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Price: EUR 18

⁽¹⁾ Text with EEA relevance

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EN

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

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

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DECISIONS

Commission

2007/783/EC:

- ★ **Commission Decision of 29 March 2006 declaring a concentration compatible with the common market and the functioning of the EEA Agreement (Case COMP/M.3975 — Cargill/Degussa)** (notified under document number C(2006) 1034) ⁽¹⁾ 53

2007/784/EC:

- ★ **Commission Decision of 18 July 2007 declaring a concentration to be compatible with the common market and the functioning of the EEA Agreement (Case COMP/M.4504 — SFR/Télé 2 France)** (notified under document number C(2007) 3443) ⁽¹⁾ 57

2007/785/EC:

- ★ **Commission Decision of 3 December 2007 amending Decision 2006/415/EC concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the United Kingdom, Romania and Poland** (notified under document number C(2007) 6109) ⁽¹⁾ 62



⁽¹⁾ Text with EEA relevance

I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 1415/2007

of 3 December 2007

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 4 December 2007.

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

Done at Brussels, 3 December 2007.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 756/2007 (OJ L 172, 30.6.2007, p. 41).

ANNEX

to Commission Regulation of 3 December 2007 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	IL	114,0
	MA	68,2
	SY	68,2
	TR	100,9
	ZZ	87,8
0707 00 05	JO	196,3
	MA	51,7
	TR	102,2
	ZZ	116,7
0709 90 70	MA	51,0
	TR	118,5
	ZZ	84,8
0709 90 80	EG	301,9
	ZZ	301,9
0805 20 10	MA	70,1
	ZZ	70,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	62,5
	HR	52,3
	IL	66,3
	TR	73,3
	UY	82,5
	ZZ	67,4
0805 50 10	EG	79,1
	TR	104,8
	ZA	104,9
	ZZ	96,3
0808 10 80	AR	87,7
	CA	87,3
	CL	86,0
	CN	76,4
	MK	30,6
	US	83,1
	ZA	95,7
	ZZ	78,1
0808 20 50	AR	49,2
	CN	42,4
	TR	145,7
	US	109,4
	ZZ	86,7

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 1416/2007**of 3 December 2007****fixing the time limit for the submission of applications for private storage aid in respect of pigmeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

pigmeat market. A temporary stabilisation of prices is expected. The granting of private storage aid for pigmeat should therefore be ended.

Having regard to the Treaty establishing the European Community,

(2) The Management Committee for Pigmeat has not delivered an opinion within the time limit set by its chairman,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat ⁽¹⁾, and in particular Article 4(6) thereof,

HAS ADOPTED THIS REGULATION:

Whereas:

Article 1

The time limit for the submission of applications for private storage aid for pigmeat shall be 4 December 2007.

(1) Private storage aid granted pursuant to Commission Regulation (EC) No 1267/2007 of 26 October 2007 on special conditions for the granting of private storage aid for pigmeat ⁽²⁾ has had a favourable effect on the

Article 2

This Regulation shall enter into force on 4 December 2007.

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

Done at Brussels, 3 December 2007.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 282, 1.11.1975, p. 1. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 283, 27.10.2007, p. 53.

COMMISSION REGULATION (EC) No 1417/2007
of 28 November 2007
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3 of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN codes indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

This Regulation shall enter into force on the 20th 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, 28 November 2007.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1. Regulation as last amended by Commission Regulation (EC) No 1352/2007 (OJ L 303, 21.11.2007, p. 3).

⁽²⁾ OJ L 302, 19.10.1992, p. 1. Regulation as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>1. Set for nail decorating consisting of:</p> <p>48 false nails a small tube of glue a nail file a manicure stick and decorating stickers for the nails.</p> <p>The false nails are moulded plastic and are present in a variety of sizes.</p> <p>The set is put up for retail sale.</p>	3926 90 97	<p>Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 3926, 3926 90 and 3926 90 97.</p> <p>The articles, as presented, constitute a set in the sense of general interpretative rule 3(b).</p> <p>The set does not consist of manicure products of subheading 3304 30 00 as it includes the addition of false nails stuck over the fingernail and does not include manicure preparations which simply care for and beautify the hand and the natural nails (Harmonised System Explanatory Notes to heading 3304, (B)).</p> <p>The set consists of different articles and is to be classified in subheading 3926 90 97 according to the plastic false nails, which give the set its essential character.</p>
<p>2. Moulded plastic false nails.</p> <p>They are designed to be bound to the natural nail using an acrylic bonding solution.</p> <p>They are packaged in quantities of 50, of the same size.</p>	3926 90 97	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 3926, 3926 90 and 3926 90 97.</p> <p>The products are not considered to constitute manicure products of subheading 3304 30 00 as they entail the addition of false nails stuck over the fingernail and do not consist of manicure preparations which simply care for and beautify the hand and the natural nails (Harmonised System Explanatory Notes to heading 3304, (B)).</p> <p>They should therefore be classified as other articles of plastic in subheading 3926 90 97 according to their constituent material.</p>
<p>3. Bonding solution composed of:</p> <p>Ethyl cyanoacrylate Silica Poly(methyl methacrylate) Calixarenes Hydroquinone Triglycerides.</p> <p>The solution is intended to adhere moulded plastic false nails to the natural nail. It hardens slowly to allow modelling of the false nails.</p> <p>The solution is packaged in small nozzled tubes for easy and precise application. Net weight not exceeding 1 kg.</p>	3506 10 00	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, and by the wording of CN codes 3506 and 3506 10 00.</p> <p>The product is not considered to constitute manicure or pedicure preparations of heading 3304.</p> <p>The product is a glue or adhesive by the terms of heading 3506.</p>

COMMISSION REGULATION (EC) No 1418/2007**of 29 November 2007****concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste ⁽¹⁾, and in particular the third subparagraph of Article 37(2) thereof,

After consultation of the countries concerned,

Whereas:

- (1) In accordance with Article 37(1) of Regulation (EC) No 1013/2006 the Commission has sent a written request to each country to which Decision C(2001)107/Final of the OECD Council concerning the revision of Decision C(92)39/Final on control of transboundary movements of wastes destined for recovery operations does not apply, seeking confirmation in writing that waste which is listed in Annex III or IIIA to that Regulation and the export of which is not prohibited under its Article 36 may be exported from the Community for recovery in that country and requesting an indication as to which control procedure, if any, would be followed in the country of destination.
- (2) In those requests, each country was asked to indicate if it had opted for a prohibition or a procedure of prior written notification and consent, or if it would exercise no control, in respect of such waste.
- (3) Pursuant to the first subparagraph of Article 37(2) of Regulation (EC) No 1013/2006, and before the date of application of that Regulation, the Commission was required to adopt a Regulation taking into account all the replies received. The Commission duly adopted Regu-

lation (EC) No 801/2007 of 6 July 2007 ⁽²⁾. However, further replies and clarifications received since that date provide a better understanding of how the replies of the countries of destination should be taken into account.

- (4) The Commission has now received replies to its written requests from Algeria, Andorra, Argentina, Bangladesh, Belarus, Benin, Botswana, Brazil, Chile, China, Chinese Taipei, Costa Rica, Croatia, Cuba, Egypt, Georgia, Guyana, Hong Kong (China), India, Indonesia, Israel, Ivory Coast, Kenya, Kyrgyzstan, Lebanon, Liechtenstein, Macau (China), Malawi, Mali, Malaysia, Moldova, Morocco, Oman, Pakistan, Paraguay, Peru, Philippines, Russian Federation, Seychelles, South Africa, Sri Lanka, Thailand, Tunisia, Vietnam.
- (5) Certain countries have not issued a confirmation in writing that the waste may be exported to them from the Community for recovery. Therefore, in accordance with the second subparagraph of Article 37(2) of Regulation (EC) No 1013/2006, those countries are to be regarded as having chosen a procedure of prior written notification and consent.
- (6) Certain countries have in their replies made known their intention to follow control procedures applicable under national law that are distinct from those provided for in Article 37(1) of Regulation (EC) No 1013/2006. In addition, and in accordance with Article 37(3) of Regulation (EC) No 1013/2006, Article 18 of that Regulation should apply *mutatis mutandis* to such shipments, unless a waste is also subject to the prior notification and consent procedure.
- (7) Regulation (EC) No 801/2007 should be amended accordingly. For the sake of clarity, given the number of changes required, it is appropriate to repeal that Regulation and replace it by this Regulation. However, waste classified in Regulation (EC) No 801/2007 as subject to no control in the country of destination but which in this Regulation is shown as requiring prior notification and consent should continue to be classified as subject to no control in the country of destination during a transitional period of 60 days after entry into force,

⁽¹⁾ OJ L 190, 12.7.2006, p. 1.⁽²⁾ OJ L 179, 7.7.2007, p. 6.

HAS ADOPTED THIS REGULATION:

Article 1

Export for recovery of waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006, which is not prohibited under Article 36 of that Regulation, to certain countries to which Decision C(2001)107/Final of the OECD Council concerning the revision of Decision C(92)39/Final on control of transboundary movements of wastes destined for recovery operations does not apply shall be governed by the procedures set out in the Annex.

Article 2

Regulation (EC) No 801/2007 is repealed.

Article 3

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

It shall apply from the date of entry into force.

However, Regulation (EC) No 801/2007 shall continue to apply for 60 days after that date to waste listed in column (c) of the Annex to that Regulation which is listed in column (b), or in columns (b) and (d), of the Annex to the present Regulation.

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

Done at Brussels, 29 November 2007.

For the Commission
Peter MANDELSON
Member of the Commission

ANNEX

The headings of the columns in this Annex refer to the following:

- (a) prohibition;
- (b) prior written notification and consent as described in Article 35 of Regulation (EC) No 1013/2006;
- (c) no control in the country of destination;
- (d) other control procedures will be followed in the country of destination under applicable national law. As for the waste included in column (c), the general information requirements laid down in Article 18 of Regulation (EC) No 1013/2006 apply *mutatis mutandis* unless a waste is also included in column (b).

Where two codes are separated by a hyphen, this is to be understood as covering the two codes and all codes in between them.

Where two codes are separated by a semicolon, this is to be understood as covering the two codes in question.

Algeria

(a)	(b)	(c)	(d)
GC030 ex 8908 00: only if framework can contain asbestos	GC030 ex 8908 00: except if framework can contain asbestos		GC030 ex 8908 00: except if framework can contain asbestos
GG030 ex 2621: if no analysis presented as evidence that the waste is non dangerous	GG030 ex 2621: if analysis presented as evidence that the waste is non dangerous		GG030 ex 2621: if analysis presented as evidence that the waste is non dangerous
GG040 ex 2621: if no analysis presented as evidence that the waste is non dangerous	GG040 ex 2621: if analysis presented as evidence that the waste is non dangerous		GG040 ex 2621: if analysis presented as evidence that the waste is non dangerous
			all other waste listed in Annex III of Regulation (EC) No 1013/2006

Andorra

(a)	(b)	(c)	(d)
all waste listed in Annex III of Regulation (EC) No 1013/2006			

Argentina

(a)	(b)	(c)	(d)
	B1010		
B1020			
	B1030-B1050		

(a)	(b)	(c)	(d)
B1060			
	B1070-B1130		
B1140			
	B1150-B1170		
B1180; B1190			
	B1200-B1230		
B1240			
	B1250-B2110		
B2120; B2130			
from B3010: — scrap plastic of the following non-halogenated polymers and copolymers: — polyvinyl alcohol — cured waste resins or condensation products — Fluorinated polymer wastes ⁽¹⁾	from B3010: all other wastes		
from B3020: — paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter), — other, including but not limited to 2. unsorted scrap.	from B3020: all other waste		
	B3030; B3035		B3030; B3035
	B3040; B3050		
	B3060		B3060
	B3065		
from B3070: — deactivated <i>fungus mycelium</i> from penicillin production to be used as animal feed	from B3070: all other waste		B3070
	B3080-B3110		
	B3120		B3120

(a)	(b)	(c)	(d)
B3130-B4020			
	B4030		
	GB040 2620 30 2620 90		
	GC010		
GC020			
	GC030 ex 8908 00		GC030 ex 8908 00
	GC050		
	GE020 ex 7001 ex 7019 39		
	GF010		
GG030 ex 2621			
GG040 ex 2621			
GH013 3915 30 ex 3904 10-40			
	GN010 ex 0502 00		GN010 ex 0502 00
	GN020 ex 0503 00		GN020 ex 0503 00
	GN030 ex 0505 90		GN030 ex 0505 90

(¹) See footnote on page 64 in Regulation (EC) No 1013/2006 of the European Parliament and of the Council (OJ L 190, 12.7.2006, p. 1).

Bangladesh

(a)	(b)	(c)	(d)
from B1010: all other waste			from B1010: — Iron and steel scrap — Aluminium scrap
B1020-B2130			
from B3010: all other waste			from B3010: — Scrap plastic of the following non-halogenated polymers and copolymers: — ethylene — styrene

(a)	(b)	(c)	(d)
from B3020: all other waste			from B3020: — The following waste and scrap of paper or paperboard: — unbleached paper or paperboard or of corrugated paper or paperboard — other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass
B3030-B4030			
GB040 2620 30 2620 90			
GC010			
GC020			
GC030 ex 8908 00			
GC050			
GE020 ex 7001 ex 7019 39			
GF010			
GG030 ex 2621			
GG040 ex 2621			
GH013 3915 30 ex 3904 10-40			
GN010 ex 0502 00			
GN020 ex 0503 00			
GN030 ex 0505 90			

Belarus

(a)	(b)	(c)	(d)
	from B1010: — Germanium scrap — Vanadium scrap — Scrap of Hafnium, Indium, Niobium, Rhenium and Gallium — Thorium scrap	from B1010: all other waste	
	from B1020: — Beryllium scrap — Tellurium scrap	from B1020: all other waste	

(a)	(b)	(c)	(d)
from B1030: Vanadium dust only	from B1030: all except waste containing vanadium dust		
from B1031: Titanium dust only	from B1031: all except waste containing titanium dust		
		B1040; B1050	
	B1060		
		B1070	
	B1080		
		B1090	
	B1100; B1115		
	from B1120: — Transition metals	from B1120: — Lanthanides (rare earth metals)	
		B1130-B1170	
	B1180		
		B1190	
	B1200-B1240		
		B1250	
	B2010		
	B2020	from B2020: only waste that does not contain substances to be specified by Belarus	
		B2030	
	from B2040: — Partially refined calcium sulphate produced from flue- gas desulphurisation (FGD) — Slag from copper production, chemically stabilised, having a high iron content (above 20 %) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications. — Lithium-Tantalum and Lithium-Niobium containing glass scraps.	from B2040: — Waste gypsum wallboard or plasterboard arising from the demolition of buildings — Sulphur in solid form — Limestone from the production of calcium cyanamide (having a pH less than 9) — Sodium, potassium, calcium chlorides — Carborundum (silicon carbide) — Broken concrete	

(a)	(b)	(c)	(d)
	B2060; B2070		
		B2080; B2090	
	B2100; B2110		
from B2120: only waste acidic and basic solutions containing substances specified by Belarus	from B2120: all except waste acidic and basic solutions containing substances specified by Belarus		
		B2130	
	from B3010: — Scrap plastic of the following non-halogenated polymers and copolymers: — ethylene — styrene — polypropylene — polyethylene terephthalate — acrylonitrile — butadiene — polyamides — polybutylene terephthalate — polycarbonates — acrylic polymers — polyurethane (not containing CFCs) — polymethyl methacrylate — polyvinyl alcohol — polyvinyl butyral — polyvinyl acetate — Cured waste resins or condensation products	from B3010: — Scrap plastic of the following non-halogenated polymers and copolymers: — polyacetals — polyethers — polyphenylene sulphides — alkanes C ₁₀ -C ₁₃ (plasticiser) — polysiloxanes — The following fluorinated polymer wastes ⁽¹⁾ : — Perfluoroethylene/propylene (FEP) — Perfluoro alkoxy alkane — Tetrafluoroethylene/per fluoro vinyl ether (PFA) — Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) — Polyvinylfluoride (PVF) — Polyvinylidene fluoride (PVDF)	
		B3020	
	from B3030: — Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock	from B3030: all other waste	
		B3035	
	B3040		
		B3050	

(a)	(b)	(c)	(d)
	from B3060: — Degras: residues resulting from the treatment of fatty substances or animal or vegetable waxes — Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised — Fish waste	from B3060: all other waste	
		B3065	
	from B3070: — Waste of human hair	from B3070: all other waste	
	B3080-B3100		
		B3110; B3120	
	B3130; B3140		
		B4010-B4030	
from GB040 7112 2620 30 2620 90: only galvanic slags containing copper		from GB040: 7112 2620 30 2620 90 only slags from precious metals	
		GC010	
		GC020	
	GC030 ex 8908 00		
	GC050		
from GE020 ex 7001 ex 7019 39: only glass fibre waste possessing physicochemical properties similar to asbestos		from GE020 ex 7001 ex 7019 39: all except glass fibre waste possessing physicochemical properties similar to asbestos	
		GF010	
	GG030 ex 2621		
	GG040 ex 2621		
	GH013 3915 30 ex 3904 10-40		

(a)	(b)	(c)	(d)
	GN010 ex 0502 00		
	GN020 ex 0503 00		
	GN030 ex 0505 90		

(¹) See footnote on page 64 in Regulation (EC) No 1013/2006 of the European Parliament and of the Council (OJ L 190, 12.7.2006, p. 1).

Benin

(a)	(b)	(c)	(d)
all waste listed in Annex III of Regulation (EC) No 1013/2006			

Botswana

(a)	(b)	(c)	(d)
	all waste listed in Annex III of Regulation (EC) No 1013/2006		

Brazil

(a)	(b)	(c)	(d)
	from B1010: — Precious metals (gold, silver, the platinum group, but not mercury) — Iron and steel scrap — Nickel scrap — Zinc scrap — Tin scrap — Tungsten scrap — Molybdenum scrap — Tantalum scrap — Magnesium scrap — Cobalt scrap — Bismuth scrap — Titanium scrap — Zirconium scrap — Manganese scrap — Germanium scrap — Vanadium scrap — Scrap of Hafnium, Indium, Niobium, Rhenium and Gallium — Chromium scrap	from B1010: — Copper scrap — Aluminium scrap — Thorium scrap — Rare earths scrap	from B1010: — Precious metals (gold, silver, the platinum group, but not mercury) — Iron and steel scrap — Nickel scrap — Zinc scrap — Tin scrap — Tungsten scrap — Molybdenum scrap — Tantalum scrap — Magnesium scrap — Cobalt scrap — Bismuth scrap — Titanium scrap — Zirconium scrap — Manganese scrap — Germanium scrap — Vanadium scrap — Scrap of Hafnium, Indium, Niobium, Rhenium and Gallium — Chromium scrap
B1020-B1040			
	B1050		B1050

(a)	(b)	(c)	(d)
B1060			
	B1070; B1080		B1070; B1080
B1090			
from B1100: — Zinc-containing drosses: — Galvanising slab zinc top dross (> 90 % Zn) — Galvanising slab zinc bottom dross (> 92 % Zn) — Hot dip galvanisers slab zinc dross (batch) (> 92 % Zn) — Wastes of refractory linings, including crucibles, originating from copper smelting	from B1100: — Hard zinc spelter — Zinc-containing drosses: — Zinc die casting dross (> 85 % Zn) — Zinc skimmings — Slags from precious metals processing for further refining — Tantalum bearing tin slags with less than 0,5 % tin	from B1100: — Aluminium skimmings (or skims) excluding salt slag	from B1100: — Hard zinc spelter — Zinc-containing drosses: — Zinc die casting dross (> 85 % Zn) — Zinc skimmings — Slags from precious metals processing for further refining — Tantalum bearing tin slags with less than 0,5 % tin
B1115			
	B1120; B1130		B1120; B1130
B1140			
	B1150; B1160		B1150; B1160
B1170-B1190			
B1180			
	B1200-B1250		B1200-B1250
		B2010; B2020	
	from B2030: — Cermet wastes and scrap (metal ceramic composites)	from B2030: all other waste	from B2030: — Cermet wastes and scrap (metal ceramic composites)
from B2040: — Slag from copper production, chemically stabilised, having a high iron content (above 20 %) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications	from B2040: — Waste gypsum wallboard or plasterboard arising from the demolition of buildings — Lithium-Tantalum and Lithium-Niobium containing glass scraps	from B2040: all other waste	from B2040: — Waste gypsum wallboard or plasterboard arising from the demolition of buildings — Lithium-Tantalum and Lithium-Niobium containing glass scraps
		B2060	
	B2070-B2110		B2070-B2110
B2120; B2130			
		B3010; B3020	

(a)	(b)	(c)	(d)
from B3030: — Worn clothing and other worn textile articles	from B3030: all other waste		from B3030: all other waste
	B3035		B3035
B3040			
		B3050-B3065	
		B3060	
from B3070: — Deactivated fungus mycelium from penicillin production to be used as animal feed		from B3070: — Waste of human hair — Waste straw	
		B3080; B3090	
B3100-B3120			
		B3130	
B3140-B4030			
	GB040 7112 2620 30 2620 90		GB040 7112 2620 30 2620 90
	GC010		GC010
	GC020		GC020
GC030 ex 8908 00			
GC050			
		GE020 ex 7001 ex 7019 39	
		GF010	
	GG030 ex 2621		GG030 ex 2621
	GG040 ex 2621		GG040 ex 2621
		GH013 3915 30 ex 3904 10-40	
		GN010 ex 0502 00	
		GN020 ex 0503 00	
		GN030 ex 0505 90	

Chile

(a)	(b)	(c)	(d)
			B1010
			B1031
			B1050
			B1070; B1080
			B1115
			B1250
			B2060
			B2130
			B3010
			B3030
			B3035
			B3060; B3065
			GB040 7112 2620 30 2620 90
			GC010
			GC020
			GC030 ex 8908 00
			GC050
			GE020 ex 7001 ex 7019 39
			GF010
			GG030 ex 2621
			GG040 ex 2621
			GH013 3915 30 ex 3904 10-40
			GN010 ex 0502 00
			GN020 ex 0503 00
			GN030 ex 0505 90
		all other waste listed in Annex III of Regulation (EC) No 1013/2006	

China

(a)	(b)	(c)	(d)
from B1010: — Precious metals (gold, silver, the platinum group, but not mercury) — Molybdenum scrap — Cobalt scrap — Bismuth scrap — Zirconium scrap — Manganese scrap — Germanium scrap — Vanadium scrap — Scrap of Hafnium, Indium, Niobium, Rhenium and Gallium — Thorium scrap — Rare earths scrap — Chromium scrap			from B1010: — Iron and steel scrap — Copper scrap — Nickel scrap — Aluminium scrap — Zinc scrap — Tin scrap — Tungsten scrap — Tantalum scrap — Magnesium scrap — Titanium scrap
from B1020: all other waste			from B1020: — Transition metals — if containing > 10 % V ₂ O ₅
B1030			
from B1031: all other waste			from B1031: tungsten, titanium, tantalum
B1040			
			B1050
B1060			
			B1070; B1080
B1090			
from B1100: all other waste			from B1100: — Hard zinc spelter
			B1115
from B1120: — Lanthanides (rare earth metals)			from B1120: all other waste
B1130-B1200			
			B1210
B1220			
			B1230

(a)	(b)	(c)	(d)
B1240			
			B1250
B2010; B2020			
from B2030: — Cermet wastes and scrap (metal ceramic composites) except for WC scrap all other waste			from B2030: — Cermet wastes and scrap (metal ceramic composites) only WC scrap
B2040-B2130			
from B3010: — The following cured waste resins or condensation products: — urea formaldehyde resins — melamine formaldehyde resins — epoxy resins — alkyd resins			from B3010: — Scrap plastic of non-halogenated polymers and copolymers — The following cured waste resins or condensation products: — phenol formaldehyde resins — polyamides — The following fluorinated polymer wastes (1): — Perfluoroethylene/propylene (FEP) — Perfluoro alkoxy alkane — Tetrafluoroethylene/perfluoro vinyl ether (PEA) — Tetrafluoroethylene/perfluoro methylvinyl ether (MFA) — Polyvinylfluoride (PVF) — Polyvinylidene fluoride (PVDF)
			B3020
from B3030: all others			from B3030: — The following cotton waste: — yarn waste (including thread waste) — other waste — The following waste (including noils, yarn waste and garnetted stock) of man made fibres: — of synthetic fibres — of artificial fibres
B3035; B3040			
			B3050
from B3060: all others			from B3060: — Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised

(a)	(b)	(c)	(d)
B3065-B4030			
from GB040 7112 2620 30 2620 90: all other wastes			from GB040 7112 2620 30 2620 90: only slag from copper processing
			GC010
from GC020: all other wastes			from GC020: only waste wire, motor scrap
			GC030 ex 8908 00
GC050			
GE020 ex 7001 ex 7019 39			
GF010			
GG030 ex 2621			
GG040 ex 2621			
			GH013 3915 30 ex 3904 10-40
GN010 ex 0502 00			
GN020 ex 0503 00			
GN030 ex 0505 90			

(¹) See footnote on page 64 in Regulation (EC) No 1013/2006 of the European Parliament and of the Council (OJ L 190, 12.7.2006, p. 1).

Chinese Taipei

(a)	(b)	(c)	(d)
	from B1010: — Precious metals (gold, silver, the platinum group, but not mercury) — Molybdenum scrap — Tantalum scrap — Cobalt scrap — Bismuth scrap — Zirconium scrap — Manganese scrap — Vanadium scrap — Scrap of Hafnium, Indium, Niobium, Rhenium and Gallium — Thorium scrap — Rare earths scrap — Chromium scrap		from B1010: — Iron and steel scrap — Copper scrap — Nickel scrap — Aluminium scrap — Zinc scrap — Tin scrap — Tungsten scrap — Magnesium scrap — Titanium scrap — Germanium scrap
	B1020-B1031		
B1040			
	B1050-B1090		
	from B1100: — Aluminium skimmings (or skims) excluding salt slag — Wastes of refractory linings, including crucibles, originating from copper smelting — Slags from precious metals processing for further refining — Tantalum bearing tin slags with less than 0,5 % tin		from B1100: — Hard zinc spelter — Zinc-containing drosses — Galvanising slab zinc top dross (> 90 % Zn) — Galvanising slab zinc bottom dross (> 92 % Zn) — Zinc die casting dross (> 85 % Zn) — Hot dip galvanisers slab zinc dross (batch) (> 92 % Zn) — Zinc skimmings
	B1115; B1120		
			B1130
	B1140-B1220		
			B1230
	B1240		
B1250			
	B2010-B2030		

(a)	(b)	(c)	(d)
	from B2040: all other waste		from B2040: — Slag from copper production, chemically stabilised, having a high iron content (above 20 %) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications
	B2060-B21 30		
	from B3010: — Scrap plastic of the following non-halogenated polymers and copolymers: — polyurethane (not containing CFCs) — Cured waste resins or condensation products		from B3010: all other waste
			B3020
	B3030; B3035		
			B3040; B3050
	B3060-B40 30		
GB040 7112 2620 30 2620 90			
GC010			
GC020			
GC030 ex 8908 00			
			GC050
			GE020 ex 7001 ex 7019 39
	GF010		
GG030 ex 2621			
GG040 ex 2621			
			GH013 3915 30 ex 3904 10-40
GN010 ex 0502 00			
	GN020 ex 0503 00		
	GN030 ex 0505 90		

Costa Rica

(a)	(b)	(c)	(d)
all waste listed in Annex III of Regulation (EC) No 1013/2006			

Croatia

(a)	(b)	(c)	(d)
	all waste listed in Annex III of Regulation (EC) No 1013/2006		all waste listed in Annex III of Regulation (EC) No 1013/2006

Cuba

(a)	(b)	(c)	(d)
		all waste listed in Annex III of Regulation (EC) No 1013/2006	

Egypt

(a)	(b)	(c)	(d)
from B1010: — Chromium scrap			from B1010: all other waste
B1020-B1040			
	B1050-B1070		
B1080-B1140			
	B1150		
B1160-B1190			
			B1220; B1230
	B1240		
			B1250
B2010; B2020			
	B2030		
from B2040: — Slag from copper production, chemically stabilised, having a high iron content (above 20 %) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications	from B2040: all other waste		
	B2060-B2080		

(a)	(b)	(c)	(d)
B2090			
	B2100-B2110		
B2120			
	B2130		
B3010			
from B3020: Waste and scrap of paper or paperboard of — other 2. unsorted scrap	from B3020: all other waste		
	B3030-B3110		
B3120			
	B3130-B4030		
GB040 7112 2620 30 2620 90			
GC010			
GC020			
GC030 ex 8908 00			
GC050			
GE020 ex 7001 ex 7019 39			
	GF010		
GG030 ex 2621			
GG040 ex 2621			
GH013 3915 30 ex 3904 10-40			
GN010 ex 0502 00			
GN020 ex 0503 00			
GN030 ex 0505 90			

Georgia

(a)	(b)	(c)	(d)
		B1010; B1020	
	B1030		
B1031-B1080			
	B1090		
B1100; B1115			
	B1120-B2130		
		B3010-B3030	
	B3035		
B3040			
		B3050	
	B3060; B3065		
B3070; B3080			
	B3090-B3110		
B3120-B4010			
	B4020		
B4030			
GB040 7112 2620 30 2620 90			
GC010			
GC020			
GC030 ex 8908 00			
GC050			
		GE020 ex 7001 ex 7019 39	
GF010			
GG030 ex 2621			
GG040 ex 2621			
		GH013 3915 30 ex 3904 10-40	

(a)	(b)	(c)	(d)
		GN010 ex 0502 00	
		GN020 ex 0503 00	
	GN030 ex 0505 90		

Guyana

(a)	(b)	(c)	(d)
			all waste listed in Annex III of Regulation (EC) No 1013/2006

Hong Kong (China)

(a)	(b)	(c)	(d)
from B1010: — tantalum scrap			from B1010: all other waste
			B1020
B1030-B1040			
			B1050
B1060-B1090			
from B1100: — Wastes of refractory linings, including crucibles, originating from copper smelting			from B1100 all other waste
			B1115
from B1120: — Lanthanides (rare earth metals)			from B1120: all other waste
			B1130
B1140-B1190			
			B1200
B1210; B1220			
			B1230
B1240			
			B1250-B2060
B2070; B2080			
			B2090

(a)	(b)	(c)	(d)
B2100-B2130			
<p>from B3010:</p> <ul style="list-style-type: none"> — Scrap plastic of the following non-halogenated polymers and copolymers: <ul style="list-style-type: none"> — polyacetals — polyethers — alkanes C₁₀-C₁₃ (plasticiser) — The following fluorinated polymer wastes (1): <ul style="list-style-type: none"> — Perfluoroethylene/propylene (FEP) — Perfluoro alkoxy alkane — Tetrafluoroethylene/perfluoro vinyl ether (PFA) — Tetrafluoroethylene/perfluoro methylvinyl ether (MFA) — Polyvinylfluoride (PVF) — Polyvinylidene fluoride (PVDF) 			<p>from B3010:</p> <ul style="list-style-type: none"> — Scrap plastic of the following non-halogenated polymers and copolymers: <ul style="list-style-type: none"> — ethylene — styrene — polypropylene — polyethylene terephthalate — acrylonitrile — butadiene — polyamides — polybutylene terephthalate — polycarbonates — polyphenylene sulphides — acrylic polymers — polyurethane (not containing CFCs) — polysiloxanes — polymethyl methacrylate — polyvinyl alcohol — polyvinyl butyral — polyvinyl acetate — Cured waste resins or condensation products
			B3020; B3030
B3035			
			B3040-B3060
B3065			
			B3070-B3090
B3100-B3130			
			B3140
B4010-B4030			
			GB040 7112 2620 30 2620 90
			GC010
			GC020
			GC030 ex 8908 00

(a)	(b)	(c)	(d)
			GC050
			GE020 ex 7001 ex 7019 39
			GF010
			GG030 ex 2621
			GG040 ex 2621
			GH013 3915 30 ex 3904 10-40
			GN010 ex 0502 00
			GN020 ex 0503 00
			GN030 ex 0505 90

(¹) See footnote on page 64 in Regulation (EC) No 1013/2006 of the European Parliament and of the Council (OJ L 190, 12.7.2006, p. 1).

India

(a)	(b)	(c)	(d)
			From B1010: — Iron and steel scrap — Copper scrap — Nickel scrap — Aluminium scrap — Zinc scrap — Tin scrap — Magnesium scrap
		B1020	
	from B3010: all other waste	from B3010: — Scrap plastic of the following non-halogenated polymers and copolymers: — polyethylene terephthalate	
		B3020	
	from B3030: all other waste		from B3030: — Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile
	all other waste listed in Annex III of Regulation (EC) No 1013/2006		

Indonesia

(a)	(b)	(c)	(d)
			B1010; B1020
B1030-B1100			
			B1115
B1120-B2010			
			B2020
from B2030: — Ceramic based fibres not elsewhere specified or included			from B2030: — Cermet wastes and scrap (metal ceramic composites)
from B2040: all other waste			B2040: — Lithium-Tantalum and Lithium-Niobium containing glass scraps
B2060-B3010			
			B3020
from B3030: — Worn clothing and other worn textile articles — Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile			from B3030: all other waste
B3035			
			B3040-B3090
B3100-B3130			
			B3140
B4010-B4030			
GB040 7112 2620 30 2620 90			
			GC010
			GC020
GC030 ex 8908 00			
GC050			
			GE020 ex 7001 ex 7019 39

(a)	(b)	(c)	(d)
			GF010
GG030 ex 2621			
GG040 ex 2621			
GH013 3915 30 ex 3904 10-40			
			GN010 ex 0502 00
			GN020 ex 0503 00
			GN030 ex 0505 90

Israel

(a)	(b)	(c)	(d)
			all waste listed in Annex III of Regulation (EC) No 1013/2006

Ivory Coast

(a)	(b)	(c)	(d)
			B1250
			from B3030: — Worn clothing and other worn textile articles
			B3140
all other waste listed in Annex III of Regulation (EC) No 1013/2006			

Kenya

(a)	(b)	(c)	(d)
	B1010-B1030		
B1031			
	B1040-B1080		

(a)	(b)	(c)	(d)
B1090			
from B1100: — Zinc-containing drosses: — Hot dip galvanisers slab zinc dross (batch) (> 92 % Zn) — Zinc skimmings — Aluminium skimmings (or skims) excluding salt slag — Wastes of refractory linings, including crucibles, originating from copper smelting — Slags from precious metals processing for further refining — Tantalum bearing tin slags with less than 0,5 % tin	from B1110: — Hard zinc spelter — Zinc-containing drosses: — Galvanising slab zinc top dross (> 90 % Zn) — Galvanising slab zinc bottom dross (> 92 % Zn) — Zinc die casting dross (> 85 % Zn)		
from B1120: all other waste	from B1120: — Manganese — Iron — Zinc		
B1130-B2130			
	B3010		
B3020			
from B3030: — Tow and waste (including yarn waste and garnetted stock) of true hemp (<i>Cannabis sativa</i> L.) — Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile, other than sorted	from B3030: all other waste		
B3035-B3130			
	B3140		
B4010-B4030			
GB040 7112 2620 30 2620 90			
GC010			
GC020			
GC030 ex 8908 00			
GC050			

(a)	(b)	(c)	(d)
GE020 ex 7001 ex 7019 39			
GF010			
GG030 ex 2621			
GG040 ex 2621			
GH013 3915 30 ex 3904 10-40			
GN010 ex 0502 00			
GN020 ex 0503 00			
GN030 ex 0505 90			

Kyrgyzstan

(a)	(b)	(c)	(d)
			all waste listed in Annex III of Regulation (EC) No 1013/2006

Lebanon

(a)	(b)	(c)	(d)
from B1010: — Chromium scrap	from B1010: all other waste		B1010
B1020-B1090			B1020-B1090
from B1100: — Zinc skimmings — Aluminium skimmings (or skims) excluding salt slag	from B1100: — Hard zinc spelter — Zinc-containing drosses — Galvanising slab zinc top dross (> 90 % Zn) — Galvanising slab zinc bottom dross (> 92 % Zn) — Zinc die casting dross (> 85 % Zn) — Hot dip galvanisers slab zinc dross (batch) (> 92 % Zn) — Wastes of refractory linings, including crucibles, originating from copper smelting — Slags from precious metals processing for further refining — Tantalum bearing tin slags with less than 0,5 % tin		B1100

(a)	(b)	(c)	(d)
	B1115		B1115
B1120-B1140			B1120-B1140
	B1150-B2030		B1150-B2030
from B2040: all other wastes	from B2040: — Slag from copper production, chemically stabilised, having a high iron content (above 20 %) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications		B2040
B2060-B2130			B2060-B2130
from B3010: — Scrap plastic of the following non-halogenated polymers and copolymers: — polyvinyl alcohol — polyvinyl butyral — polyvinyl acetate — Cured waste resins or condensation products — The following fluorinated polymer wastes (1): — Perfluoroethylene/propylene (FEP) — Perfluoro alkoxy alkane — Tetrafluoroethylene/perfluoro vinyl ether (PFA) — Tetrafluoroethylene/perfluoro methylvinyl ether (MFA) — Polyvinylfluoride (PVF) — Polyvinylidene fluoride (PVDF)	from B3010: — Scrap plastic of the following non-halogenated polymers and copolymers: — ethylene — styrene — polypropylene — polyethylene terephthalate — acrylonitrile — butadiene — polyacetals — polyamides — polybutylene terephthalate — polycarbonates — polyethers — polyphenylene sulphides — acrylic polymers — alkanes C ₁₀ -C ₁₃ (plasticiser) — polyurethane (not containing CFCs) — polysiloxanes — polymethyl methacrylate		B3010:
	B3020-B3130		B3020-B3130
B3140			B3140
	B4010-B4030		B4010-B4030
	GB040 7112 2620 30 2620 90		GB040 7112 2620 30 2620 90
	GC010		GC010
	GC020		GC020

(a)	(b)	(c)	(d)
GC030 ex 8908 00			GC030 ex 8908 00
GC050			GC050
	GE020 ex 7001 ex 7019 39		GE020 ex 7001 ex 7019 39
	GF010		GF010
	GG030 ex 2621		GG030 ex 2621
	GG040 ex 2621		GG040 ex 2621
	GH013 3915 30 ex 3904 10-40		GH013 3915 30 ex 3904 10-40
	GN010 ex 0502 00		GN010 ex 0502 00
	GN020 ex 0503 00		GN020 ex 0503 00
	GN030 ex 0505 90		GN030 ex 0505 90

(¹) See footnote on page 64 in Regulation (EC) No 1013/2006 of the European Parliament and of the Council (OJ L 190, 12.7.2006, p. 1).

Liechtenstein

(a)	(b)	(c)	(d)
			all waste listed in Annex III of Regulation (EC) No 1013/2006

Macau (China)

(a)	(b)	(c)	(d)
all waste listed in Annex III of Regulation (EC) No 1013/2006			

Malawi

(a)	(b)	(c)	(d)
all waste listed in Annex III of Regulation (EC) No 1013/2006			

Malaysia

(a)	(b)	(c)	(d)
from B1010: — Nickel scrap — Zinc scrap — Tungsten scrap — Tantalum scrap — Magnesium scrap — Titanium scrap — Manganese scrap — Germanium scrap — Vanadium scrap — Scrap of Hafnium, Indium, Niobium, Rhenium and Gallium — Rare earths scrap — Chromium scrap	from B1010: — Molybdenum scrap — Cobalt scrap — Bismuth scrap — Zirconium scrap — Thorium scrap	from B1010 — Precious metals (gold, silver, the platinum group, but not mercury) — Iron and steel scrap — Copper scrap — Aluminium scrap — Tin scrap	
B1020-B1100			
B1120-B1140		B1115	
B1160-B1190		B1150	
B1220-B1240		B1200; B1210	
B1250-B2030		B1250-B2030	
from B2040: — Partially refined calcium sulphate produced from flue-gas desulphurisation (FGD) — Slag from copper production, chemically stabilised, having a high iron content (above 20 %) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications		from B2040: all other wastes	
B2070; B2080		B2060	
B2100		B2090	
B2110-B2130		B2110-B2130	

(a)	(b)	(c)	(d)
B3010			
		B3020-B3035	
B3040			
	from B3050: — Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms	from B3050: — Cork waste: crushed, granulated or ground cork	
	from B3060: — Dried and sterilised vegetable waste, residues and byproducts, whether or not in the form of pellets, or a kind used in animal feeding, not elsewhere specified or included (only rice bran and other by-products under 2302 20 100/900) — Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised — Cocoa shells, husks, skins and other cocoa waste — Other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption:		from B3060: — Dried and sterilised vegetable waste, residues and byproducts, whether or not in the form of pellets, or a kind used in animal feeding, not elsewhere specified or included (only rice bran and other by-products under 2302 20 100/900) — Other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption:
		B3065-B3140	
B4010			
		B4020	
B4030			
GB040 7112 2620 30 2620 90			
GC010			
GC020			
GC030 ex 8908 00			
GC050			
		GE020 ex 7001 ex 7019 39	
		GF010	

(a)	(b)	(c)	(d)
GG030 ex 2621			
GG040 ex 2621			
GH013 3915 30 ex 3904 10-40			
	GN010 ex 0502 00		GN010 ex 0502 00
	GN020 ex 0503 00		GN020 ex 0503 00
	GN030 ex 0505 90		GN030 ex 0505 90

Mali

(a)	(b)	(c)	(d)
from B1010: all other waste	from B1010: — Chromium scrap		
	B1020		
B1030-B1040			
	B1050		
B1060			
	B1070; B1080		
B1090-B1120			
	B1130		
B1140-B2030			
from B2040: all other waste	from B2040: — Slag from copper production, chemically stabilised, having a high iron content (above 20 %) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications — Sulphur in solid form		
	B2060		
B2070-B2100			
	B2110; B2120		
B2130-B4030			

(a)	(b)	(c)	(d)
GB040 7112 2620 30 2620 90			
GC010			
GC020			
GC030 ex 8908 00			
GC050			
GE020 ex 7001 ex 7019 39			
GF010			
GG030 ex 2621			
GG040 ex 2621			
GH013 3915 30 ex 3904 10-40			
GN010 ex 0502 00			
	GN020 ex 0503 00		
	GN030 ex 0505 90		

Moldova

(a)	(b)	(c)	(d)
from B3020: all other waste	from B3020: — unbleached paper or paperboard or of corrugated paper or paperboard — other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass — paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter)		
all other waste listed in Annex III of Regulation (EC) No 1013/2006			

Morocco

(a)	(b)	(c)	(d)
	from B1010: — Iron and steel scrap — Tungsten scrap — Molybdenum scrap — Tantalum scrap — Magnesium scrap — Cobalt scrap — Bismuth scrap — Zirconium scrap — Germanium scrap — Vanadium scrap — Scrap of Hafnium, Indium, Niobium, Rhenium and Gallium — Thorium scrap		from B1010: — Precious metals (gold, silver, the platinum group, but not mercury) — Copper scrap — Nickel scrap — Aluminium scrap — Zinc scrap — Tin scrap — Titanium scrap — Manganese scrap — Rare earths scrap — Chromium scrap
	from B1020: — Antimony scrap — Lead scrap (but excluding lead- acid batteries) — Tellurium scrap		from B1020: — Beryllium scrap — Cadmium scrap — Selenium scrap
	B1030-B1200		
			B1210
	B1220-B1250		
			B2010-B2020
	from B2030: — Ceramic based fibres not elsewhere specified or included		from B2030: — Cermet wastes and scrap (metal ceramic composites)
	B2040-B2130		

(a)	(b)	(c)	(d)
	<p>from B3010:</p> <ul style="list-style-type: none"> — Scrap plastic of the following non-halogenated polymers and copolymers: <ul style="list-style-type: none"> — styrene — butadiene — polyacetals — polyami des — polybutylene terephthalate — polycarbonates — polyethers — polyphenylene sulphides — acrylic polymers — alkanes C₁₀-C₁₃ (plasticiser) — polysiloxanes — polymethyl methacrylate — polyvinyl butyral — polyvinyl acetate — The following fluorinated polymer wastes (1): <ul style="list-style-type: none"> — Perfluoroethylene/propylene (FEP) — Perfluoro alkoxy alkane — Tetrafluoroethylene/per fluoro vinyl ether (PFA) — Tetrafluoroethylene/per fluoro methylvinyl ether (MFA) — Polyvinylfluoride (PVF) — Polyvinylidene fluoride (PVDF) 		<p>from B3010</p> <ul style="list-style-type: none"> — Scrap plastic of the following non-halogenated polymers and copolymers: <ul style="list-style-type: none"> — ethylene — polypropylene — polyethylene terephthalate — acrylonitrile — polyurethane (not containing CFCs) — polyvinyl alcohol — Cured waste resins or condensation products
			B3020-B3050
	<p>from B3060: all other waste</p>		<p>from B3060: — Cocoa shells, husks, skins and other cocoa waste</p>
			B3065
	B3070-B4030		
	<p>GB040 7112 2620 30 2620 90</p>		
	GC010		
	GC020		
	GC030 ex 8908 00		

(a)	(b)	(c)	(d)
	GC050		
	GE020 ex 7001 ex 7019 39		
	GF010		
	GG030 ex 2621		
	GG040 ex 2621		
	GH013 3915 30 ex 3904 10-40		
	GN010 ex 0502 00		
	GN020 ex 0503 00		
	GN030 ex 0505 90		

(¹) See footnote on page 64 in Regulation (EC) No 1013/2006 of the European Parliament and of the Council (OJ L 190, 12.7.2006, p. 1).

Oman

(a)	(b)	(c)	(d)
from B1010: all others	from B1010: — Iron and steel scrap		
all other waste listed in Annex III of Regulation (EC) No 1013/2006			

Pakistan

(a)	(b)	(c)	(d)
from B3060 — Wine lees			
B3140			
from GN010 ex 0502 00: waste of pigs', hogs' or boars' bristles			
			all other waste listed in Annex III of Regulation (EC) No 1013/2006

Paraguay

(a)	(b)	(c)	(d)
		all waste listed in Annex III of Regulation (EC) No 1013/2006	

Peru

(a)	(b)	(c)	(d)
	<p>from B3030:</p> <ul style="list-style-type: none"> — Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock — Cotton waste (including yarn waste and garnetted stock) — Tow and waste (including yarn waste and garnetted stock) of true hemp (<i>Cannabis sativa</i> L.) — Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie) — Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus <i>Agave</i> — Tow, noils and waste (including yarn waste and garnetted stock) of coconut — Tow, noils and waste (including yarn waste and garnetted stock) of abaca (Manila hemp or <i>Musa textilis</i> Nee) — Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included 		<p>from B3030:</p> <ul style="list-style-type: none"> — Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock) — Flax tow and waste — Waste (including noils, yarn waste and garnetted stock) of man-made fibres — Worn clothing and other worn textile articles — Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile
	<p>from B3060:</p> <ul style="list-style-type: none"> — Degras: residues resulting from the treatment of fatty substances or animal or vegetable waxes — Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised 		<p>from B3060: all other wastes</p>
	<p>from B3065:</p> <p>Waste edible fats and oils of animal origin (e.g. frying oils), provided they do not exhibit a Basel Annex III [hazardous] characteristic</p>		<p>from B3065:</p> <p>Waste edible fats and oils of vegetable origin (e.g. frying oils), provided they do not exhibit a Basel Annex III [hazardous] characteristic</p>
			<p>all other waste listed in Annex III of Regulation (EC) No 1013/2006</p>

Philippines

(a)	(b)	(c)	(d)
from B1010: — Cobalt scrap	from B1010: all other waste		
from B1020: — Lead scrap (but excluding lead-acid batteries)	from B1020: all other waste		
	B1030-B1115		
from B1120: — Cobalt, Lanthanum	from B1120: all other waste		
	B1130-B1150		
B1160; B1170			
	B1180-B1220		
B1230; B1240			
	B1250		
B2010			
		B2020	
	from B2030: — Cermet wastes and scrap (metal ceramic composites)	from B2030: — Ceramic based fibres not elsewhere specified or included	
	B2040		
B2060			
	B2070-B3010		
		B3020-B3050	
	B3060-B3070		
		B3080	
	B3090-B3140		
B4010; B4020			
	B4030		
	GB040 7112 2620 30 2620 90		
	GC010		
	GC020		

(a)	(b)	(c)	(d)
	GC030 ex 8908 00		
	GC050		
		GE020 ex 7001 ex 7019 39	
		GF010	
GG030 ex 2621			
GG040 ex 2621			
	GH013 3915 30 ex 3904 10-40		
	GN010 ex 0502 00		
	GN020 ex 0503 00		
	GN030 ex 0505 90		

Russian Federation

(a)	(b)	(c)	(d)
	B1010-B2120		B1010-B2120
B2130			
	B3010-B3030		B3010-B3030
B3035; B3040			
	B3050-B3070		B3050-B3070
B3080			
	B3090		B3090
B3100			
	B3110-B3130		B3110-B3130
B3140			
	B4010-B4030		B4010-B4030
	GB040 7112 2620 30 2620 90		GB040 7112 2620 30 2620 90
	GC010		GC010

(a)	(b)	(c)	(d)
	GC020		GC020
	GC030 ex 8908 00		GC030 ex 8908 00
	GC050		GC050
GE020 ex 7001	GE020 ex 7019 39		GE020 ex 7019 39
	GF010		GF010
	GG030 ex 2621		GG030 ex 2621
	GG040 ex 2621		GG040 ex 2621
	GH013 3915 30 ex 3904 10-40		GH013 3915 30 ex 3904 10-40
	GN010 ex 0502 00		GN010 ex 0502 00
	GN020 ex 0503 00		GN020 ex 0503 00
	GN030 ex 0505 90		GN030 ex 0505 90

Seychelles

(a)	(b)	(c)	(d)
	GF010		
	GN010 ex 0502 00		
	GN020 ex 0503 00		
	GN030 ex 0505 90		
all other waste listed in Annex III of Regulation (EC) No 1013/2006			

South Africa

(a)	(b)	(c)	(d)
	all waste listed in Annex III of Regulation (EC) No 1013/2006		

Sri Lanka

(a)	(b)	(c)	(d)
	all waste listed in Annex III of Regulation (EC) No 1013/2006		

Thailand

(a)	(b)	(c)	(d)
		B1010	
	B1020; B1030		
		B1031	
	B1040-B1090		
	from B1100: all others	from B1100: — Wastes of refractory linings, including crucibles, originating from copper smelting — Slags from precious metals processing for further refining — Tantalum bearing tin slags with less than 0,5 % tin	
	B1115-B1140		
		B1150	
	B1160-B1240		
B1250			
	B2010; B2020		
		B2030	
	from B2040: — Slag from copper production, chemically stabilised, having a high iron content (above 20 %) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications — Limestone from the production of calcium cyanamide (having a pH less than 9) — Lithium-Tantalum and Lithium- Niobium containing glass scraps	from B2040: all other waste	
		B2060; B2070	
	B2080; B2090		
		B2100	
	B2110-B2130		

(a)	(b)	(c)	(d)
	from B3010: — Scrap plastic of non-halogenated polymers and copolymers — The following fluorinated polymer wastes ⁽¹⁾ : — Perfluoroethylene/propylene (FEP) — Perfluoroalkoxy alkane — Tetrafluoroethylene/perfluoro vinyl ether (PFA) — Tetrafluoroethylene/perfluoro methylvinyl ether (MFA) — Polyvinylfluoride (PVF) — Polyvinylidene fluoride (PVDF)	from B3010: — Cured waste resins or condensation products	
		B3020	
	from B3030: — Waste (including noils, yarn waste and garnetted stock) of man-made fibres — Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile	from B3030: all others	
	B3035		
	from B3040: — Other rubber wastes (excluding such wastes specified elsewhere)	from B3040: — Waste and scrap of hard rubber (e.g. ebonite)	
		B3050-B3140	
	B4010-B4030		
	GB040 7112 2620 30 2620 90		
	GC010		
	GC020		
	GC030 ex 8908 00		
	GC050		

(a)	(b)	(c)	(d)
	GE020 ex 7001 ex 7019 39		
		GF010	
		GG030 ex 2621	
	GG040 ex 2621		
	GH013 3915 30 ex 3904 10-40		
		GN010 ex 0502 00	
		GN020 ex 0503 00	
		GN030 ex 0505 90	

(¹) See footnote on page 64 in Regulation (EC) No 1013/2006 of the European Parliament and of the Council (OJ L 190, 12.7.2006, p. 1).

Tunisia

(a)	(b)	(c)	(d)
	B1010		
B1020-B1220			
	B1230; B1240		
B1250			
	B2010		
B2020; B2030			
from B2040: all other waste	from B2040: — Limestone from the production of calcium cyanamide (having a pH less than 9) — Sodium, potassium, calcium chlorides — Carborundum (silicon carbide)		

(a)	(b)	(c)	(d)
B2060-B2130			
from B3010: — The following fluorinated polymer wastes ⁽¹⁾ : — Perfluoroethylene/propylene (FEP) — Perfluoro alkoxy alkane — Tetrafluoroethylene/perfluoro vinyl ether (PFA) — Tetrafluoroethylene/perfluoro methylvinyl ether (MFA) — Polyvinylfluoride (PVF) — Polyvinylidene fluoride (PVDF)	from B3010: — Scrap plastic of non-halogenated polymers and copolymers — Cured waste resins or condensation products		
	B3020		
	from B3030: all others	from B3030: — Worn clothing and other worn textile articles	
	B3035-B3065		
from B3070: — Deactivated <i>fungus mycelium</i> from penicillin production to be used as animal feed	from B3070: — Waste of human hair — Waste straw		
	B3080		
B3090-B3130			
	B3140		
B4010-B4030			
GB040 7112 2620 30 2620 90			
GC010			
GC020			
GC030 ex 8908 00			
GC050			
GE020 ex 7001 ex 7019 39			
GF010			
GG030 ex 2621			

(a)	(b)	(c)	(d)
GG040 ex 2621			
GH013 3915 30 ex 3904 10-40			
	GN010 ex 0502 00		
	GN020 ex 0503 00		
	GN030 ex 0505 90		

(¹) See footnote on page 64 in Regulation (EC) No 1013/2006 of the European Parliament and of the Council (OJ L 190, 12.7.2006, p. 1).

Vietnam

(a)	(b)	(c)	(d)
from B1010: — Precious metals (gold, silver, the platinum group, but not mercury) — Tantalum scrap — Cobalt scrap — Bismuth scrap — Germanium scrap — Vanadium scrap — Scrap of Hafnium, Indium, Niobium, Rhenium and Gallium — Thorium scrap — Rare earths scrap			from B1010: — Iron and steel scrap — Copper scrap — Nickel scrap — Aluminium scrap — Zinc scrap — Tin scrap — Tungsten scrap — Molybdenum scrap — Magnesium scrap — Titanium scrap — Zirconium scrap — Manganese scrap — Chromium scrap
from B1020 — Beryllium scrap — Cadmium scrap — Selenium scrap — Tellurium scrap			from B1020 — Antimony scrap — Lead scrap (but excluding lead-acid batteries)
B1030-B1190			
			B1200
B1210-B2010			
			B2020
B2030			
from B2040: all other waste			from B2040: — Partially refined calcium sulphate produced from flue-gas desulphurisation (FGD)

(a)	(b)	(c)	(d)
B2060-B2130			
	from B3010: all waste other than scrap plastic of the following non-halogenated polymers and copolymers: — ethylene — styrene — polypropylene — polyethylene terephthalate — polycarbonates		B3010
			B3020
B3030-B4030			
GB040 7112 2620 30 2620 90			
			GC010
GC020			
			GC030 ex 8908 00
GC050			
GE020 ex 7001 ex 7019 39			
GF010			
GG030 ex 2621			
GG040 ex 2621			
GH013 3915 30 ex 3904 10-40			
GN010 ex 0502 00			
GN020 ex 0503 00			
GN030 ex 0505 90			

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COMMISSION

COMMISSION DECISION

of 29 March 2006

declaring a concentration compatible with the common market and the functioning of the EEA Agreement

(Case COMP/M.3975 — Cargill/Degussa)

(notified under document number C(2006) 1034)

(Only the English version is authentic)

(Text with EEA relevance)

(2007/783/EC)

On 29 March 2006 the Commission adopted a Decision in a merger case under Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings⁽¹⁾, and in particular Article 8(1) of that Regulation. A non-confidential version of the full decision can be found in the authentic language of the case and in the working languages of the Commission on the website of the Directorate-General for Competition, at the following address:
http://ec.europa.eu/comm/competition/index_en.html

I. SUMMARY

- (1) On 21 October 2005, the Commission received a notification of a proposed concentration within the meaning of Article 3(1)(b) of Council Regulation (EC) No 139/2004 on control of concentrations between undertakings (the Merger Regulation).
- (2) After examination of the notification, the Commission has concluded that the notified operation falls within the scope of the Merger Regulation.
- (3) On 23 November 2005, the parties submitted undertakings to the Commission. On 14 December 2005, the Commission concluded that the concentration, even in taking into account the undertakings submitted, raised serious doubts as to its compatibility with the common market, and decided therefore to initiate proceedings in accordance with Article 6(1)(c) of the Merger Regulation.
- (4) Following an in-depth investigation, the Commission, however, concluded that the notified operation does

not raise concerns as to its compatibility with the common market. Therefore, it was proposed to clear the notified transaction pursuant to Article 8(1) of the Merger Regulation.

II. THE PARTIES AND THE OPERATION

- (5) Cargill is a US-based privately owned company worldwide active as a producer and trader of agricultural commodities, animal feed and food and of financial services related hereto. DFI is a German food ingredients company, currently owned by Degussa AG, whose main shareholders are RAG and E.ON. DFI's two main business branches are 'DFI Texturant Systems' and 'DFI Flavours'. The operation consists in the acquisition of 100 % shares in DFI currently held by Degussa AG.

III. CONCENTRATION WITH COMMUNITY DIMENSION

- (6) The proposed transaction consists in the acquisition of control by Cargill of the whole of DFI within the meaning of Article 3(1)(b) and Article 1(3) of the the Merger Regulation.

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

IV. THE RELEVANT PRODUCT MARKETS

- (7) The Commission's market investigation in the present case was particularly focussing on the markets for *not genetically modified (non-GM) fluid lecithin* and *non-GM deoiled lecithin* (1). Other affected markets were *genetically modified (GM) lecithin, pectin* and crude seed oil (2).

1. The different lecithin markets

- (8) Lecithin is a food ingredient which, as a 'emulsifier' is used to stabilise emulsions, that is a mix of hydrophilic (e.g. water) and hydrophobic (e.g. oil) substances. Lecithin is used mainly in food and feed applications, but also in cosmetics, pharmaceuticals and industrial products (such as herbicide and leather). Although it generally represents less than 1 % of total production costs, it is usually essential to the industrial process of end-users and can change radically the quality of final products.

- (9) Lecithin is a by-product generated in the process of crushing oilseeds, generally soybeans: the vast majority of lecithin sold on the market is extracted from soy oil (95 %) while other sources like rapeseed and sunflower remain marginal. Lecithin represents less than 1 % of the soybean content in volume and well below 5 % in value.

(a) *Lecithin and synthetic emulsifiers are not on the same product market*

- (10) Emulsifiers can be divided into *natural emulsifiers* (i.e. lecithin) and *synthetic emulsifiers* (such as mono- or diglycerides). While the former are extracted from oilseeds, the latter are artificially produced through chemical reactions. The Commission's market investigation has established that both types of emulsifiers do not belong to the same product market, mainly for the following reasons:

- (11) From a demand-side perspective, the market test has shown that lecithin and synthetic emulsifiers are not substitutable for both technological and quality reasons. This applies to feed and food manufacturers. Virtually no customer of non-GM lecithin has switched to synthetic emulsifiers in the past even though prices of the non-GM lecithin have doubled over the last two years, and the vast majority would not switch to synthetic emulsifiers should the price for lecithin increase by 10 % in the future.

(b) *GM and non-GM lecithin have to be assessed separately*

- (12) The market investigation has also shown that separate markets for GM and non-GM lecithins have to be distinguished in Europe. Indeed, European customers (unlike customers in other parts of the world) have a strong opposition to genetically modified products. This has led the European Union to adopt several regulations

that require labelling and traceability for genetically modified food, feed and their ingredients as of 2004 (1). Accordingly, lecithin can only be exempted from the labelling obligation, if there is an established certification process (audit trail) that covers the entire production and supply chain, proving that the relevant soy crop is non-GM, and that the inputs for the intermediate and finished products have been kept separate from GM material during planting, harvesting, storage, processing and distribution.

- (13) From a supply-side perspective, the production costs of non-GM lecithin are significantly higher than those of GM lecithin. In fact, the supply chain of non-GM lecithin is different from that of GM lecithin. As a result, prices of GM and non-GM lecithin differ significantly.

(c) *Fluid, deoiled and fractionated lecithin have to be assessed separately*

- (14) The Commission in addition found that different types or grades of lecithin can be distinguished, since fluid lecithin (as the basic product) can be further refined by a deoiling process into 'deoiled' lecithin or by fractionation into 'fractionated' lecithin (2). Cargill is not active in the manufacture of fractionated lecithin. The market investigation has identified several elements that militate for a distinction between fluid, deoiled, and fractionated lecithin.

- (15) Nearly all customers indicated that they cannot switch between fluid and deoiled lecithin, since the respective lecithin type meets very specific needs of customers (e.g. taste, processing etc.) and involves a different production process. From a supply-side perspective, the production of deoiled and fractionated lecithin requires additional production facilities and a significant investment and involves different production know-how.

2. Pectin

- (16) The parties' activities overlap also in the field of Pectin. Pectin is used to gelatinize, stabilise and jellyfy products. The Commission has considered a further distinction between different Pectin types (e.g. apple and citrus pectin and according to the methoxyl content), but could ultimately leave the market definition open since the transaction would not impede competition under either market definition.

(1) Regulation (EC) No 1829/2003 of the European Parliament and the Council on 22 September 2003 on genetically modified food and feed (OJ L 268, 18.10.2003, p. 1) and Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amended by Directive 2001/18/EC (OJ L 268, 18.10.2003, p. 24).

(2) There are also some forms of modified/customised 'special lecithins', which, however, account only for a negligible part of the market.

V. THE RELEVANT GEOGRAPHIC MARKETS

1. Lecithin

- (17) The Commission came to the conclusion that at least the markets for *non-GM lecithin* are EEA-wide in scope.
- (18) Indeed, the strong preference of European customers for non-GM products, which is clearly limited to Europe, leads to different market conditions in Europe. Eighty per cent of all non-GM lecithin sales are within in the EEA, although only 45 % of the worldwide lecithin sales are within the EEA. What is more, customers only rarely buy directly from suppliers outside Europe, not only because transport costs are a relevant factor, but also since on-time delivery and support in terms of product and production know-how are crucial for many customers. The structure of demand for lecithin in the EEA differs therefore significantly from the rest of the world.
- (19) As regards the markets for *GM lecithin* (fluid and deoiled), although some factors seem to militate for a worldwide market (e.g. regulation requirements do not differ significantly across the world), the Commission could, for the purpose of this decision, leave the exact geographic market definition open.

2. Pectin

- (20) Even if the market investigation provided indications that the geographical scope of the markets may be limited to the EEA, the exact geographic market definition could be left open, because no competition concerns occur under either delineation.

VI. ASSESSMENT

1. Non-GM fluid lecithin

- (21) As regards the EEA market for non-GM fluid lecithin, the results of the in-depth market investigation effectively removed the serious doubts as to the proposed transaction's compatibility with the common market.
- (22) The investigation showed that the parties' actual market share (30-40 %) is smaller than estimated by the parties (40-50 %) and confirmed that the competitive constraint stemming from other competitors is strong enough to effectively constrain the parties' position on this market. Indeed, the share of competitors to Cargill, DFI and Solae is steadily and significantly increasing. Not only established food ingredients distributors such as Nore Ingredients (5-15 % market share) or Helm AG (0-10 % market share) were able to increase their share. Also

Brazilian and Indian competitors have recently become a more credible alternative for European customers, since many of them have (unlike Cargill and Degussa) direct access to the raw material for non-GM fluid lecithin. Some bigger food/chocolate customers are today already buying directly from Brazilian sources. The leading Brazilian manufacturers have shown that they are able to establish their own distribution and logistics network in Europe and to compete directly with well established players like the merged entity and Solae.

- (23) The significant price increase and the attractive margins for non-GM fluid lecithin are a further incentive for Brazilian and Indian manufacturers to compete more aggressively with the parties on the European market. Since the leading players in the EEA (Cargill, DFI, Solae) currently source almost all their non-GM raw material from actual or at least potential Brazilian competitors, the current competitive environment in the market for non-GM fluid lecithin is not likely to change so as to create a substantive impediment of competition.
- (24) The Commission's market investigation showed also that the merger will not lead to anti-competitive effects through *coordinated effects*. This is not only due to the asymmetry of the two major players' market shares after the merger. Also, the results of the market investigation strongly indicate that the market for non-GM fluid cannot be considered as transparent: the price for non-GM lecithin is negotiated between the supplier and its customers on an individual basis with no price lists being available. As a result, prices for fluid lecithin vary significantly between individual customers, even those of a comparable size.

2. Non-GM deoiled lecithin

- (25) The Commission's investigation was particularly focussed on the market for non-GM deoiled lecithin, since the parties hold a particularly high combined market share in this market. However, while according to the notification only three players were active on this market, the in-depth investigation revealed that a number of new suppliers have already entered or are about to enter the non-GM deoiled market, thereby effectively constraining the parties' ability to behave independently from their competitors.
- (26) The market investigation has confirmed that in 2005 DFI was still the biggest supplier of non-GM deoiled lecithin, with a market share of [50-60] %. Together with Cargill's market share of [0-10] % in 2005, the merged entity would hold [60-70] % of the non-GM lecithin market in the EEA.

- (27) In addition, the investigation showed that Cargill's position on the deoiled market is relatively weak, and that its disappearance as a competitor would not significantly change the current competitive structure of the market. Indeed, unlike its main competitors, Cargill has no own production facilities for deoiled lecithin, but has its deoiled lecithin produced in a factory in Arkansas, USA. This factory has a relatively limited capacity, which could not be utilised due to serious technical problems. Furthermore, the market investigation revealed that the 'low price' strategy that Cargill chose for the entry into the non-GM deoiled lecithin market proved not to be sustainable, given the dramatic increase of the costs for the raw material (non-GM fluid lecithin).
- (28) Furthermore, the investigation showed that new suppliers of non-GM deoiled lecithin have already entered the market or are likely to enter in a timely manner and with a sufficient scope of activity. Most of these suppliers (e.g. Berg & Schmidt/Sternchemie, Ruchi and Matlani) have already built up their own deoiling lines or will have them operational next year (e.g. SG Lecitinas). The fact that the newly installed deoiling capacities are significant shows that Indian and South American suppliers are highly committed to enter the European market. The newly available production capacity for non-GM deoiled lecithin in India and Brazil will exceed the volume of the entire EEA market.
- (29) The entry of a relatively large number of companies shows that the entry barriers to the deoiled lecithin market may be significant but are not insurmountable: while it is true that deoiled lecithin is no 'commodity' and its production involves technology and know-how, competitors have confirmed that this technology was available on the market (e.g. through engineering firms) and that they were able to produce non-GM deoiled lecithin of a comparable quality level to the market leaders. Also the fact that many food customers require a European presence of their supplier is not a significant obstacle for these competitors, since most of them cooperate with established European distributors who can provide the necessary know-how on customers and their individual need. Many customers have, indeed, confirmed that they are interested in alternative sources of deoiled non-GM lecithin.

3. GM lecithin markets

- (30) The market investigation has not confirmed the existence of competition problems in the markets for GM lecithin. As concerns *fluid lecithin*, ADM will, even under the assumption of European markets, still be the clear market leader with a share of [40-50] %, followed by

the parties, Solae, and a number of smaller competitors. This suggests that the new entity would have little leeway to increase prices unilaterally or otherwise impede competition. Furthermore Cargill does not focus its lecithin marketing strategy on GM markets. As for the risk that the merger will elicit coordinated behaviour, the Commission considers that such a risk is negligible, mainly for the same reasons as for non-GM fluid lecithin (no price transparency, asymmetry of market shares etc.). As concerns GM *deoiled* lecithin, Solae would hold [50-60] % of a European market, followed by DFI, but with a limited increment through the addition of Cargill. There are a number of other competitors on the market (e.g. ADM). Consequently, the overlap in the markets for GM deoiled lecithin is very limited.

4. Pectin

- (31) The parties' combined market share for pectin does not exceed 25 %, neither on a worldwide nor on an EEA-wide basis, with only a very limited increment. The position of the market leader, CP Kelco and the current number 2 (Danisco) will not be affected by the merger. This assessment would not change when alternative markets (e.g. worldwide markets, markets for apple/citrus or markets according to the methoxyl content) were to be distinguished, because Cargill's position on these markets would be even weaker.

5. Vertical effects (crude seed oil)

- (32) Although, on the basis of a hypothetical definition of an upstream market for crude soy oil in the EEA, the proposed transaction technically gives rise to a vertically affected market, it does not raise any vertical concerns, mainly because DFI and Cargill buy ready-made fluid non-GM lecithin from third parties and do not use non-GM raw material from their own production to produce non-GM lecithin.

VII. CONCLUSION

- (33) The decision, therefore, concludes that, the proposed concentration will not significantly impede effective competition in the Common Market or in a substantial part of it.
- (34) Consequently, the decision declares the concentration compatible with the Common Market and the EEA Agreement, in accordance with Articles 2(2) and Article 8(1) of the Merger Regulation and Article 57 of the EEA Agreement.

COMMISSION DECISION

of 18 July 2007

declaring a concentration to be compatible with the common market and the functioning of the EEA Agreement

(Case COMP/M.4504 — SFR/Télé 2 France)

(notified under document number C(2007) 3443)

(Only the French version is authentic)

(Text with EEA relevance)

(2007/784/EC)

On 18 July 2007 the Commission adopted a Decision in a merger case under Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings⁽¹⁾, and in particular Article 8(2) of that Regulation. A non-confidential version of the full Decision can be found in the authentic language of the case and in the working languages of the Commission on the website of the Directorate-General for Competition, at the following address: http://ec.europa.eu/comm/competition/index_en.html

SUMMARY

- (1) On 28 November 2006 the Commission received a notification, pursuant to Article 4 of Council Regulation (EC) No 139/2004 (the Merger Regulation), of a proposed concentration by which SFR S.A. (SFR, France), an undertaking jointly controlled by Vivendi S.A. (Vivendi, France) and Vodafone Group plc (Vodafone, UK), acquires, within the meaning of Article 3(1)(b) of the Merger Regulation, sole control of the Internet access and fixed telephony business of the undertaking Télé 2 France (Télé 2, France, a subsidiary of the Télé 2 group) by way of a purchase of shares. The transaction does not concern Télé 2's business in mobile telephony services.
- (2) SFR is a French company operating in the mobile telephony sector in France. It is controlled by Vivendi and Vodafone.
- (3) Vivendi is the parent company of a French group engaged in the media and telecommunications sectors. The Vivendi group is chiefly engaged in the pay-TV (via the Canal+ group), cinema, music, interactive games and telecommunications sectors.
- (4) Vodafone is the parent company of a British group which is active as an operator of mobile telephony networks and provider of other telecommunications services in various EU Member States and non-EU countries.
- (5) Télé 2 France (Télé 2) is the French subsidiary of the Télé 2 group. It is engaged in the sectors of fixed telephony,

Internet access provision, and also pay-TV since DSL⁽²⁾ television services were launched in June 2006. Télé 2 is also engaged in the mobile telephony sector.

- (6) The market survey showed that the transaction as notified is liable to weaken significantly the competitive pressure exercised by DSL operators on all the pay-TV markets in France and thus, in the longer term, to raise the prices and lower the quality of supply. There are therefore serious concerns that the transaction as notified might significantly impede effective competition in the common market or in a substantial part of it. SFR and Vivendi have, however, proposed appropriate remedies which overcome these concerns.

I. MARKET DEFINITIONS

Introduction

- (7) The transaction at hand concerns the pay-TV sector in France. This sector is organised essentially as follows. Upstream are the holders of rights to broadcast programmes (films, series, sports events, etc.). At the intermediate level, channel producers produce their own programmes internally and/or acquire the broadcasting rights for the programmes (films, series, sports events, etc.) that are to constitute the channel content. Downstream, distributors purchase from producers the right to broadcast their channels and offer subscription-based pay-TV channel packages. Pay-TV offerings can be delivered to final consumers by various means, the main ones in France being cable, satellite, DSL and terrestrial (analogue and digital).

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

⁽²⁾ Digital Subscriber Line. DSL technology makes it possible to significantly increase the speed of normal telephone lines. The most common DSL technology is ADSL (Asymmetric Digital Subscriber Line).

Product markets

'Upstream' markets for the acquisition of broadcasting rights

- (8) The main criteria for the breakdown and differentiation of broadcasting rights are:
- (i) the nature of the programme: films and recent series; sports events; other broadcasting content (stock and flow programmes);
 - (ii) the distribution platform: cable, satellite, DSL and terrestrial (analogue and digital); and
 - (iii) the form of delivery: conventional (linear) TV channels and 'non-linear' TV services (pay per view (PPV) and video on demand (VoD)).
- (9) On upstream markets, DSL television operators in France are engaged mainly in the purchase of VoD broadcasting rights. Although it did not produce a VoD service prior to the transaction, Télé 2 was nevertheless a potential entrant to the market for purchase of VoD broadcasting rights. For purposes of the competition assessment of the transaction at hand and on the basis of the findings of the market survey, a separate market must be defined for the acquisition of VoD broadcasting rights to films.

'Intermediate' markets for the distribution of channels

- (10) These intermediate markets bring together TV channel producers and distributors of pay-TV services. Commission decisions have consistently drawn a distinction between free channels, which are chiefly financed by advertising revenues (public channels may also be financed by public funds), and pay-TV channels, which are mainly financed by the fees paid by distributors.
- (11) The Commission has on several occasions considered a breakdown based on the themes of the channels (in particular premium and sports channels), but has not yet reached a definite decision on this issue. Although it is not necessary to reach a definitive conclusion on this question, the Commission's analysis is that an attractive package is a 'basic' package made up of several main themes (premium, film, youth, sport and news) plus a number of other themes that are more or less substitutable for one another.
- (12) In principle the competition authorities do not apply a breakdown by technical means of delivery, i.e. do not distinguish between different broadcasting platforms such as cable, satellite or, more recently, DSL, since in principle producers want their channels to be distributed as widely as possible in order to maximise revenues and,

at the very least, to have a presence on all the broadcasting platforms through exclusive rights for more than one platform.

The downstream market for retail distribution of pay-TV services

- (13) The Commission's consistent practice has been to consider distribution of pay TV and free TV as two separate product markets. Pay TV and free TV service offerings are not very substitutable from the standpoint of demand. The investigation of the case at hand does not challenge this basic distinction.
- (14) The market survey carried out in connection with the transaction tends to confirm that it is not necessary to segment the market according to the different means of broadcasting pay TV (cable, satellite, DSL, terrestrial), particularly in view of the growing convergence of different platforms in terms of content. Nor, for the purposes of the case at hand, is it necessary to give an opinion on whether the emerging TV services via mobile telephony platforms form a separate market, since, on the one hand, SFR is a mobile telephony operator prior to the transaction and, on the other, Télé 2's mobile telephony business is not involved in the transaction.

Geographic markets

- (15) In line with the position consistently taken in its decisions, the Commission has applied a national dimension to all the markets defined above. As regards the acquisition of content (rights or channels), the negotiations between providers and customers are organised on a national basis regardless of whether the rights are over national or foreign content. With regard to the downstream pay-TV market, the different means of delivery either cover the whole of the national territory (satellite) or are gradually covering all or a large part of it (DTT, DSL and cable). It should also be noted that pay-TV distributors have a uniform tariff policy for the whole of the country.

II. COMPETITION ANALYSIS

Operation of the market before the notified transaction

- (16) At present, before the transaction, the Vivendi group distributes pay TV in France direct by satellite and by terrestrial transmission. Vivendi's channel packages are also available by DSL. But without the transaction Vivendi has no DSL infrastructure of its own, and to distribute these channels it has to make use of DSL operators' networks. Thus the DSL operators act only as carriers of Vivendi's packages and never as distributors; Vivendi keeps the direct commercial relationship with subscribers to its packages for itself.

- (17) On the pay-TV market, therefore, DSL operators such as Télé 2 act as distributors only in respect of their own, 'proprietary' packages, that is to say packages of channels and television services for which they themselves acquire the broadcasting rights from the producers and which they then offer direct to the final consumer. These proprietary packages are marketed as part of what are known as 'multiple-play' offerings, which also include telecommunications services such as telephone services or high-speed Internet access.
- (18) The DSL and digital terrestrial television (DTT) platforms are the most dynamic forms of distribution and the main vectors of growth in the market for pay TV in France, while growth in the numbers of satellite and cable subscribers has been relatively moderate. Given the increase forecast in the number of households with a DSL connection in France in the next few years, the number of subscribers to the DSL operators' multiple-play offerings should in the nature of things continue to grow rapidly.
- (19) The dynamism of the DSL operators is due to the comparative advantages they have over other platforms:
- they have the commercial advantages of multiple-play, which are not available to satellite and DTT (high-speed Internet, IP telephone services, television, and gradually also mobile telephone services);
 - they also have technical advantages, in that their services are provided by conventional telephone line (copper pair), and they can offer innovative services such as VoD (unlike satellite and DTT, for want of a return path) as well as conventional PPV services.
- (20) However, the market survey showed that the DSL operators' own television packages currently exert only weak competitive pressure on the Vivendi group's offerings as a result of their lack of access to attractive television content. This is the direct result of the exclusive contracts concluded by Vivendi with almost all the producers of the most attractive and best-known channels in France, whether outsiders or producers belonging to its own group.
- (21) On the basis of the information gathered during the second stage of the investigation, the Commission estimates Vivendi's share of the market at between [60-70] % in number of subscribers. In any event, Vivendi's market share measured in turnover is very much greater than its market share measured in number of subscribers, because of the difference between the selling price of its offerings and those of its competitors.
- (22) Télé 2 has a very small market share, at less than 1 %. According to the figures supplied by the notifying party, Télé 2 accounted for less than 2 % of net recruitment over the whole market in 2006.
- (23) The small size of Télé 2's market share may be due to its relatively late entry into the market in pay TV (June 2006), but there is nothing to suggest that Télé 2 plays a special role in the market, or that it can be expected to play such a role in the foreseeable future. According to the factual evidence provided by the notifying party and the third parties questioned during the course of the market survey, Télé 2's current market share is generally representative of the competition it exerts or might come to exert in the market. The market survey showed that Télé 2 has no specific advantages over other DSL operators, and consequently that in the absence of the present transaction it could not be expected to grow more rapidly than the average for the market.
- (24) But the market survey also showed that, if Vivendi were to give Télé 2 privileged access to programme content, Télé 2 could strengthen its position in the downstream market for the distribution of pay TV rapidly and substantially.

Vertical effects

- (25) The second stage of the investigation — bearing out the serious concerns expressed in the decision to initiate proceedings — clearly confirmed that Vivendi's incentive to avoid favouring any particular DSL operator in terms of access to content (channels and programmes) will disappear or will be very substantially reduced post-merger. Once Vivendi becomes a fully fledged DSL operator, its incentive to avoid discriminating between DSL operators will be removed. It will have an interest in favouring SFR/Télé 2, in order to capture for itself the biggest share possible in the growth in the DSL segment of the downstream market in the distribution of pay TV.
- (26) Vivendi's very substantial position in the upstream and intermediate markets would enable it to boost the proprietary package of SFR/Télé 2 considerably by giving it attractive and/or differentiated content (channels or broadcasting rights) which is not accessible to other DSL operators or which is available to them only on terms less advantageous than those granted to SFR/Télé 2. Insofar as the telecommunications component (telephone and Internet) of DSL operators' multiple-play offerings is relatively standard, such a strengthening of the television component in Télé 2's multiple-play offering would differentiate it strongly and would make it a great deal more attractive.

Horizontal effects

- (21) On the basis of the information gathered during the second stage of the investigation, the Commission estimates Vivendi's share of the market at between [60-70] % in number of subscribers. In any event, Vivendi's market share measured in turnover is very much greater than its market share measured in number of subscribers, because of the difference between the selling price of its offerings and those of its competitors.

- (27) These discriminatory measures would bring about a substantial increase in the attractiveness of Télé 2's offerings, and consequently of its subscriber base, while competing DSL operators would have no real access to equivalent content. The position of DSL operators on the downstream market in the distribution of pay TV would be significantly weakened, and this would also weaken their position as potential buyers of rights for the distribution of channels or the broadcasting of television programmes. Vivendi's negotiating position in the upstream and intermediate markets would be greatly reinforced by the broadening of its subscriber base.

Conclusion

- (28) In conclusion, the proposed transaction as originally notified might weaken the emerging competitive pressure exerted by DSL operators on the downstream market in the distribution of pay TV, which is already fragile as a result of the very strong position held by Vivendi in all markets for pay TV in France. The weakening of potential competition from DSL operators in the downstream market would produce a corresponding reinforcement of the very strong positions held by Vivendi in the upstream and intermediate markets.

III. REMEDIES

- (29) In order to address the risks to competition set out above, SFR and Vivendi submitted commitments on 13 June 2007. Essentially, the commitments concern access conditions for three types of content: channels (commitments 1 and 2), channel packages and mini-packages (commitment 3) and VoD rights (commitment 4).

- (30) The commitments concern three types of channel:

— 'Category 1' channels are 'linear thematic channels, i.e. not including VoD and sVoD services, produced by Vivendi Group';

— 'Category 2' channels are 'linear thematic channels produced by third parties (including minority shareholders in Canal+ France), for which Vivendi Group holds exclusive xDSL distribution rights'; and

— 'Category 3' channels are 'linear thematic channels produced by third parties (including minority shareholders in Canal+ France), for which Vivendi Group does not hold exclusive xDSL distribution rights'.

- (31) Under commitment 1, Vivendi undertakes not to offer more favourable conditions to SFR/Télé 2 than to other DSL operators in respect of the channels it produces or

the channels for which it holds or would hold exclusive xDSL distribution rights. Under this commitment, Vivendi must offer the channels distributed by SFR/Télé2 to all DSL operators on normal market conditions which are not less favourable than those granted to SFR/Télé 2.

- (32) Commitment 1 does not concern the channels referred to in point 21 of the commitments given by Vivendi and Canal+ Group to the French Minister for Economic Affairs as part of the Canal Satellite/TPS merger. SFR and Vivendi gave a more specific interpretation of this commitment in a letter dated 13 June 2007, confirming that the commitment eliminated any risk of discrimination in favour of SFR/Télé 2 as regards access to these seven channels.

- (33) Under commitment 2, SFR/Télé 2 undertakes not to acquire or make use of exclusive DSL distribution rights. The importance of this commitment stems from the fact that Category 3 channels are the only channels available to DSL operators wishing to differentiate themselves from Vivendi's offerings by developing proprietary television offerings independently of Vivendi. SFR/Télé 2 would have been able to acquire exclusive DSL distribution rights for these channels on the basis of Vivendi's strong position in the world channel acquisition market post-merger.

- (34) Commitment 2 includes a revision clause enabling the Commission to have *ex ante* control over any possible acquisition of exclusive DSL rights for Category 3 channels by SFR/Télé 2 and to ensure that such an acquisition does not in practice deprive other DSL operators of the possibility of developing their own television offers independently of Vivendi.

- (35) Commitment 3 bars Vivendi from granting SFR/Télé 2 subscribers preferential access to the channel packages it distributes, namely: Canal+ Le Bouquet (which currently includes four premium channels, dominated by first transmission of sporting events and films) and the Canal Satellite and TPS packages, which, in their various forms, bring together dozens of thematic channels (youth, news, discovery, repeated films, etc.). Canal+ Le Bouquet and the Canal Satellite and TPS packages are premium pay-TV offerings in France, for which there is no immediate alternative in the French market. They are therefore an important addition for subscribers to DSL operators' multiple-play offers who wish to have access to a wide-ranging pay-TV offer.

- (36) Commitment 3 is also applicable to PPV services produced by Vivendi, now or in the future. It therefore applies to, among others, the PPV service Foot+, which distributes sport content that is highly attractive (and therefore important in terms of winning customers) and sets the service apart from the rest.

- (37) Under commitment 4, Vivendi and SFR undertake not to acquire exclusive VoD rights to recent American and French films. The aim of this commitment is to enable DSL operators competing with SFR/Télé 2 to acquire VoD rights to such films, inasmuch as they constitute important content which helps to distinguish the various pay-TV offerings. A revision clause has been introduced in case market practice trends show that Vivendi's competitors are acquiring exclusive VoD rights.
- (38) Provisions relating to the application and monitoring of the commitments ensure better monitoring of the commitment proposals and ultimately make them more effective. In particular, the commitments set up a fast dispute-resolution procedure (arbitral tribunal).
- (39) The duration of the commitments is five years. This appears sufficient given the dynamics of new technology markets. This five-year period has the added advantage of corresponding to the duration of the commitments given

to the French competition authorities at the time of the Canal Satellite/TPS merger.

- (40) In the light of the above, it can be concluded that the commitments submitted by SFR and Vivendi, once implemented, are sufficient to remove all the competition concerns raised by the notified transaction in France's pay-TV market.

IV. CONCLUSION

- (41) Provided that SFR and Vivendi fully adhere to their commitments, it can be concluded that the proposed transaction will not significantly impair effective competition in the common market or a substantial part thereof. Consequently, the notified merger, as amended by the commitments submitted by SFR and Vivendi, is declared compatible with the common market and the functioning of the EEA Agreement, in accordance with Articles 2(2), 8(2) and 10(2) of the Merger Regulation and Article 57 of the EEA Agreement.

COMMISSION DECISION

of 3 December 2007

amending Decision 2006/415/EC concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the United Kingdom, Romania and Poland*(notified under document number C(2007) 6109)***(Text with EEA relevance)**

(2007/785/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

disease, including the establishment of areas A and B following a suspected or confirmed outbreak of the disease.

Having regard to the Treaty establishing the European Community,

- (2) Following an outbreak of highly pathogenic avian influenza of H5N1 subtype in the United Kingdom in the county of Suffolk, Decision 2006/415/EC was amended by Decision 2007/731/EC⁽⁵⁾, in order to amend the Annex to Decision 2006/415/EC.

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market⁽¹⁾, and in particular Article 9(4) thereof,

- (3) The protection measures taken by the United Kingdom pursuant to Decision 2006/415/EC, including the establishment of areas A and B, as provided for in Article 4 of that Decision, have now been reviewed within the framework of the Standing Committee on the Food Chain and Animal Health.

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽²⁾, and in particular Article 10(4) thereof,

- (4) As a further outbreak of the disease has occurred in the restricted area, the delineation of the area under restriction and the duration of the measures should be modified to take account of the epidemiological situation.

Having regard to Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC⁽³⁾, and in particular Article 63(3) thereof,

Whereas:

- (1) Commission Decision 2006/415/EC of 14 June 2006 concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community and repealing Decision 2006/135/EC⁽⁴⁾ lays down certain protection measures to be applied in order to prevent the spread of that

- (5) Following an outbreak of highly pathogenic avian influenza of H5N1 subtype in a backyard flock in Romania in the county of Tulcea, Decision 2006/415/EC was amended by Decision 2007/770/EC⁽⁶⁾, in order to amend the Annex to Decision 2006/415/EC.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13. Directive as last amended by Directive 2004/41/EC of the European Parliament and of the Council (OJ L 157, 30.4.2004, p. 33, as corrected by OJ L 195, 2.6.2004, p. 12).

⁽²⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).

⁽³⁾ OJ L 10, 14.1.2006, p. 16.

⁽⁴⁾ OJ L 164, 16.6.2006, p. 51. Decision as last amended by Decision 2007/770/EC (OJ L 311, 29.11.2007, p. 45).

- (6) The protection measures taken by Romania pursuant to Decision 2006/415/EC, including the establishment of areas A and B, as provided for in Article 4 of that Decision, have now been reviewed within the framework of the Standing Committee on the Food Chain and Animal Health.

⁽⁵⁾ OJ L 295, 14.11.2007, p. 28.

⁽⁶⁾ OJ L 311, 29.11.2007, p. 45.

(7) Poland has notified the Commission of two outbreaks of highly pathogenic avian influenza of subtype H5N1 in poultry holdings in the county of Brudzeń Duży on its territory and has taken the appropriate measures as provided for in Decision 2006/415/EC, including the establishment of Areas A and B as provided for in Article 4 of that Decision.

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2006/415/EC is replaced by the text in the Annex to this Decision.

(8) The Commission has examined those measures in collaboration with Poland, and is satisfied that the borders of Areas A and B established by the competent authority in that Member State are at a sufficient distance to the actual location of the outbreak. Areas A and B in Poland can therefore be confirmed and the duration of that regionalisation fixed.

Article 2

This Decision is addressed to the Member States.

(9) Decision 2006/415/EC should therefore be amended accordingly.

Done at Brussels, 3 December 2007.

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

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

'ANNEX

PART A

Area A as established in accordance with Article 4(2):

ISO Country Code	Member State	Area A		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
UK	UNITED KINGDOM	SUFFOLK 00162 NORFOLK 00154	Protection zone: Area comprising that part of the counties of Suffolk and Norfolk contained within circles of radius 3 kilometres, centred on grid references TM 06178 76666 and TL 9506381001 (*).	19.12.2007
		SUFFOLK 00162 NORFOLK 00154	Surveillance zone: Area comprising that part of the counties of Suffolk and Norfolk contained within circles of radius 10 kilometres, centred on grid references TM 06178 76666 and TL 9506381001 (*).	
RO	ROMANIA	00038	Protection zone: Murighiol	31.12.2007
		00038	Surveillance zone: Dunavatu de Jos Dunavatu de Sus Colina Plopu Sarinasuf Mahmudia	
PL	POLAND	MAZOWIECKIE VOIVODSHIP 01400 Plock district	Protection zone: County of Brudzeń Duży: Główina Gorzechówko Gorzechowo Myśliborzyce Rembielin Rokicie Siecień Siecień Rumunki Strupczewo Duże Uniejewo Więclawice County of Nowy Duninów: Karolewo Nowa Wieś Nowy Duninów	31.12.2007
		KUJAWSKO- POMORSKIE VOIVODSHIP 00400 Włocławek district	Protection zone: County of Włocławek of: Skoki Duże Skoki Małe	
		MAZOWIECKIE VOIVODSHIP 01400 Plock district	Surveillance zone: County of Brudzeń Duży: Bądkowo Bądkowo Jeziorne Bądkowo Kościelne Bądkowo Podlasie Bądkowo Rochny Biskupice	

ISO Country Code	Member State	Area A		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
			Brudzeń Duży Brudzeń Mały Cegielnia Cierszewo Izabelin Janoszyce Karwosieki Cholewice Kłobukowo Krzyżanowo Lasotki Murzynowo Noskowice Parzeń Parzeń Janówek Patrze Radotki Robertowo Sikórz Sobowo Suchodół Turza Mała Turza Wielka Wincentowo Winnica Zdziębórz Żerniki County of Stara Biała: Brwilno Górne Kobierniki Kowalewko Ludwikowo Mańkowo Maszewo Duże Srebrna Ułaszewo Wyszyna County of Nowy Duninów: Brwilno Dolne Brzezina Góra Duninów Duży Grodziska Jeżowo Kamion Kobyła Góra Środoń Stary Duninów Studzianka Wola Brwileńska	
		MAZOWIECKIE VOIVODSHIP 01400 Sierpc district	Surveillance zone: County of Mochowo: Będorzyn. Grodnia Łukoszyn Łukoszyno Biki	
		KUJAWSKO- POMORSKIE VOIVODSHIP 00400 Włocławek district	Surveillance zone: County of Włocławek: Dąb Mały Dąb Polski Dąb Wielki Dobiegniewo Jazy	

ISO Country Code	Member State	Area A		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
		KUJAWSKO-POMORSKIE VOIVODSHIP 00400 Lipno district	Surveillance zone: County of Dobrzyń nad Wisłą: Chalin Chudzewo Dobrzyń nad Wisłą Kamienica Łagiewniki Lenie Wielkie Michałkowo Mokówko Mokowo Płomiany Ruszkowo Wierznica Wierzniczka County of Tuchowo: Trzcianka	

(*) The grid reference is a British National Grid reference.

PART B

Area B as established in accordance with Article 4(2):

ISO Country Code	Member State	Area B		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
UK	UNITED KINGDOM	NORFOLK 00154 SUFFOLK 00162	The districts of: Babergh Breckland Forest Heath Ipswich Mid Suffolk Norwich St Edmundsbury South Norfolk Suffolk Coastal Waveney	19.12.2007
RO	ROMANIA	00038	County of Tulcea	31.12.2007
PL	POLAND	MAZOWIECKIE VOIVODSHIP 01400 Płock district	Counties of: Bielsk Bodzanów Brudzeń Duży Bulkowo Drobin Gąbin Łąck Mała Wieś Nowy Duninów Radzanowo Słubice Słupno Stara Biała Staroźreby Wyszogród	31.12.2007
		Płock city		

ISO Country Code	Member State	Area B		Date until applicable Article 4(4)(b)(iii)
		Code (if available)	Name	
		Gostynin district	Counties of: Gostynin Pacyna Sanniki Szczawin Kościelny	
		Sierpc district	Counties of: Gozdowo Mochowo Rościszewo Sierpc Szczutowo Zawidz	
		KUJAWSKO- POMORSKIE VOIVODSHIP 00400 Włocławek district	Counties of: Baruchowo Boniewo Brześć Kujawski Chocień Chodecz Fabianki Izbica Kujawska Kowal Lubanie Lubień Kujawski Lubraniec Włocławek	
		KUJAWSKO- POMORSKIE VOIVODSHIP 00400 Lipno district	Counties of: Bobrowniki Chrostkowo Dobrzyń nad Wisłą Kikół Lipno Skępe Tuchowo Wielgie	
		Włocławek city		