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(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 431/2004

of 9 March 2004

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 10 March 2004.

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

Done at Brussels, 9 March 2004.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

[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 the Commission Regulation of 9 March 2004 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	84,6
	204	65,7
	212	120,5
	999	90,3
0707 00 05	052	147,8
	068	106,2
	204	44,3
	999	99,4
0709 10 00	220	80,1
	999	80,1
0709 90 70	052	106,8
	204	60,1
	628	136,0
	999	101,0
0805 10 10, 0805 10 30, 0805 10 50	052	47,2
	204	48,4
	212	59,1
	220	45,2
	400	44,1
	624	75,1
	999	53,2
0805 50 10	052	46,0
	999	46,0
0808 10 20, 0808 10 50, 0808 10 90	060	43,3
	388	107,3
	400	108,6
	404	91,1
	508	85,5
	512	95,7
	524	70,1
	528	91,2
	720	81,7
	999	86,1
0808 20 50	060	66,7
	388	72,9
	400	84,3
	512	58,2
	528	76,7
	720	70,3
	999	71,5

(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 432/2004

of 5 March 2004

adapting for the eighth time to technical progress Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport [1], as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council [2], and in particular Article 17 thereof,

Whereas:

(1) Annex I B to Council Regulation (EC) No 3821/85 sets out the technical specifications for the construction, testing, installation and inspection of recording equipment in road transport.

(2) Paying particular attention to the overall security of the system and to the interoperability between the recording equipment and the tachograph cards, certain technical specifications, set out in Annex 1 B to Regulation (EC) No 3821/85 should be amended.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 18 of Regulation (EC) No 3821/85,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I B to Regulation (EEC) No 3821/85 is amended as follows:

1. in Chapter IV, paragraph 1, requirement 172, the words 'ΚΑΡΤΑ ΟΔΗΟΥ' shall be replaced by 'ΚΑΡΤΑ ΟΔΗΓΟΥ';

2. in Chapter IV, paragraph 5.3.9, requirement 227, the words 'purpose of calibration (first installation, installation, periodic inspection)' shall be replaced by 'purpose of calibration (activation, first installation, installation, periodic inspection)';

3. in Appendix 1, paragraph 2.29, the last two lines shall be replaced by the following:

'"aa"H	Index for changes of the structure, "00h" for this version
"bb"H	Index for changes concerning the use of the data elements defined for the structure given by the high byte, "00h" for this version.'

4. in Appendix 1, at the end of paragraph 2.67, the following footnote shall be added:

   'Footnote: An updated list of codes identifying the manufacturers will be available on the website of the European Certification Authority.'

5. in Appendix 2, paragraph 3.6.3, requirement TCS_333, fifth indent, the formula '(Offset + Le > EF size)' shall be replaced by '(Offset + Lc > EF size)';

6. in Appendix 2, paragraph 3.6.7, requirement TCS_348, third column, the value 'Ceh' shall be replaced by 'C2h';

7. in Appendix 7, paragraph 2.2.2, in the fourth line of the eighth column the data '"8F" "EA"' shall be replaced by '"EA" "8F"';

8. in Appendix 7, paragraph 2.2.2.2, requirement DDP_006, the reference to '"8F" "EA"' shall be replaced by '"EA" "8F"';

9. in Appendix 7, paragraph 2.2.6.5, requirement DDP_033, the Length (Bytes) '(164)' shall be replaced by '(167)';

10. in Appendix 8, paragraph 8.2, requirement CPR_075:

    (a) in the heading of table 40 the reference 'recordDataIdentifier value # F00B' shall be replaced by 'recordDataIdentifier value # F90B';

    (b) in the third column of table 40 (Operating range) the reference to '-59 to 59 min' shall be replaced by '-59 to +59 min';

11. in Appendix 8, paragraph 8.2, requirement CPR_076, in the heading of table 41 the reference 'recordDataIdentifier value # F022' shall be replaced by 'recordDataIdentifier value # F922';

12. in Appendix 8, paragraph 8.2, requirement CPR_078, in the heading of table 42 the reference 'recordDataIdentifier value # F07E' shall be replaced by 'recordDataIdentifier value # F97E';

13. in Appendix 10, paragraph 4.2, the words 'and company card' shall be inserted after the words 'control card';

14. in Appendix 10, paragraph 4.2.3, the words 'The following assignments' shall be replaced by 'Additionally the following assignments';

[1] OJ L 370, 31.12.1985, p. 8.
[2] OJ L 284, 31.10.2003, p. 1.

15. in Appendix 10, paragraph 4.3.2, the words 'GENERAL_-READ: User data may be read from the TOE by any user, except cardholder identification data which may be read from control cards by VEHICLE_UNIT only.' shall be replaced by 'GENERAL_READ: User data may be read from the TOE by any user, except cardholder identification data which may be read from control cards and company cards by VEHICLE_UNIT only.';

16. in Appendix 11, paragraph 2.2.1, requirement CSM_003, the words 'Public exponent, e, for RSA calculations will be different from 2 inn all generated RSA keys.' shall be replaced by 'Public exponent, e, for RSA calculations is an integer between 3 and n-1 satisfying gcd(e, lcm(p-1, q-1))=1.';

17. in Appendix 11, paragraph 3.3.1, requirement CSM_017, note 5, subparagraph 5.1, second table, in the second column the words 'BCD coding' shall be replaced by 'Integer';

18. in Appendix 11, 3.3.2, requirement CSM_018, the words 'except for its Annex A.4,' shall be inserted after the words 'in accordance with ISO/IEC 9796-2,';

19. in Appendix 11, paragraph 4, requirement CSM_020, on the left side of the second diagram, in the tenth box, the word 'signature' shall be replaced by 'signature*'.

Article 2

This Regulation shall enter into force on the third 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, 5 March 2004.

For the Commission
Loyola DE PALACIO
Vice-President

COMMISSION REGULATION (EC) No 433/2004

of 9 March 2004

repealing a number of decisions concerning the importation from third countries of animal by-products

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries [1], as last amended by Regulation (EC) No 807/2003 [2], and in particular Articles 3 and 16 thereof,

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC [3], as last amended by Commission Decision 2003/42/EC [4], and in particular Articles 10 and 13 thereof,

Whereas:

(1) Directive 72/462/EEC lays down rules on health and veterinary inspections concerning the importation of certain animals and their meat and meat products into the Community. That Directive provides the legal basis for the following Commission Decisions concerning the importation of certain animal products and by-products into the Community:

— Decision 89/18/EEC of 22 December 1988 concerning the conditions of importation from third countries of fresh meat for purposes other than human consumption [5],

— Decision 92/187/EEC of 28 February 1992 laying down the conditions which have to be complied with for importation of certain raw materials for the pharmaceutical processing industry, coming from certain third countries, which do not appear on the list established by Council Decision 79/542/EEC [6], and

— Decision 92/183/EEC of 3 March 1992 laying down the general conditions to be complied with for the import of certain raw materials for the pharmaceutical processing industry, coming from third countries, which appear on the list established by Council Decision 79/542/EEC [7].

(2) Directive 92/118/EEC lays down Community rules concerning animal and public health requirements governing trade in and the importation into the Community of certain products of animal origin. That Directive also provides the legal basis for the following Commission decisions:

— Decision 94/143/EC of 1 March 1994 laying down the animal health requirements and the veterinary certification for the importation of serum from equidae from third countries [8],

— Decision 94/309/EC of 27 April 1994 laying down the animal health requirements and the veterinary certification for the importation from third countries of certain petfoods and certain untanned edible products for pets, containing low-risk animal materials [9], as last amended by Decision 97/199/EC [10],

— Decision 94/344/EC of 27 April 1994 laying down the animal health requirements and the veterinary certification for the importation from third countries of processed animal protein including products containing this protein intended for animal consumption [11], as last amended by Decision 97/198/EC [12],

— Decision 94/435/EC of 10 June 1994 laying down the animal health requirements and the veterinary certification for the importation of pig bristles from third countries [13],

— Decision 94/446/EC of 14 June 1994 laying down the requirements for the importation from third countries of bones and bone products, horns and horn products and hooves and hoof products, excluding meals thereof, for further processing not intended for human or animal consumption [14], as last amended by Decision 97/197/EC [15],

— Decision 94/860/EC of 20 December 1994 laying down the requirements for the import from third countries of apiculture products for use in apiculture [16],

[1] OJ L 302, 31.12.1972, p. 28.
[2] OJ L 122, 16.5.2003, p. 36.
[3] OJ L 62, 15.3.1993, p. 49.
[4] OJ L 13, 18.1.2003, p. 24.
[5] OJ L 8, 11.1.1989, p. 17.
[6] OJ L 87, 2.4.1992, p. 20.
[7] OJ L 84, 31.3.1992, p. 33.
[8] OJ L 62, 5.3.1994, p. 41.
[9] OJ L 137, 1.6.1994, p. 62.
[10] OJ L 84, 26.3.1997, p. 44.
[11] OJ L 154, 21.6.1994, p. 45.
[12] OJ L 84, 26.3.1997, p. 36.
[13] OJ L 180, 14.7.1994, p. 40.
[14] OJ L 183, 19.7.1994, p. 46.
[15] OJ L 84, 26.3.1997, p. 32.
[16] OJ L 352, 31.12.1994, p. 69.

— Decision 95/341/EC of 27 July 1995 concerning animal health conditions and the veterinary certification for imports of milk and milk-based products not intended for human consumption from third countries ([1]), as amended by Decision 96/106/EC ([2]),

— Decision 96/500/EC of 22 July 1996 laying down the animal health requirements and the certification or official declaration for the import of game trophies of birds and ungulates not having undergone a complete taxidermy treatment from third countries ([3]),

— Decision 97/168/EC of 29 November 1996 laying down the animal health requirements and the certification or official declaration for the import of hides and skins of ungulates from third countries ([4]),

— Commission Decision 97/198/EC of 25 March 1997 laying down the animal health requirements and the veterinary certification for the import of processed animal protein from certain third countries which use alternative heat treatment systems and amending Decision 94/344/EC ([5]).

(3) Directive 2002/33/EC ([6]) of the European Parliament and of the Council of 21 October 2002 amending Council Directives 90/425/EEC and 92/118/EEC as regards health requirements for animal by-products significantly amended those Directives, in particular in order to reduce their scope so that it only covered animal products intended for human consumption and pathogens.

(4) All the Community rules on animal by-products not intended for human consumption are now provided for in Regulation (EC) No 1774/2002 of the European Parliament and of the Council ([7]).

(5) Accordingly, in the interests of consistency and clarity of Community legislation, those various Commission Decisions on animal by-products not intended for human consumption which have as their legal basis Directives 72/462/EEC and 92/118/EEC should therefore be repealed.

(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

Decisions repealed

Decisions 89/18/EEC, 92/187/EEC, 92/183/EEC, 94/143/EC, 94/309/EC, 94/344/EC, 94/435/EC, 94/446/EC, 94/860/EC, 95/341/EC, 96/500/EC, 97/168/EC and 97/198 are repealed.

Article 2

Entry into force and applicability

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

It shall apply from 1 May 2004.

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

Done at Brussels, 9 March 2004.

For the Commission
David BYRNE
Member of the Commission

([1]) OJ L 200, 24.8.1995, p. 42.
([2]) OJ L 24, 13.1.1996, p. 34.
([3]) OJ L 203, 13.8.1996, p. 13.
([4]) OJ L 67, 7.3.1997, p. 19.
([5]) OJ L 84, 26.3.1997, p. 36.
([6]) OJ L 315, 19.11.2002, p. 14.
([7]) OJ L 273, 10.10.2002, p. 1.

COMMISSION REGULATION (EC) No 434/2004
of 9 March 2004
determining the world market price for unginned cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 4 on cotton, annexed to the Act of Accession of Greece, as last amended by Council Regulation (EC) No 1050/2001 [1],

Having regard to Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton [2], and in particular Article 4 thereof,

Whereas:

(1) In accordance with Article 4 of Regulation (EC) No 1051/2001, a world market price for unginned cotton is to be determined periodically from the price for ginned cotton recorded on the world market and by reference to the historical relationship between the price recorded for ginned cotton and that calculated for unginned cotton. That historical relationship has been established in Article 2(2) of Commission Regulation (EC) No 1591/2001 of 2 August 2001 laying down detailed rules for applying the cotton aid scheme [3]. Where the world market price cannot be determined in this way, it is to be based on the most recent price determined.

(2) In accordance with Article 5 of Regulation (EC) No 1051/2001, the world market price for unginned cotton is to be determined in respect of a product of specific characteristics and by reference to the most favourable offers and quotations on the world market among those considered representative of the real market trend. To that end, an average is to be calculated of offers and quotations recorded on one or more European exchanges for a product delivered cif to a port in the Community and coming from the various supplier countries considered the most representative in terms of international trade. However, there is provision for adjusting the criteria for determining the world market price for ginned cotton to reflect differences justified by the quality of the product delivered and the offers and quotations concerned. Those adjustments are specified in Article 3(2) of Regulation (EC) No 1591/2001.

(3) The application of the above criteria gives the world market price for unginned cotton determined hereinafter,

HAS ADOPTED THIS REGULATION:

Article 1

The world price for unginned cotton as referred to in Article 4 of Regulation (EC) No 1051/2001 is hereby determined as equalling EUR 29,629/100 kg.

Article 2

This Regulation shall enter into force on 10 March 2004.

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

Done at Brussels, 9 March 2004.

For the Commission
J. M. SILVA RODRÍGUEZ
Agriculture Director-General

[1] OJ L 148, 1.6.2001, p. 1.
[2] OJ L 148, 1.6.2001, p. 3.
[3] OJ L 210, 3.8.2001, p. 10. Regulation as amended by Regulation (EC) No 1486/2002 (OJ L 223, 20.8.2002, p. 3).

COMMISSION DIRECTIVE 2004/19/EC

of 1 March 2004

amending Directive 2002/72/EC relating to plastic materials and articles intended to come into contact with foodstuffs

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/109/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to materials and articles intended to come into contact with foodstuffs [1], and in particular Article 3 thereof,

After consulting the European Food Safety Authority,

Whereas:

(1) Commission Directive 2002/72/EC [2] sets out rules for plastic materials and articles which are intended to come into contact with foodstuffs.

(2) Directive 2002/72/EC establishes a list of monomers and other starting substances, which may be used for the manufacture of plastic materials and articles. On the basis of new information, certain monomers provisionally admitted at national level as well as new monomers should be included in the Community list of permitted substances in that Directive.

(3) Directive 2002/72/EC also contains an incomplete list of additives which may be used in the manufacture of plastic materials and articles. That list should be amended so as to include other additives evaluated by the European Food Safety Authority (the Authority).

(4) For certain substances, the restrictions already established at Community level should be amended on the basis of the new information available.

(5) The current list of additives is incomplete inasmuch as it does not contain all substances currently accepted in one or more Member States. Those additives continue to be regulated by national laws pending a decision on inclusion into the Community list.

(6) The current list of additives should become a positive list in order to harmonise the use of these additives in the Community. For additives which are already placed on the market in one or more of the Member States, sufficient time should be allowed for the submission of the data necessary for the Authority to carry out an evaluation of their safety. Therefore, the deadline for the submission of the data should be set as 31 December 2006.

(7) If the data are in compliance with the Authority requirements, it should be possible to continue to use those additives in accordance with national law until their evaluation is completed. If the data are not in compliance with the Authority requirements or are submitted later than 31 December 2006 those additives should not be included in the first positive list.

(8) The date when the list of additives is to become a positive list should be established no later than 31 December 2007 as it is impossible to know the number of additives for which the data required by the Authority will be supplied. That date should be fixed taking into account the time needed for the Authority to evaluate all the applications supplied on time.

(9) Some substances used to manufacture plastic materials and articles intended to come into contact with food are also added directly to foodstuffs. These substances should not migrate from the materials or articles into the foodstuffs in quantities that could exceed the limits set in the relevant food legislation or in this Directive whichever provides the lower restriction. In any case, these substances should not migrate from the materials or articles into the foodstuffs in quantities having a technological function in the final food. The users of materials and articles which may release these substances into foodstuffs should be appropriately informed in order to be able to comply with other relevant food legislation.

(10) Member States should retain the right to lay down rules concerning substances used as active components in active food contact materials and articles until Community provisions are adopted.

(11) Directive 2002/72/EC should therefore be amended accordingly.

[1] OJ L 40, 11.2.1989, p. 38. Directive as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

[2] OJ L 220, 15.8.2002, p. 18. Directive as amended by Directive 2004/1/EC (OJ L 7, 13.1.2004, p. 45).

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 2002/72/EC is amended as follows:

1. In Article 3, paragraphs 1 and 2 are replaced by the following:

'1. Only those monomers and other starting substances listed in Annex II, section A may be used for the manufacture of plastic materials and articles subject to the restrictions set out therein.

2. By way of derogation from paragraph 1, the monomers and other starting substances listed in Annex II, section B may continue to be used until 31 December 2004 at the latest, pending their evaluation by the European Food Safety Authority (hereinafter referred to as the Authority).'

2. Article 4 is replaced by the following:

'*Article 4*

1. A list of additives which may be used for the manufacture of plastic materials and articles, together with the restrictions and/or specifications on their use, is set out in Annex III.

That list of additives shall be considered to be an incomplete list until the Commission decides, in accordance with Article 4a, that it shall become a positive Community list of authorised additives, to the exclusion of all others.

The Commission shall establish, by 31 December 2007 at the latest, the date when that list shall become a positive list.

2. For the additives listed in Annex III, section B, the verification of compliance with the specific migration limits in simulant D or in test media of substitute tests as laid down in Article 3(1), second subparagraph of Directive 82/711/EEC and Article 1 of Directive 85/572/EEC shall apply from 1 July 2006.

3. The lists in Annex III, sections A and B do not yet include the following additives:

(a) additives used only in the manufacture of:

— surface coatings obtained from resinous or polymerised products in liquid, powder or dispersion form, such as varnishes, lacquers, paints,

— epoxy resins,

— adhesives and adhesion promoters,

— printing inks;

(b) colorants;

(c) solvents.'

3. The following Articles 4a and 4b are inserted:

'*Article 4a*

1. A new additive may always be added to the list of substances referred to in Article 4(1) following an evaluation of its safety by the Authority.

2. Member States shall provide that any person interested in the inclusion in the list referred to in Article 4(1) of an additive, which is already placed on the market in one or more of the Member States, shall submit data for the evaluation of its safety by the Authority by 31 December 2006 at the latest.

For the submission of the required data, the applicant shall consult the "Guidelines of the European Food Safety Authority for the presentation of an application for safety assessment of a substance to be used in food contact materials prior to its authorisation".

3. If during the examination of the data referred to in paragraph 2, the Authority calls for supplementary information, the additive may continue to be used subject to national law until the Authority has issued an opinion, provided that the information is submitted within the time limits specified by the Authority.

4. The Commission shall establish, by 31 December 2007 at the latest, a provisional list of additives which may continue to be used after 31 December 2007 subject to national law until the Authority has evaluated them.

5. The inclusion of an additive in the provisional list is subject to the following conditions:

(a) the additive must be permitted in one or more of the Member States no later than 31 December 2006;

(b) the data referred to in paragraph 2 concerning that additive must have been supplied in accordance with the Authority requirements no later than 31 December 2006.

Article 4b

Without prejudice to Article 4 of Directive 89/109/EEC, Member States may not authorise after 31 December 2006 additives referred to in Article 4(1) which were never evaluated by the Scientific Committee on Food or the Authority.'

4. The following Article 5a is inserted:

'*Article 5a*

5. Additives referred to in Article 4, which are authorised as food additives by Council Directive 89/107/EEC (*) or flavourings by Council Directive 88/388/EEC (**) shall not migrate into:

(a) foodstuffs in quantities having a technological function in the final foodstuffs;

(b) foodstuffs for which their use is authorised as food additives or flavourings, in quantities exceeding the restrictions provided for in Directive 89/107/EEC or in Directive 88/388/EEC or in Article 4 of this Directive, whichever is the lower;

(c) foodstuffs for which their use is not authorised as food additives or flavourings, in quantities exceeding the restrictions set out in Article 4 of this Directive.

2. At the marketing stages other than the retail stages, plastic materials and articles which are intended to be placed in contact with foodstuffs and which contain additives referred to in paragraph 1 shall be accompanied by a written declaration containing the information referred to in Article 9(1)(b).

3. By way of derogation from paragraph 1, when the substances referred to in point (a) of paragraph 1 are used as active components of active food contact materials and articles, they may be subject to national provisions pending the adoption of Community provisions.

(*) OJ L 40, 11.2.1989, p. 27.
(**) OJ L 184, 15.7.1988, p. 61.'

5. Article 7 is replaced by the following:

'*Article 7*

The specific migration limits in the list set out in Annexes II and III are expressed in mg/kg. However, such limits are expressed in mg/dm^2 in the following cases:

(a) articles which are containers or are comparable to containers or which can be filled, with a capacity of less than 500 ml or more than 10 l;

(b) sheet, film or other material or articles which cannot be filled or for which it is impracticable to estimate the relationship between the surface area of such material or article and the quantity of food in contact therewith.

In those cases, the limits set out in Annexes II and III, expressed in mg/kg shall be divided by the conventional conversion factor of 6 in order to express them in mg/dm^2.'

6. In Article 8, paragraph 2 is replaced by the following:

'2. The verification of compliance with the specific migration limits provided for in paragraph 1 shall not be compulsory, if the value of overall migration determination implies that the specific migration limits referred to in that paragraph are not exceeded.'

7. Article 9 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. At the marketing stages other than the retail stages, plastic materials and articles which are intended to be placed in contact with foodstuffs shall be accompanied by a written declaration, which shall:

(a) be in accordance with Article 6(5) of Directive 89/109/EEC;

(b) provide, for substances which are subject to a restriction in food, adequate information obtained by experimental data or theoretical calculation about the level of their specific migration and, where appropriate, purity criteria in accordance with Commission Directives 95/31/EC (*), 95/45/EC (**) and 2002/82/EC (***) to enable the user of these materials and articles to comply with the relevant Community provisions or, in their absence, with national provisions applicable to food.

(*) OJ L 178, 28.7.1995, p. 1.
(**) OJ L 226, 22.9.1995, p. 1.
(***) OJ L 292, 28.10.2002, p. 1.';

(b) paragraph 2 is deleted.

8. Annexes II to VI are amended in accordance with Annexes I to V to this Directive.

Article 2

1. Member States shall adopt and publish, by 1 September 2005 at the latest, the provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions in such a way as to:

(a) permit the trade in and use of plastic materials and articles intended to come into contact with foodstuffs and complying with this Directive, from 1 September 2005;

(b) prohibit the manufacture and importation into the Community of plastic materials and articles intended to come into contact with foodstuffs and which do not comply with this Directive, from 1 March 2006.

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

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 1 March 2004.

For the Commission
David BYRNE
Member of the Commission

ANNEX I

Annex II to Directive 2002/72/EC is amended as follows:

1. in point 8, the definition of QM is replaced by the following:

'QM = Maximum permitted quantity of the "residual" substance in the material or article. For the purpose of this Directive the quantity of the substance in the material or article shall be determined by a validated method of analysis. If such a method does not currently exist, an analytical method with appropriate performance characteristics at the specified limit may be used, pending the development of a validated method;';

2. the following monomers and other starting substances are inserted, in the appropriate numerical order, in the table in section A:

Reference No	CAS No	Name	Restrictions and/or specifications
(1)	(2)	(3)	(4)
'13323	000102-40-9	1,3-Bis(2-hydroxyethoxy)benzene	SML = 0,05 mg/kg
16540	000102-09-0	Diphenyl carbonate	SML = 0,05 mg/kg
18896	001679-51-2	4-(Hydroxymethyl)-1-cyclohexene	SML = 0,05 mg/kg
20440	000097-90-5	Methacrylic acid, diester with ethyleneglycol	SML = 0,05 mg/kg
22775	000144-62-7	Oxalic acid	SML(T) = 6 mg/kg ([29])
23070	000102-39-6	(1,3-Phenylenedioxy)diacetic acid	QMA = 0,05 mg/6 dm^2'

3. for the following monomers and other starting substances listed in the table in section A, the content of the columns 'Name' or 'CAS No' or 'Restrictions and/or specifications' is replaced by the following:

Reference No	CAS No	Name	Restrictions and/or specifications
(1)	(2)	(3)	(4)
'11530	00999-61-1	Acrylic acid, 2-hydroxypropyl ester	QMA = 0,05 mg/6 dm^2 for the sum of acrylic acid, 2-hydroxypropyl ester and acrylic acid, 2-hydroxyisopropyl ester and in compliance with the specifications laid down in Annex V
13480	000080-05-7	2,2-Bis(4-hydroxyphenyl)propane	SML(T) = 0,6 mg/kg ([28])
14950	003173-53-3	Cyclohexyl isocyanate	QM(T) = 1 mg/kg in FP (expressed as NCO) ([26])
18898	000103-90-2	N-(4-Hydroxyphenyl) acetamide	SML = 0,05 mg/kg
22150	000691-37-2	4-Methyl-1-pentene	SML = 0,05 mg/kg
22331	025513-64-8	Mixture of (35-45 % w/w) 1,6-diamino-2,2,4-trimethylhexane and (55-65 % w/w)1,6-diamino-2,4,4-trimethylhexane	QMA = 5 mg/6 dm^2
22332	—	Mixture of (40 % w/w) 2,2,4-trimethylhexane-1,6-diisocyanate and (60 % w/w) 2,4,4-trimethylhexane-1,6-diisocyanate	QM(T) = 1 mg/kg (expressed as NCO) ([26])
24190	065997-05-9	Rosin wood'	

4. the following monomers and other starting substances are deleted from the table in section B and inserted, in the appropriate numerical order, in the table in section A:

Reference No	CAS No	Name	Restrictions and/or specifications
(1)	(2)	(3)	(4)
'10599/90A	061788-89-4	Acids, fatty, unsaturated (C_{18}), dimers, distilled	QMA(T) = 0,05 mg/6 dm² ([27])
10599/91	061788-89-4	Acids, fatty, unsaturated (C_{18}), dimers, non distilled	QMA(T) = 0,05 mg/6 dm² ([27])
10599/92A	068783-41-5	Acids, fatty, unsaturated (C_{18}), dimers, hydrogenated, distilled	QMA(T) = 0,05 mg/6 dm² ([27])
10599/93	068783-41-5	Acids, fatty, unsaturated (C_{18}), dimers, hydrogenated, non distilled	QMA(T) = 0,05 mg/6 dm² ([27])
14800	003724-65-0	Crotonic acid	QMA(T) = 0,05 mg/6 dm² ([33])
16210	006864-37-5	3,3'-Dimethyl-4,4'-diaminodicyclohexylmethane	SML = 0,05 mg/kg ([32]). To be used only in polyamides.
17110	016219-75-3	5-Ethylidenebicyclo[2,2,1]hept-2-ene	QMA = 0,05 mg/6 dm². The ratio surface/quantity of food shall be lower than 2 dm²/kg
18700	000629-11-8	1,6-Hexanediol	SML = 0,05 mg/kg
21400	054276-35-6	Methacrylic acid, sulphopropyl ester	QMA = 0,05 mg/6 dm²'

5. The following monomers and other starting substances are deleted from the table in Section A:

Reference No	CAS No	Name	Restrictions and/or specifications
(1)	(2)	(3)	(4)
'15370	003236-53-1	1,6-Diamino-2,2,4-trimethylhexane	QMA = 5 mg/6 dm²
15400	003236-54-2	1,6-Diamino-2,4,4-trimethylhexane	QMA = 5 mg/6 dm²'

ANNEX II

Annex III is amended as follows:

1. point 1 is replaced by the following:

'1. This Annex contains the list of:

(a) substances which are incorporated into plastics to achieve a technical effect in the finished product, including "polymeric additives". They are intended to be present in the finished articles;

(b) substances used to provide a suitable medium in which polymerisation occurs.

For the purposes of this Annex, the substances referred to in (a) and (b) are hereinafter referred to as "additives".

For the purpose of this Annex, "Polymeric additives" means any polymer and/or prepolymer and/or oligomer which may be added to plastics in order to achieve a technical effect but which cannot be used in absence of other polymers as the main structural component of finished materials and articles. It includes also substances which may be added to the medium in which polymerisation occurs.

The list does not include:

(a) the substances which directly influence the formation of polymers;

(b) colorants;

(c) solvents.';

2. section A is amended as follows:

(a) the following additives are inserted, in the appropriate numerical order, in the table in section A:

Reference No	CAS No	Name	Restrictions and/or specifications
(1)	(2)	(3)	(4)
'34850	143925-92-2	Amines, bis(hydrogenated tallow alkyl) oxidised	QM = For use only: (a) in polyolefines at 0,1 % (w/w) but not in LDPE when it is in contact with foods for which the Directive 85/572/EEC establishes a reduction factor less than 3; (b) in PETat 0,25 % (w/w) in contact with foods other of those for which the simulant D is laid down in Directive 85/572/EEC 85/572/EEC
34895	000088-68-6	2-Aminobenzamide	SML = 0,05 mg/kg. To be used only for PET for water and beverages
39680	000080-05-7	2,2-Bis(4-hydroxyphenyl)propane	SML(T) = 0,6 mg/kg ([28])
42880	008001-79-4	Castor oil	
45600	003724-65-0	Crotonic acid	QMA(T) = 0,05 mg/6 dm^2 ([33])
45640	005232-99-5	2-Cyano-3,3-diphenylacrylic acid, ethyl ester	SML = 0,05 mg/kg
46700	—	5,7-di-tert-Butyl-3-(3,4- and 2,3-dimethylphenyl)-3H-benzofuran-2-one containing: a) 5,7-di-tert-butyl-3-(3,4-dimethylphenyl)-3H-benzofuran-2-one (80 to 100 % w/w) and b) 5,7-di-tert-butyl-3-(2,3-dimethylphenyl)-3H-benzofuran-2-one (0 to 20 % w/w)	SML = 5 mg/kg

Reference No	CAS No	Name	Restrictions and/or specifications
(1)	(2)	(3)	(4)
46720	004130-42-1	2,6-Di-tert-butyl-4-ethylphenol	QMA = 4,8 mg/6 dm^2
56535	—	Glycerol, esters with nonanoic acid	
59280	000100-97-0	Hexamethylenetetramine	SML(T) = 15 mg/kg ([22]) (expressed as Formaldehyde)
68078	027253-31-2	Neodecanoic acid, cobalt salt	SML(T) = 0,05 mg/kg (expressed as Neodecanoic acid) and SML(T) = 0,05 mg/kg ([14]) (expressed as Cobalt). Not for use in polymers contacting foods for which simulant D is laid down in Directive 85/572/EEC.
69920	000144-62-7	Oxalic acid	SML(T) = 6 mg/kg ([29])
76866	—	Polyesters of 1,2-propanediol and/or 1,3- and/or 1,4-butanediol and/or polypropyleneglycol with adipic acid, which may be end-capped with acetic acid or fatty acids C_{12}-C_{18} or n-octanol and/or n-decanol	SML = 30 mg/kg
85601	—	Silicates, natural (with the exception of asbestos)	
95000	028931-67-1	Trimethylolpropane trimethacrylate-methyl methacrylate copolymer'	

(b) for the following additives of section A, the content of the column 'Restrictions and/or specifications' of the table is replaced by the following:

Reference No	CAS No	Name	Restrictions and/or specifications
(1)	(2)	(3)	(4)
'45450	068610-51-5	p-Cresol-dicyclopentadiene-isobutylene, copolymer	SML = 5 mg/kg
77895	068439-49-6	Polyethyleneglycol (EO = 2-6) monoalkyl (C_{16}-C_{18}) ether	SML = 0,05 mg/kg and in compliance with the specifications laid down in Annex V'

(c) the following additives are deleted from the table in section A:

Reference No	CAS No	Name	Restrictions and/or specifications
(1)	(2)	(3)	(4)
'56565	—	Glycerol, esters with nonanoic acid	
67170	—	Mixture of (80 to 100 % w/w) 5,7-di-tert-butyl-3-(3,4-dimethylphenyl)-2(3H)-benzofuranone and (0 to 20 % w/w)5,7-di-tert-butyl-3-(2,3-dimethylphenyl)-2(3H)-benzofuranone	SML = 5 mg/kg
76865	—	Polyesters of 1,2-propanediol and/or 1,3- and/or 1,4-butanediol and/or polypropyleneglycol with adipic acid, also end-capped with acetic acid or fatty acids C_{10}-C_{18} or n-octanol and/or n-decanol	SML = 30 mg/kg
85600	—	Silicates, natural'	

3. section B is amended as follows:

(a) the following additives are inserted, in the appropriate numerical order, in the table in section B:

Reference No	CAS No	Name	Restrictions and/or specifications
(1)	(2)	(3)	(4)
‘34650	151841-65-5	Aluminium hydroxybis [2,2'-methylenebis (4,6-di-tert.butylphenyl) phosphate	SML = 5 mg/kg
38000	000553-54-8	Benzoic acid, lithium salt	SML(T) = 0,6 mg/kg ([8]) (expressed as Lithium)
40720	025013-16-5	tert-Butyl-4-hydroxyanisole (= BHA)	SML = 30 mg/kg
46640	000128-37-0	2,6-Di-tert-butyl-p-cresol (= BHT)	SML = 3,0 mg/kg
54880	000050-00-0	Formaldehyde	SML(T) = 15 mg/kg ([22])
55200	001166-52-5	Gallic acid, dodecyl ester	SML(T) = 30 mg/kg ([34])
55280	001034-01-1	Gallic acid, octyl ester	SML(T) = 30 mg/kg ([34])
55360	000121-79-9	Gallic acid, propyl ester	SML(T) = 30 mg/kg ([34])
67896	020336-96-3	Myristic acid, lithium salt	SML(T) = 0,6 mg/kg ([8]) (expressed as Lithium)
71935	007601-89-0	Perchloric acid, sodium salt monohydrate	SML = 0,05 mg/kg ([31])
76680	068132-00-3	Polycyclopentadiene, hydrogenated	SML = 5 mg/kg ([1])
86480	007631-90-5	Sodium bisulphite	SML(T) = 10 mg/kg ([30]) (expressed as SO_2)
86920	007632-00-0	Sodium nitrite	SML = 0,6 mg/kg
86960	007757-83-7	Sodium sulphite	SML(T) = 10 mg/kg ([30]) (expressed as SO_2)
87120	007772-98-7	Sodium thiosulphate	SML(T) = 10 mg/kg ([30]) (expressed as SO_2)
94400	036443-68-2	Triethyleneglycol bis[3-(3-tert-butyl-4-hydroxy-5-methylphenyl) propionate]	SML = 9 mg/kg’

(b) the following additives are deleted from the table in section B:

Reference No	CAS No	Name	Restrictions and/or specifications
(1)	(2)	(3)	(4)
‘46720	004130-42-1	2,6-Di-tert-butyl-4-ethylphenol	QMA = 4,8 mg/6 dm^2
68078	027253-31-2	Neodecanoic acid, cobalt salt	SML(T) = 0,05 mg/kg (expressed as Neodecanoic acid) and SML(T) = 0,05 mg/kg ([14]) (expressed as Cobalt). Not for use in polymers contacting foods for which simulant D is laid down in Directive 85/572/EEC
95000	028931-67-1	Trimethylolpropane trimethacrylate-methyl methacrylate copolymer’	

ANNEX III

Annex IV is replaced by the following:

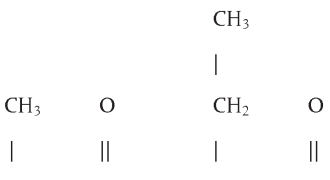
'ANNEX IV

PRODUCTS OBTAINED BY MEANS OF BACTERIAL FERMENTATION

Reference No	CAS No	Name	Restrictions and/or specifications
(1)	(2)	(3)	(4)
18888	080181-31-3	3-Hydroxybutanoic acid-3-hydroxy-pentanoic acid, copolymer	In compliance with specifications included in Annex V'

ANNEX IV

In Annex V the previous specifications in part B for reference No 16690 and 18888 are replaced by the following and new specifications are added for reference No 11530 and 77895

'Reference No	OTHER SPECIFICATIONS	
11530	Acrylic acid, 2-hydroxypropyl ester. It may contain up to 25 % (m/m) of acrylic acid, 2-hydroxyisopropyl ester (CAS No 002918-23-2)	
16690	Divinylbenzene It may contain up to 45 % (m/m) of Ethylvinylbenzene	
18888	3-Hydroxybutanoic acid-3-hydroxypentanoic acid, copolymer	
	Definition	The copolymers are produced by the controlled fermentation of Alcaligenes eutrophus using mixtures of glucose and propanoic acid as carbon sources. The organism used has not been genetically engineered and has been derived from a single wild-type organism Alcaligenes eutrophus strain HI6 NCIMB 10442. Master stocks of the organism are stored as freeze-dried ampoules. A submaster/working stock is prepared from the master stock and stored in liquid nitrogen and used to prepare inocula for the fermenter. Fermenter samples will be examined daily both microscopically and for any changes in colonial morphology on a variety of agars at different temperatures. The copolymers are isolated from heat treatment bacteria by controlled digestion of the other cellular components, washing and drying. These copolymers are normally offered as formulated, melt formed granules containing additives such as nucleating agents, plasticisers, fillers, stabilisers and pigments which all conform to the general and individual specifications
	Chemical name	Poly(3-D-hydroxybutanoate-co-3-D-hydroxypentanoate)
	CAS number	080181-31-3
	Structural formula	 where n/(m + n) greater than 0 and less or equal to 0,25
	Average molecular weight	Not less than 150 000 Daltons (measured by gel permeation chromatography)
	Assay	Not less than 98 % poly(3-D-hydroxybutanoate-co-3-D-hydoxypentanoate) analysed after hydrolysis as a mixture of 3-D-hydroxybutanoic and 3-D-hydroxypentanoic acids
	Description	White to off-white powder after isolation
	Characteristics	
	Identification tests:	
	Solubility	Soluble in chlorinated hydrocarbons such as chloroform or dichloromethane but practically insoluble in ethanol, aliphatic alkanes and water
	Restriction	QMA for crotonic acid is 0.05 mg/6 dm^2
	Purity	Prior to granulation the raw material copolymer powder must contain:
	— nitrogen	Not more than 2 500 mg/kg of plastic
	— zinc	Not more than 100 mg/kg of plastic
	— copper	Not more than 5 mg/kg of plastic
	— lead	Not more than 2 mg/kg of plastic
	— arsenic	Not more than 1 mg/kg of plastic
	— chromium	Not more than 1 mg/kg of plastic

Reference No	OTHER SPECIFICATIONS
77895	Polyethyleneglycol (E0 = 2-6) monoalkyl (C_{16}-C_{18}) ether The composition of this mixture is as follows: — polyethyleneglycol (E0 = 2-6)monoalkyl (C_{16}-C_{18}) ether (approximately 28 %) — fatty alcohols (C_{16}-C_{18}) (approximately 48 %) — ethyleneglycol monoalkyl (C_{16}-C_{18}) ether (approximately 24 %)'

ANNEX V

Annex VI is replaced by the following:

'ANNEX VI

NOTES RELATED TO THE COLUMN "RESTRICTIONS AND/OR SPECIFICATIONS"

(1) Warning: there is a risk that the SML could be exceeded in fatty food simulants.

(2) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration of the following substances mentioned as reference Nos: 10060 and 23920.

(3) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration of the following substances mentioned as reference Nos: 15760, 16990, 47680, 53650 and 89440.

(4) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration of the following substances mentioned as reference Nos: 19540, 19960 and 64800.

(5) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration of the following substances mentioned as reference Nos: 14200, 14230 and 41840.

(6) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration of the following substances mentioned as reference Nos: 66560 and 66580.

(7) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 30080, 42320, 45195, 45200, 53610, 81760, 89200 and 92030.

(8) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 38000, 42400, 64320, 67896, 73040, 85760, 85840, 85920 and 95725.

(9) Warning: there is a risk that the migration of the substance deteriorates the organoleptic characteristics of the food in contact and then, that the finished product does not comply with the second indent of Article 2 of Directive 89/109/EEC.

(10) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 30180, 40980, 63200, 65120, 65200, 65280, 65360, 65440 and 73120.

(11) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels (expressed as Iodine) of the following substances mentioned as reference Nos: 45200, 64320, 81680 and 86800.

(12) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 36720, 36800, 36840 and 92000.

(13) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 39090 and 39120.

(14) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 44960, 68078, 82020 and 89170.

(15) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 15970, 48640, 48720, 48880, 61280, 61360 and 61600.

(16) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 49600, 67520 and 83599.

(17) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 50160, 50240, 50320, 50360, 50400, 50480, 50560, 50640, 50720, 50800, 50880, 50960, 51040 and 51120.

(18) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 67600, 67680 and 67760.

(19) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 60400, 60480 and 61440.

(20) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 66400 and 66480.

(21) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 93120 and 93280.

([22]) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 17260, 18670, 54880 and 59280.

([23]) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 13620, 36840, 40320 and 87040.

([24]) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 13720 and 40580.

([25]) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 16650 and 51570.

([26]) QM(T) in this specific case means that the restriction shall not be exceeded by the sum of the residual quantities of the following substances mentioned as reference Nos: 14950, 15700, 16240, 16570, 16600, 16630, 18640, 19110, 22332, 22420, 22570, 25210, 25240 and 25270.

([27]) QMA(T) in this specific case means that the restriction shall not be exceeded by the sum of the residual quantities of the following substances mentioned as reference Nos: 10599/90A, 10599/91, 10599/92A and 10599/93.

([28]) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 13480 and 39680.

([29]) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 22775 and 69920.

([30]) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 86480, 86960 and 87120

([31]) Compliance testing when there is a fat contact should be performed using saturated fatty food simulants as simulant D.

([32]) Compliance testing when there is a fat contact should be performed using isoctane as substitute of simulant D (unstable).

([33]) QMA(T) in this specific case means that the restriction shall not be exceeded by the sum of the residual quantities of the following substances mentioned as reference Nos: 14800 and 45600.

([34]) SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as reference Nos: 55200, 55280 and 55360.'

COMMISSION DIRECTIVE 2004/29/EC

of 4 March 2004

on determining the characteristics and minimum conditions for inspecting vine varieties

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine [1], as last amended by Directive 2003/61/EC [2], and in particular Article 5d(2) thereof,

Whereas:

(1) Commission Directive 72/169/EEC of 14 April 1972 on determining the characteristics and minimum conditions for inspecting vine varieties [3] has been substantially amended [4]. In the interests of clarity and rationality the said Directive should be codified.

(2) In accordance with the provisions of Directive 68/193/EEC, Member States are obliged to compile a catalogue of the varieties accepted for certification and inspection of standard propagation material in their territory.

(3) The acceptance of varieties is subject to Community conditions which should be enforced by means of official inspections and in particular by crop inspections.

(4) The inspections should cover a sufficient number of characteristics to enable the varieties to be described.

(5) The minimum characteristics which have to undergo inspection should be determined at Community level.

(6) Moreover, the minimum conditions for carrying out the inspections should be laid down.

(7) These characteristics and minimum conditions for inspection should be laid down in the light of the present state of scientific and technical knowledge.

(8) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry.

(9) This Directive should be without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the directives set out in Annex III, part B,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Member States shall provide that official inspections carried out for the acceptance of vine varieties shall cover at least the characteristics listed in Annex I.

They shall ensure that the minimum conditions listed in Annex II are fulfilled at the time of the inspections.

Article 2

Directive 72/169/EEC, as amended by the Directive listed in Annex III, part A, is repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex III, part B.

References to the repealed Directives shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IV.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 4 March 2004.

For the Commission

David BYRNE

Member of the Commission

[1] OJ L 93, 17.4.1968, p. 15.
[2] OJ L 165, 3.7.2003, p. 23.
[3] OJ L 103, 2.5.1972, p. 25.
[4] See Annex III, part A.

ANNEX I

PART A

MORPHOLOGICAL CHARACTERISTICS CONSIDERED IN THE EXAMINATION FOR DISTINCTIVENESS, STABILITY AND HOMOGENEITY

1. LEAF-BUD FORMATION ON A GROWING BRANCH 10 TO 20 CM LONG

1.1. shape

1.2. colour (on opening to allow observation of the anthocyanins)

1.3. pilosity

2. HERBACEOUS BRANCH AT TIME OF FLOWERING

2.1. transversal cross-section (shape and contour)

2.2. pilosity

3. LIGNEOUS SHOOT

3.1. surface

3.2. merithallus

4. DISTRIBUTION OF TENDRILS

5. YOUNG LEAVES AT THE TOP ON A GROWING BRANCH 10 TO 30 CM LONG (FIRST THREE LEAVES CLEAR OF THE LEAF-BUD FORMATION, COUNTED FROM THAT POINT)

5.1. colour

5.2. pilosity

6. MATURE LEAF (SITUATED BETWEEN THE EIGHTH AND THE 11TH NODE)

6.1. photograph

6.2. drawing or direct print with scale

6.3. general shape

6.4. number of foliar lobes

6.5. petiolar sinus

6.6. depth of the upper and lower lateral sinus

6.7. pilosity of the lower surface

6.8. surface

6.9. lateral serration

7. FLOWER

apparent sex

8. BUNCH OF GRAPES AT INDUSTRIAL MATURITY (AS REGARDS WINE GRAPE VARIETIES AND TABLE GRAPE VARIETIES)

8.1. photograph (with scale)

8.2. shape

8.3. size

8.4. peduncle (length)

8.5. average weight in grammes

8.6. picking off

8.7. compactness of bunch

9. BERRY AT INDUSTRIAL MATURITY (AS REGARDS WINE GRAPE AND TABLE GRAPE VARIETIES)

9.1. photograph (with scale)

9.2. shape

9.3. shape with indication of average weight

9.4. colour

9.5. skin (as regards table grape varieties)

9.6. number of pips (as regards table grape varieties)

9.7. pulp

9.8. juice

9.9. flavour

10. SEED (AS REGARDS WINE GRAPE AND TABLE GRAPE VARIETIES)

photograph of the two sides and the profile (with scale).

PART B

PHYSIOLOGICAL CHARACTERISTICS CONSIDERED IN THE EXAMINATION FOR DISTINCTIVENESS, STABILITY AND HOMOGENEITY

1. VEGETATIVE PHENOMENA

1.1. **Establishment of phenological dates**

The phenological dates are established in comparison with one or more of the control varieties.

1.1.1. *as regards Germany*	
1.1.1.1. white grape varieties	— Weißer Riesling, Weißer Gutedel, Müller-Thurgau
1.1.1.2. black grape varieties	— Blauer Spätburgunder
1.1.2. *as regards Greece*	
1.1.2.1. white grape varieties	— Savatiano, Zoumiatiko, Vilana, Assyrtiko, Chardonnay
1.1.2.2. black grape varieties	— Mandilaria, Xynomavro, Cabernet Sauvignon, Korinthiaki
1.1.2.3. table grape varieties	— Razaki, Cardinal, Italia, Soultanina, Perlette
1.1.3. *as regards Spain*	
1.1.3.1. white grape varieties	— Airen, Palomino, Pedro Ximénez, Viura-Macabeo
1.1.3.2. black grape varieties	— Bobal, Garnacha, Mazuela, Tempranillo
1.1.3.3. table grape varieties	— Moscatel, Roseti, Aledo, Ohanes
1.1.4. *as regards France*	
1.1.4.1. white grape varieties	— Riesling, Chasselas blanc, Müller Thurgau, Sauvignon, Ugni blanc
1.1.4.2. black grape varieties	— Pinot noir, Gamay, Merlot, Cabernet, Sauvignon, Carignan, Grenache noir
1.1.4.3. table grape varieties	— Cardinal rouge, Chasselas blanc, Alphonse Lavallée, Servant blanc
1.1.5. *as regards Italy*	
1.1.5.1. white grape varieties	— Trebbiano toscano, Pinot bianco, Chasselas dorato
1.1.5.2. black grape varieties	— Barbera, Merlot, Sangiovese
1.1.5.3. table grape varieties	— Regina, Chasselas dorato, Cardinal
1.1.6. *as regards Luxembourg*	
white grape varieties	— Riesling, Müller-Thurgau.

1.2. **Date of opening**

Date on which half the eyes of a normally pruned vine have burst open, showing their internal pilosity in relation to that of control varieties:

1.3. **Date of full flowering**

Date on which for a certain number of plants half the flowers are open compared with control varieties.

1.4. **Maturity (as regards wine grape varieties and table grape varieties)**

In addition to the period of maturity an indication should be given of the density or probable degree of the must, its acidity and the corresponding yield of grapes expressed in kilogrammes per hectare, compared with one or more control varieties, giving if possible yields of a similar size.

2. CULTIVATION CHARACTERISTICS

2.1. **Vigour**

2.2. **Habit of growth (position of first fruit-bearing bud, preferred size)**

2.3. **Production**

2.3.1. regularity

2.3.2. yield

2.3.3. anomalies

2.4. **Resistance or sensitivity**

2.4.1. to unfavourable conditions

2.4.2. to pests

2.4.3. proneness to bursting of the grape

2.5. **Behaviour during vegetative propagation**

2.5.1. grafting

2.5.2. propagation by cuttings

3. UTILISATION

3.1. for wine grapes

3.2. for table grapes

3.3. as root stocks

3.4. for industrial uses.

ANNEX II

MINIMUM CONDITIONS FOR CARRYING OUT INSPECTIONS

1. ECOLOGICAL INFORMATION

1.1. place

1.2. **geographical conditions**

1.2.1. longitude

1.2.2. latitude

1.2.3. altitude

1.2.4. exposure and slope

1.3. climatic conditions

1.4. type of soil

2. TECHNICAL PROCEDURE

2.1. **For wine grapes and table grapes**

2.1.1. 24 vines if possible on several different root stocks

2.1.2. at least three years of production

2.1.3. at least two places having differing ecological conditions

2.1.4. the taking of the graft should be examined with at least three varieties of root stock

2.2. **For root stock varieties**

2.2.1. five vines with at least two forms of growth habits

2.2.2. five years after planting

2.2.3. three places having different ecological conditions

2.2.4. the taking of the graft should be examined with at least three varieties of scion.

ANNEX III

PART A

Repealed Directive with its amendment

(referred to in Article 2)

— Commission Directive 72/169/EEC (OJ L 103, 2.5.1972, p. 25)
— Commission Directive 86/267/EEC (OJ L 169, 26.6.1986, p. 46)

PART B

List of time limits for transposition into national law

(referred to in Article 2)

Directive	Time limit for transposition
72/169/EEC	1 July 1972
86/267/EEC	1 January 1987

ANNEX IV

CORRELATION TABLE

Directive 72/169/EEC	This Directive
Article 1	Article 1
Article 2	—
—	Article 2
—	Article 3
Article 3	Article 4
Annex I part A	Annex I part A
Annex I part B point 1.1	Annex I part B point 1.1
Annex I part B point 1.1.1	Annex I part B point 1.1.1
Annex I part B point 1.1.1a	Annex I part B point 1.1.2
Annex I part B point 1.1.1a.1	Annex I part B point 1.1.2.1
Annex I part B point 1.1.1a.2	Annex I part B point 1.1.2.2
Annex I part B point 1.1.1a.3	Annex I part B point 1.1.2.3
Annex I part B point 1.1.1b	Annex I part B point 1.1.3
Annex I Part B point 1.1.1b.1	Annex I part B point 1.1.3.1
Annex I part B point 1.1.1b.2	Annex I part B point 1.1.3.2
Annex I part B point 1.1.1b.3	Annex I part B point 1.1.3.3
Annex I part B point 1.1.2	Annex I part B point 1.1.4
Annex I part B point 1.1.2.1	Annex I part B point 1.1.4.1
Annex I part B point 1.1.2.2	Annex I part B point 1.1.4.2
Annex I part B point 1.1.2.3	Annex I part B point 1.1.4.3
Annex I part B point 1.1.3	Annex I part B point 1.1.5
Annex I part B point 1.1.3.1	Annex I part B point 1.1.5.1
Annex I part B point 1.1.3.2	Annex I part B point 1.1.5.2
Annex I part B point 1.1.3.3	Annex I part B point 1.1.5.3
Annex I part B point 1.1.4	Annex I part B point 1.1.6
Annex I part B point 1.2	Annex I part B point 1.2
Annex I part B point 1.3	Annex I part B point 1.3
Annex I part B point 1.4	Annex I, part B point 1.4
Annex I part B points 2 and 3	Annex I part B points 2 and 3
Annex II	Annex II
—	Annex III
—	Annex IV

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 3 March 2004

amending Regulation (EC) No 2037/2000 of the European Parliament and of the Council with regard to the use of halon 2402

(notified under document number C(2004) 639)

(2004/232/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2037/2000 of the European Parliament and of the Council on substances that deplete the ozone layer [1], and in particular Article 4(4)(iv) thereof,

Whereas:

(1) The Commission has, during the course of the review provided for in Article 4(4)(iv) of Regulation (EC) No 2037/2000, and after consultation with Member States, government representatives of the States that will accede to the European Union on 1 May 2004 and stakeholders, come to the following findings with regard to the use of halon 2402.

(2) The manufacture of halon 2402 in developed countries ceased on 1 January 1994 when the parties to the Montreal Protocol agreed to halt production in developed countries. Since that time, any halon 2402 required has had to be obtained from specialised storage facilities which have stored halon that has been replaced by alternatives.

(3) Halon 2402 has wide-ranging application in the States that will accede to the European Union on 1 May 2004 for fire and explosion suppression in the military and non-military sectors where it is used, for example, in nuclear facilities as well as terrestrial, marine and air transportation.

(4) The replacement of halon fire-fighting equipment with alternative fire protection agents needs to take into account the availability of technically and economically feasible alternatives or technologies that are acceptable from the point of view of environment and health. Refit activities to install equipment that does not rely on halon for fire and explosion protection in military applications needs to be scheduled in a way that avoids unacceptably compromising the defense capability of the States that will accede to the European Union. Special budgetary consideration and a period of time to convert to an alternative are often needed to adapt alternative fire-protection agents to perform safely and effectively.

(5) Article 4(4)(v) of Regulation (EC) No 2037/2000 requires halon installed in equipment that is not listed as a critical use in Annex VII to have been decommissioned by 31 December 2003 and the halon recovered in accordance with Article 16. In order to qualify for a critical-use exemption that would allow the continued use of halon 2402 in the countries that will accede to the European Union after that date, Annex VII to Regulation (EC) No 2037/2000 should be amended to allow this fire-extinguishing agent to be used for a range of applications.

(6) Regulation (EC) No 2037/2000 should therefore be amended accordingly.

(7) The measures provided in this Decision are in accordance with the opinion of the Committee established by Article 18(1) of Regulation (EC) No 2037/2000,

[1] OJ L 244, 29.9.2000, p. 1. Regulation as last amended by Regulation (EC) No 1804/2003 (OJ L 265 16.10.2003, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

Annex VII to Regulation (EC) No 2037/2000 is amended as set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 March 2004.

For the Commission
Margot WALLSTRÖM
Member of the Commission

ANNEX

In Annex VII to Regulation (EC) No 2037/2000 the following is added:

'Use of halon 2402 only in Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia:

— in aircraft for the protection of crew compartments, engine nacelles, cargo bays and dry bays and fuel tank inerting,

— in military land vehicles and naval vessels for the protection of spaces occupied by personnel and engine compartments,

— for the making inert of occupied spaces where flammable liquid and/or gas release could occur in the military and oil, gas and petrochemical sectors, and in existing cargo ships,

— for the making inert of existing manned communication and command centres of the armed forces or others, essential for national security,

— for the making inert of spaces where there may be a risk of dispersion of radioactive matter,

— in hand-held fire extinguishers and fixed extinguisher equipment for engines for use on board aircraft,

— in fire extinguishers essential to personal safety used for initial extinguishing by fire brigades,

— in military and police fire extinguishers for use on persons.'

COMMISSION DECISION

of 4 March 2004

authorising laboratories to check the effectiveness of vaccination against rabies in certain domestic carnivores

(notified under document number C(2004) 646)

(Text with EEA relevance)

(2004/233/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2000/258/EC of 20 March 2000 designating a specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines [1], and in particular Article 3 thereof,

Whereas:

(1) Commission Decision 2001/296/EC of 29 March 2001 authorising laboratories to check the effectiveness of vaccination against rabies in certain domestic carnivores [2] has been substantially amended several times [3]. In the interests of clarity and rationality the said Decision should be codified.

(2) Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC [4] provides for an alternative system to quarantine for the entry of certain domestic carnivores into the territory of certain Member States free from rabies. That system requires checks on the effectiveness of the vaccination of those animals by titration of antibodies.

(3) The AFSSA Laboratory in Nancy, France, was designated by Decision 2000/258/EC as the institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccination.

(4) A proficiency testing procedure has been established for rabies antibody titration of vaccinated domestic carnivores in the context of alternative measures to quarantine.

(5) The AFSSA Laboratory, Nancy, has to operate the established proficiency testing procedure to appraise laboratories for approval to perform serological tests on certain carnivores vaccinated against rabies.

(6) Several Member States have submitted applications for approval of laboratories to perform analyses to check the effectiveness of vaccination against rabies in certain domestic carnivores.

(7) The AFSSA Laboratory, Nancy, has made an appraisal of the applications received from the Member States and sent the result of this appraisal to the Commission.

(8) The Commission can draw up a list, based on appraisal results, of laboratories authorised to carry out serological titration on carnivores vaccinated against rabies.

(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

The laboratories presented by Member States and authorised to perform analyses to check the effectiveness of vaccination against rabies in certain domestic carnivores are listed in Annex I.

Article 2

Decision 2001/296/EC is repealed.

References to the repealed Decision shall be construed as references to this Decision and shall be read in accordance with the correlation table in Annex III.

[1] OJ L 79, 30.3.2000, p. 40. Decision as amended by Commission Decision 2003/60/EC (OJ L 23, 28.1.2003, p. 30).
[2] OJ L 102, 12.4.2001, p. 58. Decision as last amended by Decision 2002/341/EC (OJ L 117, 4.5.2002, p. 13).
[3] See Annex II.
[4] OJ L 268, 14.9.1992, p. 54. Directive as last amended by Commission Regulation (EC) No 1398/2003 (OJ L 198, 6.8.2003, p. 3).

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 4 March 2004.

For the Commission
David BYRNE
Member of the Commission

ANNEX I

NAMES OF LABORATORIES

Belgium

Institut Pasteur de Bruxelles
Rue Engeland 642
B-1180 Bruxelles

Denmark

Danish Institute for Food and Veterinary Research
Lindholm
DK-4771 Kalvehave

Germany

1. Institut für Virologie, Fachbereich Veterinärmedizin, Justus-Liebig-Universität Giessen
   Frankfurter Straße 107
   D-35392 Giessen

2. Eurovir Hygiene-Institut
   Im Biotechnologiepark
   D-14943 Lukenwalde

3. Landesuntersuchungsamt für das Gesundheitswesen Südbayern
   Veterinärstraße 2
   D-85764 Oberschleißheim

4. Landesveterinär und Lebensmitteluntersuchungsamt Sachsen-Anhalt
   Außenstelle Stendal
   Haferbreiter Weg 132-135
   D-39576 Stendal

5. Staatliches Veterinäruntersuchungsamt
   Zur Taubeneiche 10-12
   D-59821 Arnsberg

6. Institut für epidemiologische Diagnostik
   Bundesforschungsanstalt für Viruskrankheiten der Tiere
   Seestraße 155
   D-16868 Wusterhausen

Greece

Center of Athens Veterinary Institutions Virus Department
25, Neapoleos Str
GR-153 10 Ag. Paraskevi, Athens

Spain

Laboratorio Central de Veterinaria de Santa Fe
Camino del Jau, s/n
E-18320 Santa Fe (Granada)

France

1. AFSSA Nancy
   Domaine de Pixérécourt
   BP 9
   F-54220 Malzeville

2. Laboratoire vétérinaire départemental de la Haute-Garonne
   78, rue Boudou
   F-31140 Launaguet

3. Laboratoire départemental de la Sarthe
   128, rue de Beaugé
   F-72018 Le Mans Cedex 2

4. Laboratoire départemental d'analyses du Pas-de-Calais
   Parc des Bonnettes
   2, rue du Genévrier
   F-62022 Arras Cedex

Italy

1. Istituto zooprofilattico sperimentale delle Venezie
   Via Romea 14/A
   I-35020 Legnaro (PD)

2. Istituto zooprofilattico sperimentale dell'Abruzzo e del Molise
   Via Campio Boario
   I-64100 Teramo

3. Istituto zooprofilattico sperimentale del Lazio e della Toscana
   Via Appia Nuova 1411
   I-00178 Roma Capannelle

Austria

Österreichische Agentur für Gesundheit und Ernährungssicherheit GmbH
Veterinärmedizinische Untersuchungen Mödling
Robert-Koch-Gasse 17
A-2340 Mödling

Finland

National Veterinary and Food Research Institute
PL 45
FIN-00581 Helsinki

Sweden

National Veterinary Institute
BMC,
Box 585
S-751 23 Uppsala

United Kingdom

1. Veterinary Laboratories Agency
   Virology Department
   Woodham Lane
   New Haw
   Addlstone
   Surrey, KT15 3NB
   United Kingdom

2. Biobest
   Pentlands Science Park
   Bush Loan
   Penicuik
   Midlothian
   EH26 0PZ
   United Kingdom

ANNEX II

Repealed decision with its successive amendments

Commission Decision 2001/296/EC	(OJ L 102, 12.4.2001, p. 58)
Commission Decision 2001/808/EC	(OJ L 305, 22.11.2001, p. 30)
Commission Decision 2002/341/EC	(OJ L 117, 4.5.2002, p. 13)

ANNEX III

Correlation table

Decision 2001/296/EC	This Decision
Article 1	Article 1
—	Article 2
Article 2	Article 3
Annex	Annex I
—	Annex II
—	Annex III

COMMISSION DECISION

of 9 March 2004

terminating the reinvestigation pursuant to Article 12 of Council Regulation (EC) No 384/96 of the anti-dumping measures applicable to imports of integrated electronic compact fluorescent lamps (CFL-i) originating in the People's Republic of China

(2004/234/EC)

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), as last amended by Regulation (EC) No 1972/2002 [2], and in particular Article 12 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

(1) On 26 August 2002, the Commission received a request to investigate whether the anti-dumping measures imposed on integrated electronic compact fluorescent lamps (CFL-i) originating in the People's Republic of China have had an effect on resale prices or subsequent selling prices of the product concerned in the Community.

(2) The request was lodged by the Establishing Legal Lighting Competition (E2LC) Federation (the applicant) on behalf of producers in the Community representing more than 90 % of the total Community production of the product concerned.

(3) The request contained prima facie evidence showing that the anti-dumping duties imposed on CFL-i originating in the People's Republic of China had not led to any movement or sufficient movement in resale prices or subsequent selling prices in the Community.

(4) The Commission, after consultation, by a notice published in the *Official Journal of the European Communities* [3], accordingly initiated an absorption reinvestigation concerning imports into the Community of the product concerned, currently classifiable within CN code ex 8539 31 90 and originating in the People's Republic of China pursuant to Article 12 of the basic Regulation.

(5) The Commission officially advised the exporting producers and importers known to be concerned, the representatives of the exporting country, and the Community producers. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the notice of initiation.

B. WITHDRAWAL OF THE REQUEST AND TERMINATION OF THE REINVESTIGATION

(6) By a letter of 21 November 2003 to the Commission, the applicant formally withdrew its request.

(7) In its withdrawal letter the applicant stressed, *inter alia*, that emphasis and priority should be given to those imports of CFL-i that have illegally taken place by violating the Community customs law, the international trade law and are otherwise in conflict with acceptable trade practices rather than on imports for which normal customs procedures have been fulfilled, on which anti-dumping duties have been paid and which apparently represent a minority of imports of Chinese CFL-i entering the Community. It further stressed that the extent and impudence of fraud is so alarming that priority should be given, in cooperation with the Community and Member State authorities, to tackle illegal trade practices which disrupt the Community market. The applicant also pointed to various anti-fraud investigations which had been successfully carried out in some Member States.

(8) The reinvestigation may be terminated where the request is withdrawn, unless such termination would not be in the Community interest.

(9) The Commission considered that the present reinvestigation should be terminated since the investigation had not brought to light any considerations showing that such termination would not be in the Community interest. Interested parties were informed accordingly and were given the opportunity to comment. No comments were received indicating that such termination would not be in the Community interest. However, some importers submitted that fraudulent trade practices are indeed distorting the competition and that necessary measures should be taken to fight these fraudulent practices.

(10) The Commission therefore concludes that the absorption reinvestigation concerning imports into the Community of the product concerned originating in the People's Republic of China should be terminated,

[1] OJ L 56, 6.3.1996, p. 1.
[2] OJ L 305, 7.11.2002, p. 1.
[3] OJ C 244, 10.10.2002, p. 2.

HAS ADOPTED THIS DECISION:

Article 1

The reinvestigation pursuant to Article 12 of Regulation (EC) No 384/96 of the anti-dumping measures applicable to imports of integrated electronic compact fluorescent lamps (CFL-i) originating in the People's Republic of China, is hereby terminated.

Article 2

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

Done at Brussels, 9 March 2004.

For the Commission

Pascal LAMY

Member of the Commission