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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 945/2005

of 21 June 2005

amending Regulation (EC) No 658/2002 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia and Regulation (EC) No 132/2001 imposing a definitive anti-dumping duty on imports of ammonium nitrate originating in, *inter alia*, Ukraine, following a partial interim review pursuant to Article 11(3) of Regulation (EC) No 384/96

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾ ('the basic Regulation'), and in particular Article 11(3) thereof,

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

Whereas:

A. PROCEDURE

1. Measures in force

- (1) By Regulation (EC) No 2022/95⁽²⁾, the Council imposed a definitive anti-dumping duty on imports of ammonium nitrate originating in Russia. Pursuant to a further investigation, which established that the duty was being absorbed, the measures were amended by Regulation (EC) No 663/98⁽³⁾. Following a request for an expiry and an interim review pursuant to Articles 11(2) and 11(3) of the basic Regulation, the Council imposed by Regulation (EC) No 658/2002⁽⁴⁾ a definitive anti-dumping duty of EUR 47,07 per tonne on imports of ammonium nitrate falling within CN codes 3102 30 90 and 3102 40 90 and originating in Russia.
- (2) By Regulation (EC) No 132/2001⁽⁵⁾, the Council imposed a definitive anti-dumping duty of EUR 33,25

per tonne on imports of ammonium nitrate falling within CN codes 3102 30 90 and 3102 40 90 and originating in, *inter alia*, Ukraine.

- (3) Regulation (EC) No 658/2002 and Regulation (EC) No 132/2001 are referred to hereinafter as 'the original Regulations' and the anti-dumping duties established in those Regulations are referred to as 'the existing measures'.

2. Request for review

- (4) On 15 March 2004, the Commission received a request pursuant to Article 11(3) of the basic Regulation to examine the scope of existing measures with a view to including new product types.
- (5) The request was lodged by the European Fertiliser Manufacturers Association ('EFMA') on behalf of producers representing a major proportion of the Community production of ammonium nitrate.
- (6) The request referred to new product types defined as ammonium nitrate fertilisers with a nitrogen ('N') content exceeding 28 % and up to 33 % by weight, to which up to and including 5 % of P₂O₅ equivalent (phosphorus nutrient, 'P') and/or up to and including 5 % of K₂O equivalent (potassium nutrient, 'K') were added, blended, mixed or processed. These products are referred to hereafter as 'new product types mentioned in the request'.
- (7) It was argued that the new product types mentioned in the request had essentially the same basic physical and chemical characteristics as the product concerned and were sold through the same channel of sales to the same end-users for the same purposes. In addition, the request mentioned that the new product types were classified, when imported into the Community, under the following CN codes: 3105 10 00, 3105 20 10, 3105 20 90, 3105 51 00, 3105 59 00 and 3105 90 91.

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

⁽²⁾ OJ L 198, 23.8.1995, p. 1.

⁽³⁾ OJ L 93, 26.3.1998, p. 1.

⁽⁴⁾ OJ L 102, 18.4.2002, p. 1. Regulation as amended by Regulation (EC) No 993/2004 (OJ L 182, 19.5.2004, p. 28).

⁽⁵⁾ OJ L 23, 25.1.2001, p. 1. Regulation as amended by Regulation (EC) No 993/2004.

3. Initiation

- (8) On 2 July 2004, by a notice ('notice of initiation') published in the *Official Journal of the European Union*, the Commission initiated a partial interim review of the anti-dumping measures applicable to imports of ammonium nitrate originating in Russia and Ukraine pursuant to Article 11(3) of the basic Regulation. The interim review was limited in scope to the definition of the product concerned.
- (9) By a submission made on 20 September 2004, the EFMA informed the Commission that a Russian producer of the product concerned had just started production of a new product type not mentioned in the request, with an N content exceeding 28 % to which 6 % of P was added. As a consequence, the EFMA requested the Commission to consider solutions enabling it to properly address all new product types of ammonium nitrate with an N content exceeding 28 % by weight. Since the notice of initiation made reference to 'new product types' without any further detail concerning their composition, it was considered that this latest request was already covered by the notice of initiation.
- (10) Some interested parties argued that the Commission had to convert 'ex-officio' the partial review into a full review in the light of a number of circumstances which had occurred since the existing measures were imposed, including the granting of market economy status to Russia and the enlargement of the EU to 10 new countries. However, no evidence of sufficient accuracy and adequacy was submitted which pointed to a change in the level of the measures. It was therefore considered that there were no grounds for an 'ex-officio' full interim review. Firstly, the granting of market economy status to Russia, 'per se', did not mean that the circumstances with regard to dumping and injury for individual producers had automatically changed. No evidence was submitted showing that a dumping margin calculated on the basis of Russian costs and prices, as opposed to those in an analogue country, were significantly different from those found in the previous investigations. Secondly, enlargement did not automatically vary the dumping and injury parameters which formed the basis of the existing measures and no sound evidence was presented to justify any change in this respect.
- (11) In addition, some interested parties requested clarification as to why the initiation of the investigation concerned Ukraine as well, considering that in the request no reference was made to imports of new product types originating in that country. Given that the interim review was limited in scope to the clarification of the product concerned, it was considered that any finding in this respect was not linked to circumstances that were specific to any individual country, but would rather apply to all imports of ammonium nitrate subject to measures, whatever the origin.
- (12) Finally, a Community producer of the product concerned argued, during the investigation, that one of the new product types was classified under CN code 3105 90 99. With reference to CN codes 3105 20 90 (mentioned in the request) and 3105 90 99, the investigation revealed that these codes covered only fertilisers with a nitrogen content not exceeding 10 % by weight on the dry anhydrous product. It was therefore concluded that these codes could not be taken into account, since they did not cover, 'a fortiori', fertilisers which, in normal conditions, contained more than 28 % of nitrogen by weight.

4. Questionnaires

- (13) The Commission officially advised the authorities of the exporting countries and all the parties known to be concerned of the initiation of this review. Questionnaires were sent to 16 producers/exporters in Russia and one in Ukraine, as well as to importers, users, producers and relevant associations in the Community, named in the request or otherwise known to the Commission. 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 notice of initiation.

- (14) Completed replies to the questionnaires were received from two exporting producers in Russia and one in Ukraine, and from 11 producers in the Community. A number of exporting producers, producers in the Community, importers and relevant associations manifested themselves as interested parties and sent comments. Given the availability of all necessary information and data needed, it was not considered necessary to carry out verification visits at the premises of the companies that submitted completed replies.

5. Investigation period

- (15) The investigation period ('IP') covered the period from 1 July 2003 to 30 June 2004. Data were collected from 2000 up to the end of the IP to investigate trends in sales, imports and purchases in the Community market of the product concerned and of the new product types.

B. PRODUCT CONCERNED UNDER THE ORIGINAL REGULATIONS

- (16) The product concerned is ammonium nitrate originating in Russia and Ukraine, falling within CN codes 3102 30 90 (ammonium nitrate other than in aqueous solutions) and 3102 40 90 (mixtures of ammonium nitrate with calcium carbonate or other inorganic non-fertilising substances, with an N content exceeding 28 % by weight). Ammonium nitrate is a solid nitrogen fertiliser commonly used in agriculture. It is manufactured from ammonia and nitric acid, and its N content exceeds 28 % by weight in prilled or granular form.

(17) It is noted that the product concerned always incorporates inorganic non-fertilising substances, the presence of which is necessary, since they act as a stabiliser. Occasionally, it can also incorporate secondary nutrients and/or micro-nutrients⁽⁶⁾ in very limited quantities. The presence of inorganic non-fertilising substances, secondary nutrients and/or micro-nutrients can be considered as marginal and does not have any influence on the customs classification of the product concerned. Ammonium nitrate, inclusive of these substances and/or nutrients (hereinafter referred to as 'marginal substances and/or nutrients'), is referred to in this Regulation as the 'product concerned'.

C. RESULTS OF THE INVESTIGATION

(18) In order to determine whether the existing measures were no longer sufficient to counteract the dumping which was causing injury, it was examined whether: (1) the new product types mentioned in the request shared the same chemical and physical characteristics and end-uses as the product concerned; (2) there were new product types other than those mentioned in the request which shared or may have shared the same chemical and physical characteristics and end-uses as the product concerned; (3) on the basis of the facts established under the previous points, the definition and description of the product concerned had to be clarified in the light of the new circumstances.

(19) For the definition of the chemical and agronomic concepts used in this Regulation, use has been made of the definitions given in Regulation (EC) No 2003/2003⁽⁷⁾ (the 'Fertilisers Regulation') of primary nutrients (N, P, K), secondary nutrients (calcium, magnesium, sodium and sulphur), micro-nutrients (boron, cobalt, copper, iron, manganese, molybdenum and zinc), ammonium nitrate fertilisers of high nitrogen content (N above 28 %), straight fertilisers (only one primary nutrient) and compound fertilisers (more than one primary nutrient).

1. Chemical and physical characteristics and end-uses of the product concerned and of the new product types mentioned in the request

(20) The product concerned is manufactured from ammonia (NH₃) and nitric acid (HNO₃), the combination of which results in ammonium nitrate (NH₄NO₃, hereinafter

referred to as 'AN'). The N content of the product concerned exceeds 28 % by weight (it normally ranges between 33 % and 34 %). The ratio between the AN content and the N content, which depends on the atomic weight of the elements, is 2.86. Consequently, since the product concerned contains more than 28 % by weight of N, it automatically contains more than 80 % by weight of AN (normally between 94 % and 97 %)⁽⁸⁾. As mentioned in recital 17, the product concerned also incorporates marginal substances and/or nutrients, the overall content of which can never exceed 20 % by weight, given that at least 80 % of the product concerned is represented by AN.

(21) Two key features characterise the chemical composition of the product concerned: the expression of the N content and the overall level of the N and AN content. The N is expressed as nitric nitrogen (nitrate ion NO₃⁻) and as ammoniacal nitrogen (ammonium ion NH₄⁺), and the ratio between the two is 1:1. The level of the N content always exceeds 28 % by weight and, consequently, as seen above, the level of AN always exceeds 80 % by weight.

(22) With respect to the new product types mentioned in the request, it was found that they were also manufactured from ammonia and nitric acid, the N content exceeded 28 % by weight and, consequently, the AN content exceeded 80 % by weight. Beside AN, these new product types could also incorporate marginal substances and/or nutrients. In these products the N was also expressed as nitric nitrogen and ammoniacal nitrogen and the ratio between the two was also approximately 1:1.

(23) However, the new product types mentioned in the request underwent an additional process aimed at adding primary nutrients⁽⁹⁾ other than N, i.e. P and/or K, whose presence transformed the product into a compound fertiliser⁽¹⁰⁾. This compound fertiliser could be obtained chemically or by blending. In spite of this addition of other primary nutrients and regardless of the type of transformation (chemical or blending), it was found that this process did not affect any of the key chemical features of the AN contained therein, that is to say the expression of the N content and the overall level of N and AN, which exceeded, respectively, 28 % and 80 % by weight.

⁽⁶⁾ For the definition of 'secondary nutrients' and 'micro-nutrients', see recital 19 of this Regulation and Articles 2(c) and 2(d) of Regulation (EC) No 2003/2003 (OJ L 304, 21.11.2003, p. 1).

⁽⁷⁾ OJ L 304, 21.11.2003, p. 1.

⁽⁸⁾ The atomic weight of N is 14.0067, of H — hydrogen — is 1.00794 and of O — oxygen — 15.9994. The overall weight of AN is therefore 80.04, of which 28.01 is represented by N. The ratio between AN and N corresponds to 2.86.

⁽⁹⁾ See recital 19 of this Regulation and definition given in Article 2(b) of the Fertilisers Regulation.

⁽¹⁰⁾ See recital 19 of this Regulation and definition given in Article 2(j) of the Fertilisers Regulation.

- (24) In particular, with regard to the overall level of N and AN, a distinction had to be made between compound fertilisers obtained chemically and obtained by blending. In the first case, the maximum content of 5 % of P and/or K, as indicated in the request, was found to be chemically compatible with an AN content exceeding 80 % (the maximum room left for P and/or K in compounds exceeding 80 % of AN varied between a maximum amount of 7,4 % and 12 % by weight according to the component used — 7,4 % for ammonium polyphosphate, 9,2 % for diammonium phosphate, 10,4 % for monoammonium phosphate and 12 % for potassium chloride). In the case of compounds obtained by blending operations, it was found that the resulting product consisted in granules or prills of the product concerned blended with granules or prills of P and/or K nutrients in a way that ensured that, out of the overall weight of the compound, at least 80 % was represented by AN.
- (25) With regard to the physical properties, it was found that these were strictly related to the agronomic characteristics and could therefore be examined in relation to the latter. In general, the agronomic properties of a fertiliser depended mainly on the primary nutrients⁽¹¹⁾ contained therein, their expression and their quantity by weight. In the light of these three criteria, it was found that both the product concerned and the new product types mentioned in the request had the same agronomic properties in relation to their N and AN content. The expression of N — which was the same for both categories of products — enabled the requirements of the crops for N to be met both in the short term and in the medium/long term. Indeed, the part of N expressed as nitric nitrogen could be easily and promptly absorbed by the crops, whereas the part expressed as ammoniacal nitrogen needed to undergo an additional process (fermentation by the bacteria in the soil) before being absorbed. In addition, the threshold of 28 % also appeared important to meet the specific needs for N of the crops, as was acknowledged at a Community level by the Fertilisers Regulation, which, in its Article 25, established that ammonium nitrate fertilisers of high nitrogen content could be defined as such only if they contained more than 28 % by weight of N. It followed that the specific needs of the crops for N were equally fulfilled by both the product concerned and the new product types mentioned in the request, regardless of the fact that the latter also contained primary nutrients other than N, i.e. P and/or K, which did not undermine the agronomic properties of the N.
- (26) Finally, with regard to end-uses, no parties contested that — as long as the required AN was met — both the product concerned and the new product types mentioned in the request were used during the IP by the same farmers for the same purposes. This conclusion was supported by a market survey, which found that almost all the farmers who agreed to participate in the survey had switched from the product concerned to the new product types because they were cheaper. This fact was also confirmed by an importer.
- (27) In addition, a public source referred to these new product types either as AN or NP/NK/NPK. This evidence supported the conclusion that the market strategy of the supplier (exporting producer and importer) and the perception of the consumer converged on considering the product concerned and the new product types as meeting the same needs.
- (28) It was therefore concluded that, from a chemical and physical/agronomic point of view, the new product types mentioned in the request could not be considered as the product concerned because of the presence of primary nutrients other than N, namely P and/or K. However, the product concerned and the new product types mentioned in the request were identical in relation to their AN content — as long as it exceeded 80 % by weight — the marginal substances and nutrients that they might contain, as well as their basic end-uses. Therefore, the AN content and the marginal substances and nutrients of the new product types mentioned in the request should also be considered as the product concerned.
- 2. Chemical and physical characteristics and end-uses of the product concerned and of new product types other than those mentioned in the request**
- (29) It was also investigated whether there were new product types other than those mentioned in the request which shared or might share the same basic chemical and physical characteristics and end-uses as the product concerned, and which should therefore also fall within the scope of the product concerned.
- (30) As mentioned before, the key chemical characteristics attributing the agronomic properties which characterised the product concerned were the expression of the N content and the overall level of N and AN. Thus, it was examined whether other fertilisers contained or might contain N expressed as nitric nitrogen and ammoniacal nitrogen at a level exceeding 28 % by weight (and, consequently, an AN level exceeding 80 % by weight).
- (26) Finally, with regard to end-uses, no parties contested that — as long as the required AN was met — both the

⁽¹¹⁾ See recital 19 of this Regulation and definition given in Article 2(b) of the Fertilisers Regulation.

- (31) The following new product types were identified: (1) double salts and mixtures of ammonium sulphate and ammonium nitrate (currently classified under CN code 3102 29 00), (2) double salts and mixtures of calcium nitrate and ammonium nitrate (currently classified under CN code 3102 60 00), (3) double salts and mixtures of magnesium compound salts and ammonium nitrate (currently classified under CN code 3102 90 00), and (4) NPK, NP and NK fertilisers, whose P, K or PK content exceeded that identified in the request (5 %) but not the threshold that was chemically possible with an N content exceeding 28 % (see recital 24). This list is not exhaustive.
- (32) With regard to their end-uses, it was found that their chemical structure and the agronomic properties were such as to make them suitable for use for the same purposes as the product concerned as long as their N content was sufficient, i.e. at a level exceeding 28 % by weight (and, consequently, an AN level exceeding 80 % by weight).
- (33) It was therefore concluded that the product concerned and the new product types other than those mentioned in the request were identical in relation to their AN content — as long as it exceeded 80 % by weight — the marginal substances and nutrients that they might contain, as well as their basic end-uses. Therefore, the AN content and the marginal substances and nutrients of the new product types other than those mentioned in the request should also be considered as the product concerned.
- (34) Some interested parties claimed that the inclusion of fertilisers which were not described as problematic in the request was unjustifiable. In this respect it is noted that the purpose of this investigation was to include all new product types, which should be considered as the product concerned because they have essentially the same basic physical and chemical characteristics and the same basic uses. Accordingly, in the notice of initiation reference was made to 'new product types' without any additional detail concerning their chemical composition, with a view to examining on the basis of objective criteria whether and which new product types should be included. It was therefore considered that all types of fertilisers that incorporated the product concerned, and their tariff classification, could be investigated and included in this Regulation. Hence, the claim had to be rejected.

3. Conclusions

- (35) In the light of the above findings, it is concluded that all new product types should be considered as the product concerned exclusively in relation to their content of AN — as long as this exceeds 80 % by weight — together with marginal substances and nutrients, but not as far as the primary nutrients P and K are concerned. As a consequence, in order to apply the existing measures only to the product concerned incorporated in all new product types, the proportional application of the existing measures appears warranted.
- (36) In this respect, it is considered that, in the case of imports of compounds⁽¹²⁾ of ammonium nitrate fertilisers with a nitrogen content exceeding 28 % by weight, the existing measures should be applied in proportion to their content of AN and of other marginal substances and nutrients. With a view to simplifying the customs procedure and the application of the appropriate duty rates corresponding to the amount of product concerned incorporated in the compound, four ranges of duty rates have been established corresponding each to a group of compounds containing respectively the first less than 3 % by weight of P and/or K, the second 3 % by weight or more but less than 6 % by weight of P and/or K, the third 6 % by weight or more but less than 9 % by weight of P and/or K and the fourth 9 % by weight or more but not exceeding 12 % by weight of P and/or K.
- (37) Finally, it is concluded that the description of the product concerned given in the operative part of the original Regulations needs to be clarified: the wording 'ammonium nitrate' should be replaced by 'solid fertilisers with an ammonium nitrate content exceeding 80 % by weight', to acknowledge that several fertilisers have an AN content exceeding 80 % by weight, and have an N content expressed as nitric nitrogen and ammoniacal nitrogen exceeding 28 % by weight, and to avoid confusion between the product concerned and its major content (AN).
- (38) Several interested parties disagreed with what they defined as an extension of the existing measures to products other than the product concerned. It is recalled that the above conclusions do not foresee the extension of the existing measures as such to new product types, but only their proportional application to the product concerned incorporated in the new product types,

⁽¹²⁾ In line with the definition given in Article 2(j) of the Fertilisers Regulation.

HAS ADOPTED THIS REGULATION:

Article 1

1. Article 1(1) of Regulation (EC) No 658/2002 shall be replaced by the following:

'1. A definitive anti-dumping duty is hereby imposed on imports of solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, falling within CN codes 3102 30 90, 3102 40 90, ex 3102 29 00, ex 3102 60 00, ex 3102 90 00, ex 3105 10 00, ex 3105 20 10, ex 3105 51 00, ex 3105 59 00 and ex 3105 90 91, and originating in Russia.'

2. Article 1(1) of Regulation (EC) No 132/2001 shall be replaced by the following:

'1. A definitive anti-dumping duty is hereby imposed on imports of solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, falling within CN codes 3102 30 90, 3102 40 90, ex 3102 29 00, ex 3102 60 00, ex 3102 90 00, ex 3105 10 00, ex 3105 20 10, ex 3105 51 00, ex 3105 59 00 and ex 3105 90 91, and originating in Ukraine.'

3. Article 1(2) of Regulation (EC) No 658/2002 shall be replaced by the following:

'2. The rate of the definitive anti-dumping duty shall be a fixed amount of Euro per tonne as shown below:

Product description	CN code	TARIC code	Fixed amount of duty (Euro per tonne)
— Ammonium nitrate other than in aqueous solutions	3102 30 90	—	47,07
— Mixtures of ammonium nitrate with calcium carbonate or other inorganic non-fertilising substances, with a nitrogen content exceeding 28 % by weight	3102 40 90	—	47,07
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight	3102 29 00	10	47,07
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight	3102 60 00	10	47,07
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight	3102 90 00	10	47,07
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, with no phosphorus and no potassium content	3105 10 00	10	47,07
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and/or a potassium content evaluated as K ₂ O of less than 3 % by weight	3105 10 00	20	45,66
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and/or a potassium content evaluated as K ₂ O of 3 % by weight or more but less than 6 % by weight	3105 10 00	30	44,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and/or a potassium content evaluated as K ₂ O of 6 % by weight or more but less than 9 % by weight	3105 10 00	40	42,83
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and/or a potassium content evaluated as K ₂ O of 9 % by weight or more but not exceeding 12 % by weight	3105 10 00	50	41,42

Product description	CN code	TARIC code	Fixed amount of duty (Euro per tonne)
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and a potassium content evaluated as K ₂ O of less than 3 % by weight	3105 20 10	30	45,66
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and a potassium content evaluated as K ₂ O of 3 % by weight or more but less than 6 % by weight	3105 20 10	40	44,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and a potassium content evaluated as K ₂ O of 6 % by weight or more but less than 9 %	3105 20 10	50	42,83
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and a potassium content evaluated as K ₂ O of 9 % by weight or more but not exceeding 12 % by weight	3105 20 10	60	41,42
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of less than 3 % by weight	3105 51 00	10	45,66
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 3 % by weight or more but less than 6 % by weight	3105 51 00	20	44,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 6 % by weight or more but less than 9 % by weight	3105 51 00	30	42,83
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 9 % by weight or more but not exceeding 10,40 % by weight	3105 51 00	40	42,17
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of less than 3 % by weight	3105 59 00	10	45,66
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 3 % by weight or more but less than 6 % by weight	3105 59 00	20	44,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 6 % by weight or more but less than 9 % by weight	3105 59 00	30	42,83
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 9 % by weight or more but not exceeding 10,40 % by weight	3105 59 00	40	42,17
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a potassium content evaluated as K ₂ O of less than 3 % by weight	3105 90 91	30	45,66
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a potassium content evaluated as K ₂ O of 3 % by weight or more but less than 6 % by weight	3105 90 91	40	44,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a potassium content evaluated as K ₂ O of 6 % by weight or more but less than 9 % by weight	3105 90 91	50	42,83
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a potassium content evaluated as K ₂ O of 9 % by weight or more but not exceeding 12 % by weight	3105 90 91	60	41,42

4. Article 1(2) of Regulation (EC) No 132/2001 shall be replaced by the following:

‘2. The rate of the definitive anti-dumping duty shall be a fixed amount of Euro per tonne as shown below:

Product description	CN code	TARIC code	Fixed amount of duty (Euro per tonne)
— Ammonium nitrate other than in aqueous solutions	3102 30 90	—	33,25
— Mixtures of ammonium nitrate with calcium carbonate or other inorganic non-fertilising substances, with a nitrogen content exceeding 28 % by weight	3102 40 90	—	33,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight	3102 29 00	10	33,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight	3102 60 00	10	33,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight	3102 90 00	10	33,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, with no phosphorus and no potassium content	3105 10 00	10	33,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and/or a potassium content evaluated as K ₂ O of less than 3 % by weight	3105 10 00	20	32,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and/or a potassium content evaluated as K ₂ O of 3 % by weight or more but less than 6 % by weight	3105 10 00	30	31,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and/or a potassium content evaluated as K ₂ O of 6 % by weight or more but less than 9 % by weight	3105 10 00	40	30,26
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and/or a potassium content evaluated as K ₂ O of 9 % by weight or more but not exceeding 12 % by weight	3105 10 00	50	29,26
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and a potassium content evaluated as K ₂ O of less than 3 % by weight	3105 20 10	30	32,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and a potassium content evaluated as K ₂ O of 3 % by weight or more but less than 6 % by weight	3105 20 10	40	31,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and a potassium content evaluated as K ₂ O of 6 % by weight or more but less than 9 %	3105 20 10	50	30,26
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ and a potassium content evaluated as K ₂ O of 9 % by weight or more but not exceeding 12 % by weight	3105 20 10	60	29,26
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of less than 3 % by weight	3105 51 00	10	32,25

Product description	CN code	TARIC code	Fixed amount of duty (Euro per tonne)
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 3 % by weight or more but less than 6 % by weight	3105 51 00	20	31,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 6 % by weight or more but less than 9 % by weight	3105 51 00	30	30,26
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 9 % by weight or more but not exceeding 10,40 % by weight	3105 51 00	40	29,79
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of less than 3 % by weight	3105 59 00	10	32,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 3 % by weight or more but less than 6 % by weight	3105 59 00	20	31,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 6 % by weight or more but less than 9 % by weight	3105 59 00	30	30,26
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a phosphorus content evaluated as P ₂ O ₅ of 9 % by weight or more but not exceeding 10,40 % by weight	3105 59 00	40	29,79
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a potassium content evaluated as K ₂ O of less than 3 % by weight	3105 90 91	30	32,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a potassium content evaluated as K ₂ O of 3 % by weight or more but less than 6 % by weight	3105 90 91	40	31,25
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a potassium content evaluated as K ₂ O of 6 % by weight or more but less than 9 % by weight	3105 90 91	50	30,26
— Solid fertilisers with an ammonium nitrate content exceeding 80 % by weight, and a potassium content evaluated as K ₂ O of 9 % by weight or more but not exceeding 12 % by weight	3105 90 91	60	29,26'

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 Luxembourg, 21 June 2005.

For the Council
The President
F. BODEN

COMMISSION REGULATION (EC) No 946/2005**of 22 June 2005****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the

standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 June 2005.

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

Done at Brussels, 22 June 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

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

ANNEX

to Commission Regulation of 22 June 2005 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	55,3
	204	35,2
	999	45,3
0707 00 05	052	72,7
	999	72,7
0709 90 70	052	81,6
	999	81,6
0805 50 10	388	59,1
	528	48,3
	624	71,4
	999	59,6
0808 10 80	388	92,9
	400	97,4
	404	90,8
	508	90,3
	512	70,9
	528	69,7
	720	51,3
	804	91,0
	999	81,8
0809 10 00	052	187,7
	624	188,8
	999	188,3
0809 20 95	052	300,3
	400	358,1
	999	329,2
0809 30 10, 0809 30 90	052	158,3
	999	158,3
0809 40 05	052	130,1
	624	165,1
	999	147,6

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 947/2005
of 22 June 2005
suspending the buying-in of butter in certain Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Article 2 of Regulation (EC) No 2771/1999 lays down that buying-in is to be opened or suspended by the Commission in a Member State, as appropriate, once it is observed that, for two weeks in succession, the market price in that Member State is below or equal to or above 92 % of the intervention price.

- (2) Commission Regulation (EC) No 877/2005 ⁽³⁾ establishes the most recent list of Member States in which intervention is suspended. This list must be adjusted as a result of the market prices communicated by the United Kingdom pursuant to Article 8 of Regulation (EC) No 2771/1999. In the interests of clarity, the list in question should be replaced and Regulation (EC) No 877/2005 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Buying-in of butter as provided for in Article 6(1) of Regulation (EC) No 1255/1999 is hereby suspended in Belgium, Denmark, Cyprus, Hungary, Malta, Greece, Luxembourg, the Netherlands, Austria, Slovenia, Sweden, Finland and the United Kingdom.

Article 2

Regulation (EC) No 877/2005 is hereby repealed.

Article 3

This Regulation shall enter into force on 23 June 2005.

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

Done at Brussels, 22 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 48. Regulation as last amended by Commission Regulation (EC) No 186/2004 (OJ L 29, 3.2.2004, p. 6).

⁽²⁾ OJ L 333, 24.12.1999, p. 11. Regulation as last amended by Regulation (EC) No 2250/2004 (OJ L 381, 28.12.2004, p. 25).

⁽³⁾ OJ L 146, 10.6.2005, p. 11.

COMMISSION REGULATION (EC) No 948/2005

of 22 June 2005

on granting of import licences for cane sugar for the purposes of certain tariff quotas and preferential agreements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽²⁾,

Having regard to Commission Regulation (EC) No 1159/2003 of 30 June 2003 laying down detailed rules of application for the 2003/2004, 2004/2005 and 2005/2006 marketing years for the import of cane sugar under certain tariff quotas and preferential agreements and amending Regulations (EC) No 1464/95 and (EC) No 779/96 ⁽³⁾, and in particular Article 5(3) thereof,

Whereas:

- (1) Article 9 of Regulation (EC) No 1159/2003 stipulates how the delivery obligations at zero duty of products of CN code 1701, expressed in white sugar equivalent, are to be determined for imports originating in signatory countries to the ACP Protocol and the Agreement with India.
- (2) Article 16 of Regulation (EC) No 1159/2003 stipulates how the zero duty tariff quotas for products of CN code 1701 11 10, expressed in white sugar equivalent, are to

be determined for imports originating in signatory countries to the ACP Protocol and the Agreement with India.

- (3) Article 22 of Regulation (EC) No 1159/2003 opens tariff quotas at a duty of EUR 98 per tonne for products of CN code 1701 11 10 for imports originating in Brazil, Cuba and other third countries.
- (4) In the week 13 to 17 June 2005 applications were presented to the competent authorities in line with Article 5(1) of Regulation (EC) No 1159/2003 for import licences for a total quantity exceeding the allocation by country of origin for CXL concessions sugar specified in Article 22(2) of that Regulation.
- (5) In these circumstances the Commission must set reduction coefficients to be used so that licences are issued for quantities scaled down in proportion to the total available and must indicate that the limit in question has been reached,

HAS ADOPTED THIS REGULATION:

Article 1

In the case of import licence applications presented from 13 to 17 June 2005 in line with Article 5(1) of Regulation (EC) No 1159/2003 licences shall be issued for the quantities indicated in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 23 June 2005.

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

Done at Brussels, 22 June 2005.

For the Commission

J. M. SILVA RODRÍGUEZ

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 146, 20.6.1996, p. 1.

⁽³⁾ OJ L 162, 1.7.2003, p. 25. Regulation as last amended by Commission Regulation (EC) No 568/2005 (OJ L 97, 15.4.2005, p. 9).

ANNEX

ACP—INDIA preferential sugar
Title II of Regulation (EC) No 1159/2003
2004/05 marketing year

Country	Week of 13.-17.6.2005: percentage of requested quantity to be granted	Limit
Barbados	100	
Belize	0	reached
Congo	100	
Fiji	0	reached
Guyana	0	reached
India	0	reached
Côte d'Ivoire	100	
Jamaica	100	
Kenya	100	
Madagascar	100	
Malawi	0	reached
Mauritius	0	reached
Mozambique	0	reached
Saint Kitts and Nevis	100	
Swaziland	0	reached
Tanzania	100	
Trinidad and Tobago	100	
Zambia	100	
Zimbabwe	0	reached

2005/06 marketing year

Country	Week of 13.-17.6.2005: percentage of requested quantity to be granted	Limit
Barbados	100	
Belize	100	
Congo	100	
Fiji	100	
Guyana	100	
India	100	
Côte d'Ivoire	100	
Jamaica	100	
Kenya	100	
Madagascar	100	
Malawi	100	
Mauritius	100	
Mozambique	100	
Saint Kitts and Nevis	100	
Swaziland	100	
Tanzania	100	
Trinidad and Tobago	100	
Zambia	100	
Zimbabwe	100	

Special preferential sugar**Title III of Regulation (EC) No 1159/2003****2004/05 marketing year**

Country	Week of 13.-17.6.2005: percentage of requested quantity to be granted	Limit
India	0	reached
ACP	100	

2005/06 marketing year

Country	Week of 13.-17.6.2005: percentage of requested quantity to be granted	Limit
India	100	
ACP	100	

CXL concessions sugar**Title IV of Regulation (EC) No 1159/2003****2004/05 marketing year**

Country	Week of 13.-17.6.2005: percentage of requested quantity to be granted	Limit
Brazil	0	reached
Cuba	0	reached
Other third countries	0	reached

2005/06 marketing year

Country	Week of 13.-17.6.2005: percentage of requested quantity to be granted	Limit
Brazil	100	
Cuba	100	
Other third countries	100	reached

COMMISSION REGULATION (EC) No 949/2005**of 22 June 2005****closing the invitation to tender for the reduction in the duty on sorghum imported into Spain from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1784/2003 of 29 September 2003 on the common organisation of the market in cereals ⁽¹⁾, and in particular Article 12(1) thereof,

Whereas:

- (1) In accordance with the Community's international obligations within the framework of the Uruguay Round multilateral negotiations ⁽²⁾, conditions must be laid down for importing a certain quantity of sorghum into Spain.
- (2) Commission Regulation (EC) No 1839/95 of 26 July 1995 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal ⁽³⁾ provides for the booking of imports of certain substitute products, referred to in Article 2 thereof, to ensure compliance with the quantities laid down under these quotas.

(3) Commission Regulation (EC) No 2275/2004 ⁽⁴⁾ opened an invitation to tender for the reduction in the duty on sorghum imported into Spain from third countries.

(4) As the annual quantity for this quota laid down in Article 1 of Regulation (EC) No 1839/95 has been reached, the invitation to tender should be closed and Regulation (EC) No 2275/2004 should be repealed.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The invitation to tender for the reduction in the duty referred to in Article 10(2) of Regulation (EC) No 1784/2003 on sorghum imported into Spain, opened by Regulation (EC) No 2275/2004, is hereby closed.

2. Regulation (EC) No 2275/2004 is hereby repealed.

Article 2

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

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

Done at Brussels, 22 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 270, 21.10.2003, p. 78.

⁽²⁾ OJ L 336, 23.12.1994, p. 22.

⁽³⁾ OJ L 177, 28.7.1995, p. 4. Regulation as last amended by Regulation (EC) No 777/2004 (OJ L 123, 27.4.2004, p. 50).

⁽⁴⁾ OJ L 396, 31.12.2004, p. 32.

COMMISSION REGULATION (EC) No 950/2005

of 22 June 2005

setting the export refunds for nuts (shelled almonds, hazelnuts in shell, shelled hazelnuts and walnuts in shell) using system A1

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

prices that are most favourable from the point of view of exportation.

Having regard to the Treaty establishing the European Community,

(6) The international trade situation or specific requirements of certain markets may necessitate differentiation of the refund on a given product by destination.

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular the third subparagraph of Article 35(3) thereof,

(7) Economically significant exports can at present be made of shelled almonds, hazelnuts and walnuts in shell.

Whereas:

(8) Since nuts have a relatively long storage life export refunds can be set at longer intervals.

(1) Commission Regulation (EC) No 1961/2001 ⁽²⁾ sets detailed rules covering export refunds on fruit and vegetables.

(9) In order to permit the best possible use of available resources the export refunds should, given the structure of exportation from the Community, be set using system A1.

(2) Under Article 35(1) of Regulation (EC) No 2200/96 refunds can be granted on products exported by the Community, to the extent necessary to enable economically significant quantities to be exported and within the limits ensuing from agreements concluded in line with Article 300 of the Treaty.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for fresh Fruit and Vegetables,

(3) In line with Article 35(2) of Regulation (EC) No 2200/96 care should be taken to ensure that trade flows already engendered by the granting of refunds are not disturbed. For that reason and given the seasonal nature of fruit and vegetable exports quantities should be set product by product using the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87 ⁽³⁾. In setting quantities account must be taken of perishability.

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refund rates for nuts, the period for lodging licence applications and the quantities permitted are stipulated in the Annex hereto.

(4) Article 35(4) of Regulation (EC) No 2200/96 stipulates that when refunds are set account is to be taken of the existing situation and outlook for prices and availability of fruit and vegetables on the Community market and for international trade prices, of marketing and transport costs and of the economic aspects of the exportation envisaged.

2. Licences for food aid purposes issued as indicated in Article 16 of Commission Regulation (EC) No 1291/2000 ⁽⁴⁾ shall not be counted against the quantities indicated in the Annex hereto.

(5) Article 35(5) of Regulation (EC) No 2200/96 requires Community market prices to be determined using the

3. Without prejudice to Article 5(6) of Regulation (EC) No 1961/2001, the type A1 licences shall be valid for three months.

Article 2

This Regulation shall enter into force on 23 June 2005.

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

⁽³⁾ OJ L 366, 24.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 2180/2003 (OJ L 335, 22.12.2003, p. 1).

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1741/2004 (OJ L 311, 8.10.2004, p. 17).

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

Done at Brussels, 22 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

to the Commission Regulation of 22 June 2005 setting the export refunds for nuts (system A1)

Period for lodging licence applications: from 24 June 2005 to 8 September 2005.

Produce code ⁽¹⁾	Destination ⁽²⁾	Rate of refund (EUR/t net)	Permitted quantities (t)
0802 12 90 9000	A00	45	1 426
0802 21 00 9000	A00	53	569
0802 22 00 9000	A00	103	3 929
0802 31 00 9000	A00	66	588

⁽¹⁾ The product codes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

⁽²⁾ The series A destination codes are defined in Annex II to Regulation (EEC) No 3846/87. The numerical destination codes are defined in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

COMMISSION REGULATION (EC) No 951/2005

of 22 June 2005

fixing the A1 and B export refunds for fruit and vegetables (tomatoes, oranges, table grapes, apples and peaches)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables ⁽¹⁾, and in particular the third subparagraph of Article 35(3),

Whereas:

(1) Commission Regulation (EC) No 1961/2001 ⁽²⁾ lays down the detailed rules of application for export refunds on fruit and vegetables.

(2) Article 35(1) of Regulation (EC) No 2200/96 provides that, to the extent necessary for economically significant exports, the products exported by the Community may be covered by export refunds, within the limits resulting from agreements concluded in accordance with Article 300 of the Treaty.

(3) Under Article 35(2) of Regulation (EC) No 2200/96, care must be taken to ensure that the trade flows previously brought about by the refund scheme are not disrupted. For this reason and because exports of fruit and vegetables are seasonal in nature, the quantities scheduled for each product should be fixed, based on the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87 ⁽³⁾. These quantities must be allocated taking account of the perishability of the products concerned.

(4) Article 35(4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation or outlook for fruit and vegetable prices on the Community market and supplies available on the one hand, and prices on the international market on the

other hand. Account must also be taken of the transport and marketing costs and of the economic aspect of the exports planned.

(5) In accordance with Article 35(5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from the export standpoint.

(6) The international trade situation or the special requirements of certain markets may call for the refund on a given product to vary according to its destination.

(7) Tomatoes, oranges, table grapes, apples and peaches of classes Extra, I and II of the common quality standards can currently be exported in economically significant quantities.

(8) In order to ensure the best use of available resources and in view of the structure of Community exports, it is appropriate to fix the A1 and B export refunds.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for fresh Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. For system A1, the refund rates, the refund application period and the scheduled quantities for the products concerned are fixed in the Annex hereto. For system B, the indicative refund rates, the licence application period and the scheduled quantities for the products concerned are fixed in the Annex hereto.

2. The licences issued in respect of food aid as referred to in Article 16 of Commission Regulation (EC) No 1291/2000 ⁽⁴⁾ shall not count against the eligible quantities in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 June 2005.

⁽¹⁾ OJ L 297, 21.11.1996, p. 1. Regulation as last amended by Commission Regulation (EC) No 47/2003 (OJ L 7, 11.1.2003, p. 64).

⁽²⁾ OJ L 268, 9.10.2001, p. 8. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

⁽³⁾ OJ L 366, 24.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 2180/2003 (OJ L 335, 22.12.2003, p. 1).

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1741/2004 (OJ L 311, 8.10.2004, p. 17).

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

Done at Brussels, 22 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

**to the Commission Regulation of 22 June 2005 fixing the export refunds on fruit and vegetables
(tomatoes, oranges, table grapes, apples and peaches)**

Product code ⁽¹⁾	Destination ⁽²⁾	System A1 Refund application period 24.6.2005-8.9.2005		System B Licence application period 1.7.2005-15.9.2005	
		Refund amount (EUR/t net weight)	Scheduled quantity (t)	Indicative refund amount (EUR/t net weight)	Scheduled quantity (t)
0702 00 00 9100	F08	35		35	1 874
0805 10 20 9100	A00	38		38	615
0806 10 10 9100	A00	25		25	6 627
0808 10 80 9100	F09	36		36	19 233
0809 30 10 9100	A00	13		13	9 708
0809 30 90 9100					

⁽¹⁾ The product codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

⁽²⁾ The 'A' series destination codes are set out in Annex II to Regulation (EEC) No 3846/87.

The numeric destination codes are set out in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11).

The other destinations are defined as follows:

F03: All destinations except Switzerland.

F04: Sri Lanka, Hong Kong SAR, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica and Japan.

F08: All destinations except Bulgaria.

F09: The following destinations:

- Norway, Iceland, Greenland, Faeroe Islands, Romania, Albania, Bosnia and Herzegovina, Croatia, Former Yugoslav Republic of Macedonia, Serbia and Montenegro, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qalwain, Ras al Khaimah, Fujairah), Kuwait, Yemen, Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador and Colombia,
- African countries and territories except for South Africa,
- destinations referred to in Article 36 of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11).

COMMISSION REGULATION (EC) No 952/2005

of 22 June 2005

setting export refunds in the processed fruit and vegetable sector other than those granted on added sugar (provisionally preserved cherries, peeled tomatoes, sugar-preserved cherries, prepared hazelnuts, certain orange juices)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organisation of the markets in processed fruit and vegetable products ⁽¹⁾, and in particular the third subparagraph of Article 16(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1429/95 ⁽²⁾ set implementing rules for export refunds on products processed from fruit and vegetables other than those granted for added sugar.
- (2) Article 16(1) of Regulation (EC) No 2201/96 states that to the extent necessary to permit exportation of economically significant quantities export refunds can be granted on the products listed at Article 1(2)(a) of that Regulation within the limits ensuing from agreements concluded in line with Article 300 of the Treaty. Article 18(4) of that Regulation provides that if the refund on the sugar incorporated in the products listed in Article 1(2)(b) is insufficient to allow exportation of these products the refund set in line with Article 17 thereof shall apply to them.
- (3) Article 16(2) of Regulation (EC) No 2201/96 requires that it be ensured that trade flows that have already arisen as a result of granting of export refunds are not disturbed. For that reason the quantities should be set product by product using the agricultural product nomenclature for export refunds established by Commission Regulation (EEC) No 3846/87 ⁽³⁾.
- (4) Article 17(2) of Regulation (EC) No 2201/96 requires that when refunds are set account is taken of the existing situation and outlook for prices and availability on the Community market of products processed from fruit and vegetables and for international trade prices, of

marketing and transport costs and of the economic aspects of the exportation envisaged.

- (5) Article 17(3) of Regulation (EC) No 2201/96 requires that when prices on the Community market are determined account is taken of the prices that are most favourable from the point of view of exportation.
- (6) The international trade situation or specific requirements of certain markets may make it necessary to differentiate the refund on a given product by destination.
- (7) Economically significant exports can at present be made of provisionally preserved cherries, peeled tomatoes, sugar-preserved cherries, prepared hazelnuts and certain orange juices.
- (8) Export refund rates and quantities should therefore be set for these products.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refund rates in the processed fruit and vegetable sector, periods for lodging and for issuing licence applications and the quantities permitted are stipulated in the Annex hereto.

2. Licences for food aid purposes issued as indicated in Article 16 of Commission Regulation (EC) No 1291/2000 ⁽⁴⁾ shall not be counted against the quantities indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 June 2005.

⁽¹⁾ OJ L 297, 21.11.1996, p. 29. Regulation as last amended by Commission Regulation (EC) No 386/2004 (OJ L 64, 2.3.2004, p. 25).

⁽²⁾ OJ L 141, 24.6.1995, p. 28. Regulation as last amended by Regulation (EC) No 498/2004 (OJ L 80, 18.3.2004, p. 20).

⁽³⁾ OJ L 366, 24.12.1987, p. 1. Regulation as last amended by Regulation (EC) No 558/2005 (OJ L 94, 13.4.2005, p. 22).

⁽⁴⁾ OJ L 152, 24.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 1741/2004 (OJ L 311, 8.10.2004, p. 17).

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

Done at Brussels, 22 June 2005.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

to the Commission Regulation of 22 June 2005 setting export refunds for the processed fruit and vegetable sector other than those granted on added sugar (provisionally preserved cherries, peeled tomatoes, sugar-preserved cherries, prepared hazelnuts, certain orange juices)

Period for lodging licence applications: 24 June to 24 October 2005.

Licence assignment period: July to October 2005.

Product code ⁽¹⁾	Destination code ⁽²⁾	Refund rate (EUR/t net)	Permitted quantities (t)
0812 10 00 9100	F06	50	2 853
2002 10 10 9100	F10	45	42 477
2006 00 31 9000 2006 00 99 9100	F06	153	595
2008 19 19 9100 2008 19 99 9100	A00	59	344
2009 11 99 9110 2009 12 00 9111 2009 19 98 9112	A00	5	300
2009 11 99 9150 2009 19 98 9150	A00	29	301

⁽¹⁾ The descriptions corresponding to the product codes are contained in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

⁽²⁾ The meanings of the A series destination codes are given in Annex II to Regulation (EEC) No 3846/87, as amended. The meanings of the numerical destination codes are given in Commission Regulation (EC) No 2081/2003 (OJ L 313, 28.11.2003, p. 11). The other destinations are:
F06 All destinations except the countries of North America.
F10 All destinations except the United States of America and Bulgaria.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 13 June 2005

appointing a Member of the European Economic and Social Committee

(2005/453/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Having regard to Council Decision 2002/758/EC, Euratom of 17 September 2002 appointing the Members of the Economic and Social Committee for the period from 21 September 2002 to 20 September 2006 ⁽¹⁾,

Having regard to the nomination submitted by the Lithuanian Government,

Having regard to the opinion of the Commission,

Whereas:

A Member's seat on the European Economic and Social Committee has fallen vacant following the resignation of Mr Arvydas ŽYGIS, of which the Council was informed on 10 January 2005,

HAS DECIDED AS FOLLOWS:

Article 1

Mr Vitas MAČIULIS is hereby appointed a Member of the European Economic and Social Committee in place of Mr Arvydas ŽYGIS for the remainder of the latter's term of office, which runs until 20 September 2006.

Article 2

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

It shall take effect on the date of its adoption.

Done at Luxembourg, 13 June 2005.

For the Council
The President
J. ASSELBORN

⁽¹⁾ OJ L 253, 21.9.2002, p. 9.

COUNCIL DECISION
of 13 June 2005
appointing a Member of the European Economic and Social Committee
(2005/454/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Having regard to Council Decision 2002/758/EC, Euratom of 17 September 2002 appointing the Members of the Economic and Social Committee for the period from 21 September 2002 to 20 September 2006 ⁽¹⁾,

Having regard to the nomination submitted by the French Government,

Having regard to the opinion of the Commission,

Whereas:

A Member's seat on the European Economic and Social Committee has fallen vacant following the resignation of Mr Noël DUPUY, of which the Council was informed on 2 February 2005,

HAS DECIDED AS FOLLOWS:

Article 1

Mr Bruno CLERGEOT is hereby appointed a Member of the European Economic and Social Committee in place of Mr Noël DUPUY for the remainder of the latter's term of office, which ends on 20 September 2006.

Article 2

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

It shall take effect on the date of its adoption.

Done at Luxembourg, 13 June 2005.

For the Council
The President
J. ASSELBORN

⁽¹⁾ OJ L 253, 21.9.2002, p. 9.

COUNCIL DECISION
of 13 June 2005
appointing a Member of the European Economic and Social Committee
(2005/455/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Having regard to Council Decision 2002/758/EC, Euratom of 17 September 2002 appointing the Members of the Economic and Social Committee for the period from 21 September 2002 to 20 September 2006 ⁽¹⁾,

Having regard to the nomination submitted by the Lithuanian Government,

Having regard to the opinion of the Commission,

Whereas:

A Member's seat on the European Economic and Social Committee has fallen vacant following the resignation of Ms Aldona BALSIEŅĒ, of which the Council was informed on 10 January 2005,

HAS DECIDED AS FOLLOWS:

Article 1

Ms Daiva KVEDARAITĒ is hereby appointed a Member of the European Economic and Social Committee in place of Ms Aldona BALSIEŅĒ for the remainder of the latter's term of office, which runs until 20 September 2006.

Article 2

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

It shall take effect on the date of its adoption.

Done at Luxembourg, 13 June 2005.

For the Council
The President
J. ASSELBORN

⁽¹⁾ OJ L 253, 21.9.2002, p. 9.

COUNCIL DECISION
of 13 June 2005
appointing a Member of the European Economic and Social Committee
(2005/456/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 259 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 167 thereof,

Having regard to Council Decision 2002/758/EC, Euratom of 17 September 2002 appointing the Members of the Economic and Social Committee for the period from 21 September 2002 to 20 September 2006 ⁽¹⁾,

Having regard to the nomination submitted by the Italian Government,

Having regard to the opinion of the Commission,

Whereas:

A Member's seat on the European Economic and Social Committee has fallen vacant following the resignation of Mr Giacomino TARICCO, of which the Council was informed on 28 October 2004,

HAS DECIDED AS FOLLOWS:

Article 1

Mr Angelo GRASSO is hereby appointed a Member of the European Economic and Social Committee in place of Mr Giacomino TARICCO for the remainder of the latter's term of office, which runs until 20 September 2006.

Article 2

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

It shall take effect on the date of its adoption.

Done at Luxembourg, 13 June 2005.

For the Council
The President
J. ASSELBORN

⁽¹⁾ OJ L 253, 21.9.2002, p. 9.

COMMISSION

COMMISSION DECISION

of 4 April 2005

authorising the placing on the market of isomaltulose as a novel food or novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council

(notified under document number C(2005) 1001)

(Only the Dutch text is authentic)

(2005/457/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) On 30 October 2003 Cargill Incorporated, acting through Cerestar, made a request to the competent authorities of the United Kingdom to place isomaltulose as a novel food or novel food ingredient on the market.
- (2) On 19 March 2004 the competent authorities of the United Kingdom issued their initial assessment report.
- (3) In their initial assessment report the United Kingdom's competent food assessment body came to the conclusion that the proposed uses for isomaltulose are safe for human consumption.
- (4) The Commission forwarded the initial assessment report to all Member States on 15 April 2004.
- (5) Within the 60-day period laid down in Article 6(4) of the Regulation, reasoned objections to the marketing of the product were raised in accordance with that provision.
- (6) At a meeting on 10 December 2004 Member States experts considered the initial assessment report as far as risk assessment was concerned and there was no need for further consultation of the European Food Safety Authority.

(7) As regards the nutrition information included in the labelling and advertising of foods containing isomaltulose, the rules of Council Directive 90/496/EC of 24 September 1990 on nutrition labelling for foodstuffs⁽²⁾ apply.

(8) On the basis of the initial assessment report, it is established that isomaltulose complies with the criteria laid down in Article 3(1) of the Regulation.

(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

Isomaltulose as specified in the Annex, may be placed on the market in the Community as a novel food or novel food ingredient for use in foodstuffs.

Article 2

The designation 'isomaltulose' shall be displayed on the labelling of the product as such or in the list of ingredients of foodstuffs containing it.

In a prominently displayed footnote related to the designation isomaltulose by means of an asterisk (*) the words 'isomaltulose is a source of glucose and fructose' shall be displayed. The words shall have a typeface of at least the same size as the list of ingredients itself.

⁽¹⁾ OJ L 43, 14.2.1997, p. 1. Regulation as last amended by Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1).

⁽²⁾ OJ L 276, 6.10.1990, p. 40. Directive as last amended by Commission Directive 2003/120/EC (OJ L 333, 20.12.2003, p. 51).

Article 3

This Decision is addressed to Cargill Incorporated, c/o Cerestar, Havenstraat 84, B-1800 Vilvoorde.

Done at Brussels, 4 April 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

SPECIFICATIONS OF ISOMALTULOSE

Definition:

A reducing disaccharide that consists of one glucose and one fructose moiety linked by an alpha-1,6-glucosidic bond. It is obtained from sucrose by an enzymatic process. The commercial product is the monohydrate.

Chemical name

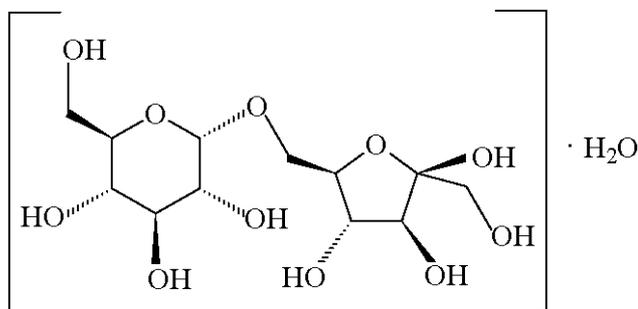
6-O-a-D-glucopyranosyl-D-fructofuranose, monohydrate

CAS number

13718-94-0

Chemical formula

$C_{12}H_{22}O_{11} \cdot H_2O$

Structural formula*Formula weight*

360,3 (monohydrate)

Assay

Not less than 98 % on the dry basis

Description

Virtually odourless, white or almost white crystals with a sweet taste

Loss on drying

Not more than 6,5 % (60 °C, 5 hours)

Lead

Not more than 0,1 mg/kg

Determine using an atomic absorption technique appropriate to the specified level. The selection of sample size and method of sample preparation may be based on the principles of the method described in FNP 5 ⁽¹⁾, 'Instrumental methods'.

⁽¹⁾ Food and Nutrition Paper 5 Rev.2 — Guide to specifications for general notices, general analytical techniques, identification tests, test solutions and other reference materials. (JECFA) 1991, 322 p. English — ISBN 92-5-102991-1.

COMMISSION DECISION**of 21 June 2005****granting Italy the derogation provided for in Article 3(2) of Council Directive 92/102/EEC on the identification and registration of animals***(notified under document number C(2005) 1826)***(Only the Italian text is authentic)****(Text with EEA relevance)**

(2005/458/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/102/EEC of 27 November 1992 on the identification and registration of animals ⁽¹⁾, and in particular Article 3(2) thereof,

Whereas:

- (1) Article 3(2) of Council Directive 92/102/EEC provides for the possibility to authorise Member States to exclude from the list of holdings required by Article 3(1) those holdings with no more than three sheep or goats for which no premiums are sought, or one pig, provided that the animals are intended for use or consumption by the owner, and that they are subject to the controls required by the Directive before any movement.
- (2) The Italian authorities have requested this authorisation as regards holdings with no more than one pig and have given the appropriate assurances in respect of veterinary controls.

- (3) Therefore Italy should be authorised to apply the derogation.

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

HAS ADOPTED THIS DECISION:

Article 1

Italy is authorised to apply the derogation provided for in Article 3(2) of Directive 92/102/EEC as regards holdings with no more than one pig.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 21 June 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

⁽¹⁾ OJ L 355, 5.12.1992, p. 32. Directive as last amended by Regulation (EC) No 21/2004 (OJ L 5, 9.1.2004, p. 8).

COMMISSION DECISION

of 22 June 2005

recognising in principle the completeness of the dossier submitted for detailed examination in view of the possible inclusion of pinoxaden in Annex I to Council Directive 91/414/EEC

(notified under document number C(2005) 1839)

(Text with EEA relevance)

(2005/459/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection on the market ⁽¹⁾, and in particular Article 6(3) thereof,

Whereas:

(1) Directive 91/414/EEC provides for the development of a Community list of active substances authorised for incorporation in plant protection products.

(2) A dossier for the active substance pinoxaden was submitted by Syngenta Ltd to the authorities of the United Kingdom on 31 March 2004 with an application to obtain its inclusion in Annex I to Directive 91/414/EEC.

(3) The authorities of the United Kingdom have indicated to the Commission that, on preliminary examination, the dossier for the active substance concerned appear to satisfy the data and information requirements set out in Annex II to Directive 91/414/EEC. The dossier submitted appear also to satisfy the data and information requirements set out in Annex III to Directive 91/414/EEC in respect of one plant protection product containing the active substance concerned. In accordance with Article 6(2) of Directive 91/414/EEC, the dossier was subsequently forwarded by the applicant to the Commission and other Member States, and was referred to the Standing Committee on the Food Chain and Animal Health.

(4) By this Decision it should be formally confirmed at Community level that the dossier is considered as satisfying in principle the data and information

requirements provided for in Annex II and, for at least one plant protection product containing the active substance concerned, the requirements set out in Annex III to Directive 91/414/EEC.

(5) This Decision should not prejudice the right of the Commission to request the applicant to submit further data or information in order to clarify certain points in the dossier.

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

HAS ADOPTED THIS DECISION:

Article 1

Without prejudice to Article 6(4) of Directive 91/414/EEC, the dossier concerning the active substance identified in the Annex to this Decision, which was submitted to the Commission and the Member States with a view to obtaining the inclusion of this substance in Annex I to that Directive, satisfies in principle the data and information requirements set out in Annex II to that Directive.

The dossier also satisfies the data and information requirements set out in Annex III to that Directive in respect of one plant protection product containing the active substance, taking into account the uses proposed.

Article 2

The rapporteur Member State shall pursue the detailed examination for the dossier concerned and shall report the conclusions of this examination accompanied by any recommendations on the inclusion or non-inclusion of the active substance concerned in Annex I to Directive 91/414/EEC and any conditions related thereto to the European Commission as soon as possible and at the latest within a period of one year from the date of publication of this Decision in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2005/34/EC (OJ L 125, 18.5.2005, p. 5).

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 22 June 2005.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

ACTIVE SUBSTANCE CONCERNED BY THIS DECISION

No	Common name, CIPAC identification number	Applicant	Date of application	Rapporteur Member State
1	Pinoxaden CIPAC No not yet allocated	Syngenta Ltd	31.3.2004	UK