member State shall ensure that the jurisdiction includes cases where:

- (a) the offender commits the offence when physically present on its territory, whether or not the offence is against an information system on its territory; or
- (b) the offence is against an information system on its territory, whether or not the offender commits the offence when physically present on its territory.

3. A Member State which, under its law, does not as yet extradite or surrender its own nationals shall take the necessary measures to establish its jurisdiction over and to prosecute, where appropriate, the offences referred to in

Articles 2, 3, 4 and 5, when committed by one of its nationals outside its territory.

4. Where an offence falls within the jurisdiction of more than one Member State and when any of the States concerned can validly prosecute on the basis of the same facts, the Member States concerned shall cooperate in order to decide which of them will prosecute the offenders with the aim, if possible, of centralising proceedings in a single Member State. To this end, the Member States may have recourse to any body or mechanism established within the European Union in order to facilitate cooperation between their judicial authorities and the coordination of their action. Sequential account may be taken of the following factors:

- the Member State shall be that in the territory of which the offences have been committed according to paragraph 1(a) and paragraph 2,
- the Member State shall be that of which the perpetrator is a national,
- the Member State shall be that in which the perpetrator has been found.

5. A Member State may decide not to apply, or to apply only in specific cases or circumstances, the jurisdiction rules set out in paragraphs 1(b) and 1(c).

6. Member States shall inform the General Secretariat of the Council and the Commission where they decide to apply paragraph 5, where appropriate with an indication of the specific cases or circumstances in which the decision applies.

Article 11

Exchange of information

1. For the purpose of exchange of information relating to the offences referred to in Articles 2, 3, 4 and 5, and in accordance with data protection rules, Member States shall ensure that they make use of the existing network of operational points of contact available 24 hours a day and seven days a week.

2. Each Member State shall inform the General Secretariat of the Council and the Commission of its appointed point of contact for the purpose of exchanging information on offences relating to attacks against information systems. The General Secretariat shall forward that information to the other Member States.

*Article 12***Implementation**

1. Member States shall take the necessary measures to comply with the provisions of this Framework Decision by 16 March 2007.

2. By 16 March 2007 Member States shall transmit to the General Secretariat of the Council and to the Commission the text of any provisions transposing into their national law the obligations imposed on them under this Framework Decision. By 16 September 2007, on the basis of a report established on the basis of information and a written report by the Commission, the Council shall assess the extent to which Member States have complied with the provisions of this Framework Decision.

*Article 13***Entry into force**

This Framework Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

Done at Brussels, 24 February 2005.

For the Council

The President

N. SCHMIT

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 398/2005 of 10 March 2005 determining the world market price for unginned cotton**

(Official Journal of the European Union L 65 of 11 March 2005)

On page 3, in Article 1, 'The world price for unginned cotton':

for: '19,209 EUR/100 kg',

read: '19,192 EUR/100 kg'.
