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Legislation

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Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

2011/283/EU:

- ★ **Council Decision of 12 April 2011 on the conclusion of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part, on a Framework Agreement between the European Union and the Republic of Moldova on the general principles for the participation of the Republic of Moldova in Union programmes ...** 1

REGULATIONS

- ★ **Council Implementing Regulation (EU) No 474/2011 of 3 May 2011 amending Regulation (EC) No 1425/2006 imposing a definitive anti-dumping duty on imports of certain plastic sacks and bags originating, inter alia, in the People's Republic of China** 2
- ★ **Council Implementing Regulation (EU) No 475/2011 of 13 May 2011 amending Regulation (EC) No 1425/2006 imposing a definitive anti-dumping duty on imports of certain plastic sacks and bags originating in the People's Republic of China and Thailand, and terminating the proceeding on imports of certain plastic sacks and bags originating in Malaysia** 10
- ★ **Commission Implementing Regulation (EU) No 476/2011 of 17 May 2011 amending Council Regulation (EU) No 57/2011 as regards catch limits for the fisheries on sandeel in EU waters of ICES zones IIa, IIIa and IV** 12

Price: EUR 3

(Continued overleaf)

EN

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

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

★ Commission Regulation (EU) No 477/2011 of 17 May 2011 initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Implementing Regulation (EU) No 511/2010 on imports of certain molybdenum wires originating in the People's Republic of China by imports of certain molybdenum wires consigned from Malaysia and Switzerland, whether declared as originating in Malaysia and Switzerland or not, and making such imports subject to registration	14
Commission Implementing Regulation (EU) No 478/2011 of 17 May 2011 establishing the standard import values for determining the entry price of certain fruit and vegetables	18
Commission Implementing Regulation (EU) No 479/2011 of 17 May 2011 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year	20

DECISIONS

2011/284/EU:

★ Commission Decision of 12 May 2011 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards power, control and communication cables (<i>notified under document C(2011) 3107</i>) ⁽¹⁾	22
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Corrigenda

★ Corrigendum to Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ L 7, 10.1.2009)	26
★ Corrigendum to Council Decision 2011/28/EU of 12 July 2010 on the conclusion of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part, on a Framework Agreement between the European Union and the Republic of Moldova on the general principles for the participation of the Republic of Moldova in Union programmes (OJ L 14, 19.1.2011)	26



⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 12 April 2011

on the conclusion of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part, on a Framework Agreement between the European Union and the Republic of Moldova on the general principles for the participation of the Republic of Moldova in Union programmes

(2011/283/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 114, 168, 169, 172, 173(3), 188 and 192, in conjunction with point (a) of Article 218(6), Article 218(7) and the second subparagraph of Article 218(8), thereof,

Having regard to the proposal from the European Commission,

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

Whereas:

(1) The Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part, on a Framework Agreement between the European Union and the Republic of Moldova on the general principles for the participation of the Republic of Moldova in Union programmes ⁽²⁾ (hereinafter referred to as 'the Protocol') was signed on behalf of the Union on 30 September 2010.

(2) The Protocol should be concluded,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part, on a Framework Agreement between the European Union and the Republic of Moldova on the general principles for the participation of the Republic of Moldova in Union programmes is hereby approved on behalf of the Union.

Article 2

The President of the Council shall give on behalf of the Union the notification provided for in Article 10 of the Protocol.

Article 3

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

Done at Luxembourg, 12 April 2011.

For the Council

The President

C. ASHTON

⁽¹⁾ Consent of 24 November 2010.

⁽²⁾ OJ L 14, 19.1.2011, p. 2.

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) No 474/2011

of 3 May 2011

amending Regulation (EC) No 1425/2006 imposing a definitive anti-dumping duty on imports of certain plastic sacks and bags originating, inter alia, in the People's Republic of China

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1225/2009 on protection against dumped imports from countries not members of the European Community⁽¹⁾ ('the basic Regulation'), and in particular Articles 13(3), 14(3) and 14(5) thereof,

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

Whereas:

1. PROCEDURE

1.1. Existing measures

- (1) By Regulation (EC) No 1425/2006⁽²⁾ ('the original Regulation'), the Council imposed definitive anti-dumping duties on imports into the Union of certain plastic sacks and bags, originating, inter alia, in the People's Republic of China ('PRC'). Given the large number of cooperating Chinese exporting producers, a sample of exporting producers was selected and individual duty rates ranging from 4,8 % to 12,8 % were imposed on companies included in the sample, while on other cooperating companies not included in the sample and listed in Annex I to the original Regulation was imposed a duty rate of 8,4 %. A duty rate of 28,8 % ('residual duty rate') was imposed on Chinese companies which either did not make themselves known or did not cooperate with the investigation of dumping which covered the period from 1 April 2004 to 31 March 2005 ('the original investigation').
- (2) By Regulation (EC) No 189/2009⁽³⁾, amending the original Regulation, and in accordance with Article 2 of the original Regulation, three Chinese companies were added to the list of producers from the PRC listed in Annex I.

1.2. Ex officio initiation

- (3) Prima facie evidence at the disposal of the Commission indicated that, following the imposition of measures, a change in the pattern of trade involving exports from the PRC to the Union took place for which there was insufficient due cause or justification other than the imposition of the duties in force. This change in the pattern of trade appeared to stem from exports to the Union of the product concerned produced by Chinese exporting producers subject to the residual duty rate through a Chinese exporting producer benefiting from a lower duty rate, namely the company Xiamen Xingxia Polymers Co., Ltd ('Xiamen') listed in Annex I to the original Regulation.
- (4) Furthermore, the evidence pointed to the fact that the remedial effects of the existing anti-dumping measures on the product concerned were being undermined in terms of prices. There was sufficient prima facie evidence that the imports of the product concerned were at prices well below the non-injurious price established in the original investigation that led to the existing measures.
- (5) Finally, the Commission had sufficient prima facie evidence at its disposal that the prices of the product concerned are dumped in relation to the normal value previously established.
- (6) Having determined, after consulting the Advisory Committee, that sufficient evidence existed for the initiation of an investigation pursuant to Article 13 of the basic Regulation, the Commission adopted Regulation (EU) No 748/2010⁽⁴⁾ initiating an investigation of the alleged circumvention of the anti-dumping measures ('the initiating Regulation'). Pursuant to Articles 13(3) and 14(5) of the basic Regulation, the Commission, by the initiating Regulation, also directed the customs authorities to register imports of the product concerned declared as having been manufactured by

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 270, 29.9.2006, p. 4.

⁽³⁾ OJ L 67, 12.3.2009, p. 5.

⁽⁴⁾ OJ L 219, 20.8.2010, p. 1.

Xiamen under the specific TARIC additional code A981 attributed to them in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount can be levied retroactively from the date of registration of such imports.

1.3. Investigation

- (7) The Commission officially advised the authorities of the PRC, Xiamen, as well as the companies allegedly having their products exported through Xiamen (the other exporting producers) of the initiation of the investigation and sent questionnaires. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation. Interested parties were also informed that non-cooperation might lead to the application of Article 18 of the basic Regulation and to findings being made on the basis of the facts available.
- (8) No replies were received from the other exporting producers and an incomplete reply was received from Xiamen.

1.4. Investigation period

- (9) The investigation period (IP) was the period from 1 January 2009 to 30 June 2010. Data was collected for the period from January 2006 up to the end of the IP to investigate the alleged change in the pattern of trade and the other aspects set out in Article 13 of the basic Regulation.

2. RESULTS OF THE INVESTIGATION

2.1. General considerations/degree of cooperation/methodology

- (10) Xiamen submitted an incomplete and partial reply to the questionnaire. The Commission services sent a letter to Xiamen, identifying the deficiencies of its questionnaire reply and requesting complete and coherent information, to which Xiamen did not react. In addition, Xiamen refused a proposed verification of the data at its premises.
- (11) Consequently Xiamen was informed that, under these circumstances, the Commission considers the company as non-cooperating, in accordance with Article 18 of the basic Regulation, and that findings would be based on the facts available. Xiamen was also made aware that

the result of the investigation might be less favourable than if it had fully cooperated. Xiamen did not react to this letter.

- (12) In view of the above and given that no statistical data were available to determine export volumes and prices at company level during the IP, findings in respect of the alleged circumvention had to be made on the basis of facts available in accordance with Article 18 of the basic Regulation, namely those based on the evidence received from Member States' customs authorities and on the non-verified partial reply, submitted by Xiamen, to the questionnaire.

2.2. Product concerned

- (13) The product concerned is plastic sacks and bags, containing at least 20 % by weight of polyethylene and of sheeting of a thickness not exceeding 100 micrometers (μm), originating in the People's Republic of China, currently falling within CN codes ex 3923 21 00, ex 3923 29 10 and ex 3923 29 90 (TARIC codes 3923 21 00 20, 3923 29 10 20, and 3923 29 90 20).

2.3. Change in the pattern of trade

- (14) In accordance with Article 13(1) of the basic Regulation, the assessment of the existence of circumvention was carried out by analysing whether there was a change in the pattern of trade between individual companies in the PRC and the Union, which stems from a practice, process or work for which there is insufficient due cause or economic justification other than the imposition of the duty, and where there is evidence of injury or that the remedial effects of the duty are being undermined in terms of the prices and/or quantities of the product concerned, and where there is evidence of dumping in relation to the normal values previously established for the like product.
- (15) Given that Eurostat data cannot be used to determine export volumes and prices at company level since only aggregated countrywide data are provided and no other statistical data at company level are available, export volumes and prices reported by Xiamen in its partial questionnaire reply were used.
- (16) According to the information received from Xiamen, sales to the Union increased significantly after the imposition of measures in September 2006. For some periods, the exports doubled, compared to the sampling period used in the original investigation and prices reported were below the average EU target price established during the original investigation.

2.4. Insufficient due cause or economic justification other than the imposition of anti-dumping duties

- (17) In addition to the increase in sales volume, it was noted that according to the information submitted in the original investigation for the sampling exercise, Xiamen declared that it had no related companies and no production outside its main factory. In its partial reply to the anti-circumvention questionnaire, Xiamen reported that during the IP it outsourced certain production steps, such as colour printing or bagging, and that sometimes it sells raw materials to the contracting companies.
- (18) The partial questionnaire reply confirmed that the contracting companies mentioned by Xiamen are the other exporters which were, according to the prima facie evidence, allegedly channelling exports to the Union. However, the reply also revealed that it is not a matter of an outsourcing arrangement where the ownership of the raw material and the finished goods stay with the company giving the outsourcing order, but goes beyond for the reasons stated below.
- (19) In all cases of sales reported as 'partly processed', payment by the European clients was reported as being made not to Xiamen but to the bank accounts of the two companies allegedly involved in channelling. These sales account for more than 20 % of all EU sales in 2009. Moreover, the list of sales transactions submitted by Xiamen reveals diverse invoicing methodologies which differ in alphanumeric structure and length. With regard to sales reported as 'partly processed' via one of the two companies, representing the majority of those sales, it appears that the invoice number includes two letters referring to the company name of the company allegedly channelling. Moreover, the two companies are located around 1 000 km away from Xiamen, which puts into question the economic justification of such an arrangement.
- (20) In addition, it cannot be excluded that more sales than those identified in the detailed list of sales transactions submitted by Xiamen are affected by the alleged channelling as, according to production and capacity statistics also submitted by Xiamen, more than 40 % of its production in 2007, 2008 and 2009 were declared as outsourced.
- (21) It was also noted that sales reported as 'partly processed' stopped in October 2009, i.e. after the customs authorities of certain Member States refused to apply the individual anti-dumping duty rate of Xiamen to certain imports apparently produced by the other exporting producers.
- (22) The above leads, therefore, to the conclusion that a change in the pattern of trade has taken place

following the imposition of measures on the product concerned for which there is no due cause or economic justification other than the avoidance of the residual anti-dumping duty rate in force.

2.4.1. Undermining the anti-dumping duty's remedial effect on injury

- (23) The increase of imports declared under the name of Xiamen was significant in terms of quantities. According to its questionnaire reply, Xiamen nearly doubled its sales to the EU in 2007 and 2008, compared to the sales reported during the period of the original investigation, which was mainly due to the involvement of the other exporting producers. The comparison of the average EU target price established during the original investigation and the weighted average export price reported during the IP shows under-selling.
- (24) The conclusion is therefore that the practice described above undermines the measures' remedial effects on injury, both in terms of quantities and prices.

2.4.2. Evidence of dumping

- (25) Finally, in accordance with Article 13(1) and (2) of the basic Regulation, it was examined whether there was evidence of dumping in relation to the normal value previously established.
- (26) The comparison of the weighted average normal value as established during the original investigation (where normal value was established on the basis of an analogue country, Malaysia) and the weighted average export price during the current IP as reported by Xiamen in its partial questionnaire reply shows a dumping margin exceeding the dumping margin established during the original investigation for non-sampled companies.

3. MEASURES

- (27) Given the above, and in application of Article 18 of the basic Regulation, it was concluded that a change in the pattern of trade has taken place, in accordance with Article 13(1) of the basic Regulation. By virtue of the second sentence of Article 13(1) of the basic Regulation, the residual anti-dumping duty rate on imports of the product concerned originating in the PRC should therefore be extended to imports of the same product declared as having been manufactured by Xiamen. In practical terms, TARIC additional code A999 should be declared for those imports from the entry into force of this Regulation.

(28) Furthermore, in order to enable a more detailed monitoring, henceforth, of the trade flows concerning the non-sampled companies, a TARIC additional code will be attributed to each non-sampled company listed in Annex I to the original Regulation.

in force to Xiamen and were given the opportunity to comment and to be heard. No comments which were of a nature to change the above conclusions were received,

(29) In accordance with Articles 13(3) and 14(5) of the basic Regulation, which provide that any extended measure is to apply to imports which entered the Union under registration imposed by the initiating Regulation, duties should be collected on those registered imports consigned from Xiamen.

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duty of 28,8 % applicable to 'all other companies' imposed by Regulation (EC) No 1425/2006 on imports of certain plastic sacks and bags originating in the People's Republic of China is hereby extended to imports declared as having been manufactured by XIAMEN XINGXIA POLYMERS CO., LTD.

4. DISCLOSURE

(30) Interested parties were informed of the essential facts and considerations on the basis of which the Council intended to extend the residual anti-dumping duty rate

2. The table in Article 1(2) of Regulation (EC) No 1425/2006 is hereby replaced by the following table:

'Country	Company	AD duty rate (%)	TARIC additional code
The People's Republic of China	Cedo (Shanghai) Limited and Cedo (Shanghai) Household Wrappings, Shanghai	7,4	A757
	Jinguan (Longhai) Plastics Packing Co., Ltd, Longhai	5,1	A758
	Sunway Kordis (Shanghai) Ltd and Shanghai Sunway Polysell Ltd, Shanghai	4,8	A760
	Suzhou Guoxin Group Co., Ltd, Suzhou Guoxin Group Taicang Yihe Import & Export Co., Ltd, Taicang Dongyuan Plastic Co., Ltd and Suzhou Guoxin Group Taicang Giant Packaging Co., Ltd, Taicang	7,8	A761
	Wuxi Jiayihe Packaging Co., Ltd and Wuxi Bestpac Packaging Co., Ltd, Wuxi	12,8	A763
	Zhong Shan Qi Yu Plastic Products Co. Ltd, Zhongshan	5,7	A764
	Huizhou Jun Yang Plastics Co., Ltd, Huizhou	4,8	A765
	Xinhui Alida Polythene Limited, Xinhui	4,3	A854
	Companies listed in Annex I	8,4	See Annex I
	All other companies	28,8	A999
Thailand	King Pac Industrial Co., Ltd, Chonburi and Dpac Industrial Co., Ltd, Bangkok	14,3	A767
	Multibax Public Co., Ltd, Chonburi	5,1	A768
	Naraipak Co. Ltd and Narai Packaging (Thailand) Ltd, Bangkok	10,4	A769
	Sahachit Watana Plastic Industry Co., Ltd, Bangkok	6,8	A770
	Thai Plastic Bags Industries Co., Ltd, Nakornpathorn	5,8	A771
	Companies listed in Annex II	7,9	A772
	All other companies	14,3	A999'

3. Annex I to Regulation (EC) No 1425/2006 is hereby replaced by the text as set out in the Annex to this Regulation.

Article 2

1. The duty extended by Article 1 shall be collected on imports registered in accordance with Article 2 of Regulation (EU) No 748/2010.

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

Article 3

Customs authorities are hereby directed to discontinue the registration of imports, established in accordance with Article 2 of Regulation (EU) No 748/2010.

Article 4

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*. However, Article 2 shall apply from the day of entry into force of Regulation (EU) No 748/2010.

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

Done at Brussels, 3 May 2011.

For the Council
The President
MARTONYI J.

ANNEX

‘ANNEX I

CHINESE COOPERATING EXPORTING PRODUCERS NOT SAMPLED

Company	City	TARIC additional code
BAO XIANG PLASTIC BAG MANUFACTURING (SHENZHEN) CO., LTD	Shenzhen	B014
BEIJING LIANBIN PLASTIC & PRINTING CO., LTD	Beijing	B015
CHANGLE BEIHAI PLASTIC PRODUCTS CO., LTD	Zhuliu	B016
CHANGLE UNITE PLASTIC PRODUCTS CO., LTD	Changle	B017
CHANGLE HUALONG PLASTIC PRODUCTS CO., LTD	Changle	B018
CHANGLE SANDELI PLASTIC PRODUCTS CO., LTD	Changle	B019
CHANGLE SHENGDA RUBBER PRODUCTS CO., LTD	Changle	B020
CHANGZHOU HUAGUANG PLASTIC PRODUCTS CO., LTD	Wujin	B021
CHEONG FAT PLASTIC BAGS (CHINA) PRINTING FACTORY	Shenzhen	B022
CHUN HING PLASTIC PACKAGING MANUFACTORY LTD	Hong Kong	B023
CHUN YIP PLASTICS (SHENZHEN) LIMITED	Shenzhen	B024
CROWN POLYETHYLENE PRODUCTS (INT'L) LTD	Hong Kong	B025
DALIAN JINSHIDA PACKING PRODUCTS CO., LTD	Dalian	B026
DONG GUAN HARBONA PLASTIC & METALS FACTORY CO., LTD	Dongguan	B027
DONGGUAN CHERRY PLASTIC INDUSTRIAL, LTD	Dongguan	B028
DONGGUAN FIRSTWAY PLASTIC PRODUCTS CO., LTD	Dongguan	B029
DONGGUAN MARUMAN PLASTIC PACKAGING COMPANY LIMITED	Dongguan	B030
DONGGUAN NAN SING PLASTICS LIMITED	Dongguan	B031
DONGGUAN NOZAWA PLASTIC PRODUCTS CO., LTD	Dongguan	B032
DONGGUAN RUI LONG PLASTICS FACTORY	Dongguan	B033
FOSHAN SHUNDE KANGFU PLASTIC PRODUCTS CO., LTD	Shunde	B034
FU YUEN ENTERPRISES CO.	Hong Kong	B035
GOLD MINE PLASTIC INDUSTRIAL LIMITED	Jiangmen	B036
GOOD-IN HOLDINGS LTD	Hong Kong	B037
HANG LUNG PLASTIC FACTORY (SHENZHEN) LTD	Shenzhen	B038
HUIYANG KANLUN POLYETHYLENE MANUFACTURE FACTORY	Huizhou	B039
JIANGMEN CITY XIN HUI HENGLONG PLASTIC LTD	Jiangmen	B040
JIANGMEN TOPTYPE PLASTIC PRODUCTS CO., LTD	Jiangmen	B041
JIANGMEN XINHUI FENGZE PLASTIC COMPANY LTD	Jiangmen	B042
JIANGYIN BRAND POLYTHENE PACKAGING CO., LTD	Jiangyin	B043

Company	City	TARIC additional code
JINAN BAIHE PLASTIC CO., LTD	Jinan	B044
JINAN CHANGWEI PLASTIC PRODUCTS CO., LTD	Jinan	B045
JINAN CHENGLIN PLASTIC PRODUCTS COMPANY LTD	Jinan	B046
JINAN MINFENG PLASTIC CO., LTD	Jinan	B047
JINYANG PACKING PRODUCTS (WEIFANG) CO., LTD	Qingzhou	B048
JUXIAN HUACHANG PLASTIC CO., LTD	Liuguanzhuang	B049
JUXIAN HUAYANG PLASTIC PRODUCTS CO., LTD	Liuguanzhuang	B050
KIN WAI POLY BAG PRINTING LTD	Hong Kong	B051
LAIZHOU JINYUAN PLASTICS INDUSTRY & TRADE CO., LTD	Laizhou	B052
LAIZHOU YUANXINYIE PLASTIC MACHINERY CO., LTD	Laizhou	B053
LICK SAN PLASTIC BAGS (SHENZHEN) CO., LTD	Shenzhen	B054
LINQU SHUNXING PLASTIC PRODUCTS CO., LTD	Linqu	B055
LONGKOU CITY LONGDAN PLASTIC CORPORATION LTD	Longkou	B056
NEW CARING PLASTIC MANUFACTORY LTD	Jiangmen	B057
NEW WAY POLYPAK DONGYING CO., LTD	Dongying	B058
NINGBO HUASEN PLASTHETICS CO., LTD	Ningbo	B059
NINGBO MARUMAN PACKAGING PRODUCT CO., LTD	Ningbo	B060
POLY POLYETHYLENE BAGS AND PRINTING CO.	Hong Kong	B061
QINGDAO NEW LEFU PACKAGING CO., LTD	Qingdao	B062
QUANZHOU POLYWIN PACKAGING CO., LTD	Nanan	B063
RALLY PLASTICS CO., LTD ZHONGSHAN	Zhongshan	B064
RIZHAO XINAO PLASTIC PRODUCTS CO., LTD	Liuguanzhuang	B065
DONGGUAN SEA LAKE PLASTIC PRODUCTS MANUFACTURING CO., LTD	Dongguan	B066
SHANGHAI HANHUA PLASTIC PACKAGE PRODUCT CO., LTD	Shanghai	B067
SHANGHAI HUAYUE PACKAGING PRODUCTS CO., LTD	Shanghai	B068
SHANGHAI LIQIANG PLASTICS INDUSTRY CO., LTD	Zhangyan	B069
SHANGHAI MINGYE PLASTICS GOODS COMPANY LIMITED	Shanghai	B070
SHANGHAI QUTIAN TECHNOLOGY INDUSTRY DEVELOPMENT CO., LTD	Shanghai	B071
SHANTOU ULTRA DRAGON PLASTICS LTD	Shantou	B072
SHAOXING YUCI PLASTICS AND BAKELITE PRODUCTS CO., LTD	Shangyu	B073
SHENG YOUNG INDUSTRIAL (ZHONGSHAN) CO., LTD	Zhongshan	B074
SUPREME DEVELOPMENT COMPANY LIMITED	Hong Kong	B075
TAISHING PLASTIC PRODUCTS CO., LTD ZHONGSHAN	Zhongshan	B076
TIANJIN MINGZE PLASTIC PACKAGING CO., LTD	Tianjin	B077

Company	City	TARIC additional code
UNIVERSAL PLASTIC & METAL MANUFACTURING LIMITED	Hong Kong	B078
WAI YUEN INDUSTRIAL AND DEVELOPMENT LTD	Hong Kong	B079
WEIFANG DESHUN PLASTIC PRODUCTS CO., LTD	Changle	B080
WEIFANG HENGSHENG RUBBER PRODUCTS CO., LTD	Changle	B081
WEIFANG HONGYUAN PLASTIC PRODUCTS CO., LTD	Changle	B082
WEIFANG HUASHENG PLASTIC PRODUCTS CO., LTD	Changle	B083
WEIFANG KANGLE PLASTICS CO., LTD	Changle	B084
WEIFANG LIFA PLASTIC PACKING CO., LTD	Weifang	B085
WEIFANG XINLI PLASTIC PRODUCTS CO., LTD	Weifang	B086
WEIFANG YUANHUA PLASTIC PRODUCTS CO., LTD	Weifang	B087
WEIFANG YUJIE PLASTIC PRODUCTS CO., LTD	Weifang	B088
WEIHAI WEIQUAN PLASTIC AND RUBBER PRODUCTS CO., LTD	Weihai	B089
WINNER BAGS PRODUCT COMPANY (SHENZHEN) LIMITED	Shenzhen	B090
WUI HING PLASTIC BAGS PRINTING (SHENZHEN) COMPANY LIMITED	Shenzhen	B091
XIAMEN EGRET PLASTICS CO., LTD	Gaoqi	B092
XIAMEN GOOD PLASTIC CO., LTD	Xiamen	B109
XIAMEN RICHIN PLASTIC CO., LTD	Xiamen	B093
XIAMEN UNITED OVERSEA ENTERPRISES LTD	Xiamen	B094
XIAMEN XINGYATAI PLASTIC INDUSTRY CO., LTD	Xiamen	B095
XINTAI CHUNHUI MODIFIED PLASTIC CO., LTD	Xintai	B096
YANTAI BAGMART PACKAGING CO., LTD	Yantai	B097
YANTAI LONGQUAN PLASTIC AND RUBBER PRODUCTS CO., LTD	Yantai	B098
YAU BONG POLYBAGS PRINTING CO., LTD	Hong Kong	B099
YINKOU FUCHANG PLASTIC PRODUCTS. CO., LTD	Yingkou	B100
YONGCHANG (CHANGLE) PLASTIC INDUSTRIES CO., LTD	Weifang	B101
ZHANGJIAGANG YUANHEYI PAPER & PLASTIC COLOR PRINTING & PACKING CO., LTD	Zhangjiagang	B102
ZHONGSHAN DONGFENG HUNG WAI PLASTIC BAG MFY.	Zhongshan	B103
ZHONGSHAN HUANGPU TOWN LIHENG METAL & PLASTIC FACTORY	Zhongshan	B104
ZHUHAI CHINTEC PACKING TECHNOLOGY ENTERPRISE CO., LTD	Zhuhai	B105
ZIBO WEIJIA PLASTIC PRODUCTS CO., LTD	Zibo	B106'

COUNCIL IMPLEMENTING REGULATION (EU) No 475/2011

of 13 May 2011

amending Regulation (EC) No 1425/2006 imposing a definitive anti-dumping duty on imports of certain plastic sacks and bags originating in the People's Republic of China and Thailand, and terminating the proceeding on imports of certain plastic sacks and bags originating in Malaysia

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (‘the basic Regulation’),

Having regard to Council Regulation (EC) No 1425/2006 ⁽²⁾, and in particular Article 2 thereof,

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

Whereas:

A. PREVIOUS PROCEDURE

- (1) By Regulation (EC) No 1425/2006, the Council imposed a definitive anti-dumping duty on imports into the Union of certain plastic sacks and bags originating in, inter alia, the People's Republic of China (‘PRC’). Given the large number of cooperating exporting producers in the investigation that led to the imposition of the anti-dumping duty (‘the original investigation’) in the PRC, a sample of Chinese exporting producers was selected and individual duty rates ranging from 4,8 % to 12,8 % were imposed on the companies included in the sample, while other cooperating companies not included in the sample were attributed a duty rate of 8,4 %. By Regulation (EC) No 249/2008 a duty rate of 4,3 % has been set for a certain company. A duty rate of 28,8 % for the PRC was imposed on companies which either did not make themselves known or did not cooperate with the investigation.
- (2) Article 2 of Regulation (EC) No 1425/2006 stipulates that where any new exporting producer in the PRC provides sufficient evidence to the Commission that:
- it did not export to the Union the products described in Article 1(1) of that Regulation during the investigation period (1 April 2004 to 31 March 2005) (‘the investigation period’) (the first criterion),

- it is not related to any of the exporters or producers in the PRC which are subject to the anti-dumping measures imposed by that Regulation (the second criterion), and

- it has actually exported to the Union the products concerned after the investigation period on which the measures are based, or it has entered into an irrevocable contractual obligation to export a significant quantity to the Union (the third criterion),

then Article 1 of that Regulation can be amended by granting the new exporting producer the duty rate applicable to the cooperating companies not included in the sample, i.e. 8,4 %.

- (3) The list of companies granted the weighted average duty rate of 8,4 % for cooperating companies and contained in Regulation (EC) No 1425/2006 was amended by Council Regulations (EC) No 249/2008 ⁽³⁾ and (EC) No 189/2009 ⁽⁴⁾ and by Council Implementing Regulation (EU) No 474/2011 ⁽⁵⁾.

B. NEW EXPORTING PRODUCER REQUESTS

- (4) Six Chinese companies have applied to be granted the same treatment as the companies cooperating in the original investigation not included in the sample (‘new exporting producer treatment’).
- (5) An examination has been carried out to determine whether the six applicants fulfil the criteria for being granted new exporting producer treatment as set out in Article 2 of Regulation (EC) No 1425/2006.
- (6) An application form was sent to all six applicants who were asked to supply evidence to demonstrate that they met the three criteria mentioned above.
- (7) One company requesting new exporting producer treatment did not provide the requested information. It was therefore not possible to verify whether it fulfilled the criteria set out in Article 2 of Regulation (EC) No 1425/2006 and its request had to be rejected.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 270, 29.9.2006, p. 4.

⁽³⁾ OJ L 76, 19.3.2008, p. 8.

⁽⁴⁾ OJ L 67, 12.3.2009, p. 5.

⁽⁵⁾ See page 2 of this Official Journal.

- (8) One company withdrew its application. can be added to the list of exporting producers in Annex I to Regulation (EC) No 1425/2006.
- (9) One company neither exported the product concerned to the Union nor entered into an irrevocable contractual obligation to export a significant quantity to the Union after the investigation period. Thus, it did not meet the third criterion and its request was therefore rejected.
- (10) One company was not considered as a new exporting producer since it is related to an exporting producer in the PRC which is subject to the anti-dumping measures imposed by Regulation (EC) No 1425/2006. It thus did not meet the second criterion and its request was therefore rejected.
- (11) One company submitted misleading information concerning its date of establishment. This cast doubts on the reliability of the information provided, including the period of time the product concerned could have been exported to the EU. Its request was therefore rejected.
- (12) The evidence provided by the remaining Chinese exporting producer was considered sufficient to show that it fulfils the criteria set out in Article 2 of Regulation (EC) No 1425/2006. This exporting producer can therefore be granted the duty rate applicable to the cooperating companies not included in the sample (i.e. 8,4 %) and consequently its name
- (13) The applicants and the Union industry have been informed of the findings of the examination and were given the opportunity to submit their comments.
- (14) All arguments and submissions made by interested parties were analysed and duly taken into account where warranted,

HAS ADOPTED THIS REGULATION:

Article 1

The following company shall be added to the list of producers from the People's Republic of China listed in Annex I to Regulation (EC) No 1425/2006:

Company	City	TARIC additional code
Xiamen Good Plastic Co., Ltd	Xiamen	B109

Article 2

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

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

Done at Brussels, 13 May 2011.

For the Council
The President
 MARTONYI J.

COMMISSION IMPLEMENTING REGULATION (EU) No 476/2011**of 17 May 2011****amending Council Regulation (EU) No 57/2011 as regards catch limits for the fisheries on sandeel in EU waters of ICES zones IIa, IIIa and IV**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters ⁽¹⁾, and in particular Article 5(4) thereof,

Whereas:

- (1) Catch limits for sandeel in EU waters of ICES zones IIa, IIIa and IV are laid down in Annex IA of Regulation (EU) 57/2011.
- (2) Pursuant to point 4 of Annex IID to Regulation (EU) No 57/2011, the Commission is to revise the total allowable catches (TAC) and quotas for 2011 for sandeel in those zones based on advice from the International Council for the Exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF).
- (3) ICES delivered its advice on 21 February 2011 for each of the seven management areas defined in Annex IID of Regulation 57/2011. The ICES advice was reviewed by the STECF, which delivered its conclusions to the Commission on 24 February 2011. In accordance with that advice, the catch limit for management area 1

should be increased to 320 000 tonnes and the catch limit for management area 2 decreased to 34 000 tonnes. The STECF also considered it appropriate to establish catch limits of 10 000 tonnes and 420 tonnes respectively in management areas 4 and 6

- (4) The STECF considered that the catch limits for management areas 3 and 7 should be zero. However in supplementary advice delivered on 17 March 2011, the STECF considered that a catch limit of 10 000 tonnes could be allowed in management area 3 in order to conduct a monitoring fishery in that area.
- (5) Annex IA to Regulation (EU) No 57/2011 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IA to Regulation (EU) No 57/2011 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 17 May 2011.

For the Commission
The President
José Manuel BARROSO

⁽¹⁾ OJ L 24, 27.1.2011, p. 1.

ANNEX

Annex IA to Regulation (EU) No 57/2011 is amended as follows:

The entry concerning the species sandeel in EU waters of ICES zones IIa, IIIa and IV is replaced by the following:

Species: Sandeel and associated by-catches <i>Ammodytes</i> spp.	Zone: EU waters of IIa, IIIa and IV ⁽¹⁾ (SAN/2A3A4.)
Denmark	331 731 ⁽²⁾
United Kingdom	7 251 ⁽²⁾
Germany	507 ⁽²⁾
Sweden	12 181 ⁽²⁾
Not allocated	2 750 ⁽³⁾
EU	351 670 ⁽²⁾ ⁽⁴⁾
Norway	20 000
TAC	374 420

Analytical TAC

⁽¹⁾ Excluding waters within six miles of UK baselines at Shetland, Fair Isle and Foula.

⁽²⁾ Provisional quota in accordance with Article 1(2) of this Regulation.

⁽³⁾ Unallocated quota in accordance with Article 1(3) of this Regulation

⁽⁴⁾ At least 98 % of landed quantities counted against the TAC must be of sandeel. By-catches of dab, mackerel and whiting to be counted against the remaining 2 % of the TAC.

Special conditions:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following sandeel management areas, as defined in Annex IID:

Zone: EU waters of sandeel management areas							
	1	2	3	4	5	6	7
	(SAN/*234_1)	(SAN/*234_2)	(SAN/*234_3)	(SAN/*234_4)	(SAN/*234_5)	(SAN/*234_6)	(SAN/*234_7)
Denmark	284 068	28 022	9 434	9 434	0	395	0
United Kingdom	6 209	613	206	206	0	9	0
Germany	435	43	14	14	0	1	0
Sweden	10 431	1 029	346	346	0	15	0
EU	301 143	29 707	10 000	10 000	0	420	0
Norway	16 626	3 774	0	0	0	0	0
Not allocated	2 231	519	0	0	0	0	0
Total	320 000	34 000	10 000	10 000	0	420	0

**COMMISSION REGULATION (EU) No 477/2011
of 17 May 2011**

initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Implementing Regulation (EU) No 511/2010 on imports of certain molybdenum wires originating in the People's Republic of China by imports of certain molybdenum wires consigned from Malaysia and Switzerland, whether declared as originating in Malaysia and Switzerland or not, and making such imports subject to registration

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the basic Regulation) and in particular Articles 13(3), 14(3) and 14(5) thereof,

After having consulted the Advisory Committee in accordance with Articles 13(3) and 14(3) of the basic Regulation,

Whereas:

A. REQUEST

- (1) The European Commission (the Commission) has received a request pursuant to Articles 13(3) and 14(5) of the basic Regulation to investigate the possible circumvention of the anti-dumping measures imposed on imports of certain molybdenum wires originating in the People's Republic of China and to make imports of certain molybdenum wires consigned from Malaysia and Switzerland, whether declared as originating in Malaysia and Switzerland or not, subject to registration.
- (2) The request was lodged on 4 April 2011 by the European Association of Metals (Eurometaux) on behalf of a Union producer of certain molybdenum wires.

B. PRODUCT

- (3) The product concerned by the possible circumvention is molybdenum wire, containing by weight at least 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm, originating in the People's Republic of China, currently falling within CN code ex 8102 96 00 (the product concerned).
- (4) The product under investigation is the same as that defined in the previous recital, but consigned from Malaysia and Switzerland, whether originating in Malaysia and Switzerland or not, currently falling within the same CN code as the product concerned.

C. EXISTING MEASURES

- (5) The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Council Implementing Regulation (EU) No 511/2010 ⁽²⁾.

D. GROUNDS

- (6) The request contains sufficient prima facie evidence that the anti-dumping measures on imports of certain molybdenum wires originating in the People's Republic of China are being circumvented by means of the transshipment via Malaysia and Switzerland.

The evidence submitted is as follows:

The request shows that a significant change in the pattern of trade involving exports from the People's Republic of China, Malaysia and Switzerland to the Union has taken place following the imposition of measures on the product concerned, and that there is insufficient due cause or justification other than the imposition of the duty for such a change.

This change in the pattern of trade appears to stem from the transshipment of certain molybdenum wires originating in the People's Republic of China via Malaysia and Switzerland.

Furthermore, the request contains sufficient prima facie evidence that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined in terms of quantity. Significant volumes of imports of the product under investigation appear to have replaced imports of the product concerned. In addition, the Commission is in possession of sufficient evidence that imports of the product under investigation are made at prices well below the non-injurious price established in the investigation that led to the existing measures, adjusted for the decrease in the prices of the raw material costs.

Finally, the request contains sufficient prima facie evidence that the prices of the product under investigation are dumped in relation to the normal value previously established for the product concerned, adjusted for the decrease in the prices of the raw material costs.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 150, 16.6.2010, p. 17.

Should circumvention practices via Malaysia and Switzerland covered by Article 13 of the basic Regulation, other than transshipment, be identified in the course of the investigation, the investigation may also cover these practices.

E. PROCEDURE

In the light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13 of the basic Regulation and to make imports of the product under investigation, whether declared as originating in Malaysia and Switzerland or not, subject to registration, in accordance with Article 14(5) of the basic Regulation.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the known exporters/producers and to the known associations of exporters/producers in Malaysia and Switzerland, to the known exporters/producers and to the known associations of exporters/producers in the People's Republic of China, to the known importers and to the known associations of importers in the Union and to the authorities of the People's Republic of China, Malaysia and Switzerland. Information, as appropriate, may also be sought from the Union industry.

In any event, all interested parties should contact the Commission forthwith, but not later than the time limit set in Article 3 of this Regulation, and request a questionnaire within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.

The authorities of the People's Republic of China, Malaysia and Switzerland will be notified of the initiation of the investigation.

(b) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Exemption of registration of imports or measures

In accordance with Article 13(4) of the basic Regulation, imports of the product under investigation may be exempted from registration or measures if the importation does not constitute circumvention.

Since the possible circumvention takes place outside the Union, exemptions may be granted, in accordance with Article 13(4) of the basic Regulation, to producers in Malaysia and Switzerland of certain molybdenum wires that can show that they are not related⁽¹⁾ to any producer subject to the measures⁽²⁾ and that are found not to be engaged in circumvention practices as defined in Article 13(1) and (2) of the basic Regulation. Producers wishing to obtain an exemption should submit a request duly supported by evidence within the time limit indicated in Article 3(3) of this Regulation.

F. REGISTRATION

Pursuant to Article 14 (5) of the basic Regulation, imports of the product under investigation should be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount can be levied retroactively from the date of registration of such imports consigned from Malaysia and Switzerland.

G. TIME LIMITS

In the interest of sound administration, time limits should be stated within which:

- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,
- producers in Malaysia and Switzerland may request exemption from registration of imports or measures,
- interested parties may make a written request to be heard by the Commission.

⁽¹⁾ In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

⁽²⁾ However, even if producers are related in the aforementioned sense to companies subject to the measures in place on imports originating in the People's Republic of China (the original anti-dumping measures), an exemption may still be granted if there is no evidence that the relationship with the companies subject to the original measures was established or used to circumvent the original measures.

Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the time limits mentioned in Article 3 of this Regulation.

H. NON-COOPERATION

In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.

Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of facts available. If an interested party does not cooperate or cooperates only partially and findings are therefore based on the facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

I. SCHEDULE OF THE INVESTIGATION

The investigation will be concluded, according to Article 13(3) of the basic Regulation, within nine months of the date of the publication of this Regulation in the *Official Journal of the European Union*.

J. PROCESSING OF PERSONAL DATA

It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾.

K. HEARING OFFICER

It is also noted that if interested parties consider that they are encountering difficulties in the exercise of their rights of defence, they may request the intervention of the Hearing Officer of Directorate-General for Trade. He acts as an interface between the interested parties and the Commission services, offering, where necessary, mediation on procedural matters affecting the protection of their interests in this proceeding, in particular with regard to issues concerning access to the file, confidentiality, extension of time limits and the treatment of written and/or oral submission of views. For further

information and contact details, interested parties may consult the Hearing Officer's web pages on the website of Directorate-General for Trade (<http://ec.europa.eu/trade>).

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is hereby initiated pursuant to Article 13(3) of Regulation (EC) No 1225/2009, in order to determine if imports into the Union of molybdenum wire, containing by weight at least 99,95 % of molybdenum, of which the maximum cross-sectional dimension exceeds 1,35 mm but does not exceed 4,0 mm, consigned from Malaysia and Switzerland, whether declared as originating in Malaysia and Switzerland or not, currently falling within CN code ex 8102 96 00 (TARIC code 8102 96 00 11), are circumventing the measures imposed by Regulation (EU) No 511/2010.

Article 2

The Customs authorities are hereby directed, pursuant to Article 13(3) and Article 14(5) of Regulation (EC) No 1225/2009, to take the appropriate steps to register the imports into the Union identified in Article 1 of this Regulation.

Registration shall expire nine months following the date of entry into force of this Regulation.

The Commission, by regulation, may direct Customs authorities to cease registration in respect of imports into the Union of products manufactured by producers having applied for an exemption of registration and having been found to fulfil the conditions for an exemption to be granted.

Article 3

1. Questionnaires should be requested from the Commission within 15 days from publication of this Regulation in the *Official Journal of the European Union*.

2. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other information within 37 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.

3. Producers in Malaysia and Switzerland requesting exemption from registration of imports or measures should submit a request duly supported by evidence within the same 37-day time limit.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

4. Interested parties may also apply to be heard by the Commission within the same 37-day time limit.

5. Any information, any request for a hearing or for a questionnaire as well as any request for exemption from registration of imports or measures must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as '*Limited*'⁽¹⁾ and, in accordance with Article 19(2) of the basic Regulation, shall be accompanied by a non-confidential version, which will be labelled '*For inspection by interested parties*'.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: N105 4/92
1049 Bruxelles/Brussel
BELGIQUE/BELGIË
Fax +32 2295 65 05

Article 4

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

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

Done at Brussels, 17 May 2011.

For the Commission
The President
José Manuel BARROSO

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of the basic Regulation and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

COMMISSION IMPLEMENTING REGULATION (EU) No 478/2011**of 17 May 2011****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 18 May 2011.

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

Done at Brussels, 17 May 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	49,4
	TN	91,1
	TR	70,7
	ZZ	70,4
0707 00 05	TR	117,0
	ZZ	117,0
0709 90 70	MA	86,8
	TR	122,3
	ZZ	104,6
0709 90 80	EC	27,0
	ZZ	27,0
0805 10 20	EG	55,4
	IL	66,8
	MA	46,7
	TR	67,3
	ZZ	59,1
0805 50 10	TR	55,6
	ZA	75,9
	ZZ	65,8
0808 10 80	AR	79,9
	BR	75,6
	CA	114,6
	CL	84,2
	CN	71,8
	NZ	119,3
	US	153,7
	UY	66,4
	ZA	87,8
ZZ	94,8	

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

COMMISSION IMPLEMENTING REGULATION (EU) No 479/2011**of 17 May 2011****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

(1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EU) No 473/2011 ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 18 May 2011.

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

Done at Brussels, 17 May 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 259, 1.10.2010, p. 3.

⁽⁴⁾ OJ L 129, 17.5.2011, p. 12.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 18 May 2011

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	43,06	0,00
1701 11 90 ⁽¹⁾	43,06	1,99
1701 12 10 ⁽¹⁾	43,06	0,00
1701 12 90 ⁽¹⁾	43,06	1,69
1701 91 00 ⁽²⁾	42,59	4,69
1701 99 10 ⁽²⁾	42,59	1,56
1701 99 90 ⁽²⁾	42,59	1,56
1702 90 95 ⁽³⁾	0,43	0,26

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.

⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.

⁽³⁾ Per 1 % sucrose content.

DECISIONS

COMMISSION DECISION

of 12 May 2011

on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards power, control and communication cables

(notified under document C(2011) 3107)

(Text with EEA relevance)

(2011/284/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products ⁽¹⁾, and in particular Article 13(4) thereof,

After consulting the Standing Committee on Construction,

Whereas:

(1) Regarding the two procedures for attesting the conformity of a product pursuant to Article 13(3) of Directive 89/106/EEC, the Commission is required to select the least onerous possible procedure consistent with safety. This means that it is necessary to decide whether, for a given product or family of products, the existence of a factory production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13(4) of that Directive, the intervention of an approved certification body is required.

(2) Article 13(4) of Directive 89/106/EEC requires that the procedure thus determined must be indicated in the mandates and in the technical specifications. It is therefore desirable to define the concept of products or family of products as used in the mandates and in the technical specifications.

(3) The two procedures provided for in Article 13(3) of Directive 89/106/EEC are described in detail in Annex III to that Directive. It is therefore necessary to specify clearly the methods by which the two procedures must be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems.

(4) The procedure referred to in point (a) of Article 13(3) of Directive 89/106/EEC corresponds to the systems set out in the first possibility, without continuous surveillance, and the second and third possibilities of point (ii) of Section 2 of Annex III to Directive 89/106/EEC. The procedure referred to in point (b) of Article 13(3) corresponds to the systems set out in point (i) of Section 2 of Annex III, and in the first possibility, with continuous surveillance, of point (ii) of Section 2 of Annex III,

HAS ADOPTED THIS DECISION:

Article 1

The products and families of products set out in Annex I shall have their conformity attested by a procedure whereby the manufacturer has under its sole responsibility a factory production control system ensuring that the product is in conformity with the relevant technical specifications.

Article 2

The products and families of products set out in Annex II shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved certification body is involved in the assessment and surveillance of the production control or of the product itself.

⁽¹⁾ OJ L 40, 11.2.1989, p. 12.

Article 3

The choice of procedure for attesting conformity as set out in Annex III shall be indicated in the relevant technical specifications.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 12 May 2011.

For the Commission

Antonio TAJANI

Vice-President

*ANNEX I***Power, control and communication cables ⁽¹⁾:**

For uses in buildings and other civil engineering works subject to regulations on dangerous substances and/or reaction to fire, except for products made of materials falling into classes A_{ca}, B1_{ca}, B2_{ca}, C_{ca}.

⁽¹⁾ Power, control and communication cables designed for use with a voltage rating of between 50 and 1 000 V for alternating current and between 75 and 1 500 V for direct current are also subject to the provisions of Council Directive 73/23/EEC, known as the 'Low Voltage Directive' (OJ L 77, 26.3.1973, p. 29).

*ANNEX II***Power, control and communication cables ⁽¹⁾:**

For uses in buildings and other civil engineering works subject to reaction-to-fire regulations for products made of materials falling into classes A_{ca}, B1_{ca}, B2_{ca}, C_{ca} and/or resistance-to-fire regulations.

⁽¹⁾ Power, control and communication cables designed for use with a voltage rating of between 50 and 1 000 V for alternating current and between 75 and 1 500 V for direct current are also subject to the provisions of Council Directive 73/23/EEC, known as the 'Low Voltage Directive' (OJ L 77, 26.3.1973, p. 29).

ANNEX III

Note: for products having more than one of the intended uses specified in the following families, the tasks for the approved body, derived from the relevant systems of attestation of conformity, are cumulative.

PRODUCT FAMILY

POWER, CONTROL AND COMMUNICATION CABLES (1/3)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec is requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

Product(s)	Intended use(s)	Level(s) or class(es) (<i>reaction to fire</i>)	Attestation of conformity system(s)
Power, control and communication cables	for uses subject to regulations on reaction to fire	A _{ca} , B1 _{ca} , B2 _{ca} , C _{ca}	1 +
		D _{ca} , E _{ca}	3
		F _{ca}	4

System 1+: see point (i) of Section 2 of Annex III to Directive 89/106/EEC, with audit-testing of samples taken at the factory.

System 3: see point (ii) of Section 2 of Annex III to Directive 89/106/EEC, second possibility.

System 4: see point (ii) of Section 2 of Annex III to Directive 89/106/EEC, third possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

POWER, CONTROL AND COMMUNICATION CABLES (2/3)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

Product(s)	Intended use(s)	Level(s) or class(es) (<i>resistance to fire</i>)	Attestation of conformity system(s)
Power, control and communication cables	for uses subject to fire regulations on resistance to fire	P15 – P30 – P60 – P90 – P120 PH15 (*) – PH (*) 30 – PH (*) 60 – PH (*) 90 – PH (*) 120	1 +

System 1 +: see point (i) of Section 2 of Annex III to Directive 89/106/EEC, with audit-testing of samples taken at the factory.

(*) Applies to small diameter power or signal cables or systems (< 20 mm diameter and with conductor sizes ≤ 2,5 mm²).

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

POWER, CONTROL AND COMMUNICATION CABLES (3/3)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonised standard(s):

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Power, control and communication cables	for uses subject to regulations on dangerous substances	—	3

System 3: see point (ii) of Section 2 of Annex III to Directive 89/106/EEC, second possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

CORRIGENDA

Corrigendum to Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations

(Official Journal of the European Union L 7 of 10 January 2009)

On page 20, Article 71, title:

for: **'Information on contact details and languages (modelled on Article 25 of Regulation (EC) No 861/2007)'**,

read: **'Information on contact details and languages'**;

on page 21, Article 75(1) and (2):

for: '1. This Regulation shall apply only to proceedings instituted, to court settlements approved or concluded, and to authentic instruments established after its date of application, subject to paragraphs 2 and 3.

2. Sections 2 and 3 of Chapter IV shall apply:

(a) to decisions given in the Member States before the date of application of this Regulation for which recognition and the declaration of enforceability are requested after that date;

(b) to decisions given after the date of application of this Regulation following proceedings begun before that date, ...';

read: '1. This Regulation shall apply only to proceedings instituted, to court settlements approved or concluded, and to authentic instruments established as from its date of application, subject to paragraphs 2 and 3.

2. Sections 2 and 3 of Chapter IV shall apply:

(a) to decisions given in the Member States before the date of application of this Regulation for which recognition and the declaration of enforceability are requested as from that date;

(b) to decisions given as from the date of application of this Regulation following proceedings begun before that date, ...'.

Corrigendum to Council Decision 2011/28/EU of 12 July 2010 on the conclusion of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part, on a Framework Agreement between the European Union and the Republic of Moldova on the general principles for the participation of the Republic of Moldova in Union programmes

(Official Journal of the European Union L 14 of 19 January 2011)

The publication of Decision 2011/28/EU is to be considered null and void.

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